

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

[LB177 LB199 LB650 LB651]

The Committee on Health and Human Services met at 1:30 p.m. on Wednesday, February 16, 2011, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB650, LB651, LB199, and LB177. Senators present: Kathy Campbell, Chairperson; Mike Gloor, Vice Chairperson; Dave Bloomfield; Tanya Cook; Gwen Howard; Bob Krist; and Norm Wallman. Senators absent: None.

SENATOR CAMPBELL: Good afternoon. I'm Senator Kathy Campbell, and I serve as Chair for the Health and Human Services Committee. We are most happy to see all of you, and welcome to the committee. I'm going to start with introductions of my colleagues, and we'll start on my far right.

SENATOR BLOOMFIELD: Dave Bloomfield, District 17, northeast Nebraska.

SENATOR COOK: I'm Tanya Cook from District 13 in northeast Omaha and Douglas County.

SENATOR WALLMAN: I'm Norm Wallman from south Lincoln to Kansas (laughter).

MICHELLE CHAFFEE: I'm Michelle Chaffee, legal counsel to the committee.

SENATOR HOWARD: Senator Gwen Howard, District 9 in Omaha.

SENATOR CAMPBELL: And to my far left is Diane Johnson, who is the clerk for the committee. And our two pages, Crystal is on the phone, and Ayisha, so if you need some help today, the pages will also help you. We will go through some housekeeping duties, so that everybody knows the rules around here. I would ask that you silence your cell phone, so you don't disturb your neighbor as they are listening to the testimony. Handouts are not required in the committee, but if you do have them, if you could bring your handout with 12 copies, and information about where to make copies is posted outside of the hearing room. Each witness appearing before the committee must sign in, using the bright orange sheet, and they're over on both sides. So if you would be...only if you're going to testify, do you need to fill out a bright orange sheet. If you will not be testifying, and we've had them, but we just haven't mentioned it, testifying at the microphone, but want to go on record about a particular bill as having a position, being heard today, there are white sign-in sheets at each entrance where you can leave your name and other pertinent information, so you can sign in and not have to testify. Let's see. We do use the light system here, so you have five minutes, and it will be green, and it will be green for a fairly long time, and then it goes to yellow, and then it's like all of a sudden, it's red. And you're going to look up, and I'm going to be going like that time. We try to keep people very focused on time, primarily because we want to be fair to all four bills that are before us today. When you come forward, please spell both your

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

first and last names, so that the record is very accurate for the clerk. And with that, we will open the hearings this afternoon with LB650, and welcome, Senator Christensen. His bill is to provide for a statement of rights and responsibilities for foster parents. Welcome.

SENATOR CHRISTENSEN: (Exhibit 1) Thank you, Madam Chair and members of the Health and Human Service Committee. I'm Senator Mark Christensen, M-a-r-k C-h-r-i-s-t-e-n-s-e-n. I represent the 44th Legislative District. I'm here to introduce LB650. LB650 amends Section 71-1902, require the Department of Health and Human Services to write a written statement of rights and responsibilities for foster parents in Nebraska. It would also require that foster parents be given such statement, so that all foster parents are informed of their rights and responsibilities in Nebraska. Most of you know that this bill, LB650 and the next bill, LB651, come from experiencing Nebraska foster care system through my interactions with my stepdaughter and her husband, who were licensed foster parents in this state, and with the foster children that have spent time in their home. They become concerned about several things they saw and experienced as problems as I did. One of the issues was the rights of foster parents, and how many of them have been treated in the foster care system. This led me to investigate what other states have done and review what Senator Dubas did in 2007 with LB461. I found many other states had some form of foster care bill of rights similar to what Senator Dubas attempted in 2007. After reviewing that her LB461 failed to advance on Select File, due to the fact that the committee changed the bill to intent language out of fear over litigation by foster parents against HHS, and HHS testifying that it wasn't needed, because of many of these protections already in Rules and Regulations. I felt maybe another approach would be a better starting place. This led me to Texas. LB650 is based off a bill that recently passed in Texas, requiring their state agency in control of foster care to provide an official written statement of rights and responsibilities of foster parents. I thought this would give us the starting place for the Legislature to evaluate what HHS experts say are the current rights and responsibilities of foster parents in Nebraska and evaluate whether or not they are being followed. However, it would primarily give foster parents the ability to navigate problems and issues that arise, and the ability for potential foster parents to better formulate their decision to be foster parents or not. I was informed that there is something akin to what LB650 is in asking HHS to do. That was put together by the Nebraska court improvement project, but I think it would be helpful to have HHS produce a thorough document, articulating a complete manual for the current rights and responsibilities of foster parents. I think we may hear from some within the system today that we do not need this, because they are providing this information already. If that is the case, they are doing a poor job of communicating it, because it has been my experience that many foster parents are unaware of many things. My bottom line with LB650 is to provide a thoroughly written document, accessibility to foster parents and lawmakers that explains where we are in Nebraska in regards to the rights and responsibility of foster parents which doesn't require you to hunt and fish for all the information. One thing I've learned

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

through this process is that foster care is a very complicated issue of which I am still learning a lot. But if we cannot define clearly where we are now, it will be difficult to know where we need to go in the foster care reform. With that said, I'm ready to work with the committee to address any concerns so we may move forward with improving our foster care system. Thank you for your consideration of LB650. I would urge its advancement to General File. [LB650]

SENATOR CAMPBELL: Thank you, Senator. Are there any questions? Senator Gloor. [LB650]

SENATOR GLOOR: Thank you, Chair Campbell. Thank you, Senator Christensen, for this bill. Let me follow up on a comment that you made. If the department, in fact, provides testimony that says that they do provide all this information, and they were able to come up with a communication plan that met your expectations, as you defined them, would you see a need for the bill? [LB650]

SENATOR CHRISTENSEN: Not if...the thing that I would have to add on top of that is, that it must be handed to them, must be given to new foster parents, because right now, when you become foster parents, they don't give you anything from the standpoint of what they expect, what you can do if you have problems, things this way. It would just be good to have it written down, handed out every time, so we know. That would be the part I would want the bill on forward with is the requirement that it must be handed out. [LB650]

SENATOR GLOOR: So the answer would be no, that if the communication plan said that they would actually sit down and document that they had handed this and walked through it with the family, you'd still want the legislation even if it fulfilled that communication (inaudible)...? [LB650]

SENATOR CHRISTENSEN: Well, provided we know they give it out, and it is defined and handed to everybody, we would be fine. [LB650]

SENATOR GLOOR: Okay. [LB650]

SENATOR CHRISTENSEN: But it's not being done currently. [LB650]

SENATOR GLOOR: I understand. Yeah, I understand that concern. Thank you. [LB650]

SENATOR CAMPBELL: Senator Howard, do you have a question? [LB650]

SENATOR HOWARD: Thank you, Madam Chairperson. Do you envision this being a document like a contract where there would be a sign-off...sign-off with the foster parent, sign-off from the department? [LB650]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

SENATOR CHRISTENSEN: I guess I would think the department would want each foster parent to sign that they got it. That is protection for them, because otherwise, they can say, well, I didn't get it. And it's going to be, he said, she said situation, and that would eliminate the fact that, you know, many documents when you sign loans and things, you sign that you have received the disclosures and things. It would be just like signing off for a disclosure. I would think HHS would want that. [LB650]

SENATOR HOWARD: Well, that makes a lot of sense that...for both parties, and then keep a copy in the ongoing file. With the Child Welfare Reform, the privatization, I'm just wondering how this would work with different agencies having responsibility for different foster families, working with different families? Would you see each agency drawing up their own agreement, or what would you envision? [LB650]

SENATOR CHRISTENSEN: My vision was that HHS would set this up, have the sheet, and give it to the agencies to hand out, because then it's uniform; everyone knows they're under the same rules; and it is consistent. [LB650]

SENATOR HOWARD: And one of the problems both you and I are aware of is that they don't operate in a uniform manner. There's a lot of differences that, especially right now, different agencies handling different things, yeah. So, thank you. [LB650]

SENATOR CHRISTENSEN: Thank you. [LB650]

SENATOR CAMPBELL: Any other questions? Senator Wallman. [LB650]

SENATOR WALLMAN: Thank you, Chairman...Senator Campbell. Yes, thank you, Senator Christensen, for being here and taking an interest in foster care. And you said you modeled this somewhat after the state of Texas? [LB650]

SENATOR CHRISTENSEN: Correct. [LB650]

SENATOR WALLMAN: And they have good luck with, did they, or...? [LB650]

SENATOR CHRISTENSEN: Well, it's just been in a year, but if anybody cares to see it, I have what they introduced and what they finished with, and this model is what they finished with. [LB650]

SENATOR WALLMAN: Thank you, Senator. [LB650]

SENATOR CAMPBELL: Any other questions? Senator Howard. [LB650]

SENATOR HOWARD: Thank you. I said that...an additional thought. Would you see this

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

document...I'll call it a contract for want of a better word. Would you see this containing information regarding the reimbursement rate that would be provided the foster parents? Would you see that as a part of the agreement? [LB650]

SENATOR CHRISTENSEN: I hadn't thought about that, but I think that would be good, because then everyone knows, again, clear disclosure. Any time we got full and complete disclosure on everything, you have less problems. The more you conceal, the more problems you have, the worse the system works. [LB650]

SENATOR HOWARD: Okay. Thank you. [LB650]

SENATOR CAMPBELL: Any other questions? Thank you, Senator, and will you be here to close? [LB650]

SENATOR CHRISTENSEN: Yes. [LB650]

SENATOR CAMPBELL: Okay. We'll try to watch our time, because I know you have another committee. How many in the hearing room would like to testify as proponents for LB650? Okay. And how many would like to testify in opposition? Okay. How many would like to testify in a neutral position? All right. Neutral positions? All right. I want to remind the audience, people who have come in late, you must...if you're going to testify, fill out one of the orange sheets. If you would like to just sign in and show your support for a bill, you can also do that on the white copies on each side. So, some of you came in late and thought you might have missed that. We will start with the first proponent to LB650, those testifying in favor? And you can just give that to the clerk. Good afternoon. [LB650]

SAM HABERMAN: Hi. Thank you. My name is Sam Haberman. That's S-a-m H-a-b-e-r-m-a-n. I am a previous foster parent, and I'm also Mark Christensen's son-in-law. So my wife and I were foster parents for 15 months, and I'll be up again for the next bill, so I'll keep this short. My thing with this, or the reason why I'm for this bill is that I understand that currently there are some rights and responsibilities for foster parents or employees. The ones that pertain to our case are...and I don't know, you know, off the top of my head, you know, word for word, but essentially, that one of the rights is that unless it's an emergency removal, the foster parents shall be notified seven days in advance of removal. Also, that foster parents should be notified of the hearing for change of placement, if the kids have been in their care, I think, six months. I could be wrong on that. So, just to keep it short, most of you know the two kids that were in our case were removed four days before Christmas with three hours of notice. The hearing for change of placement occurred the day before. We weren't notified of that hearing, and so, in short, apparently, we were an emergency removal, because they were removed within less than three hours. However, my wife and I, on our own accord, so that we could feel more comfortable talking today and to you guys, we got, you know,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

we undid or we got rid of our foster care license, I think, a week or two ago. So even if it were an emergency replacement, our foster care license wasn't revoked. We did it on our own accord two weeks ago. So, my big push for this bill is, I understand that there's these rights and responsibilities in place, but to my knowledge, there's no recourse if they're violated. We hired a personal attorney; we waited four weeks, and were basically told that we're a party of interest to the case, but we're not on the case. We couldn't make any motions; we couldn't do anything to bring forth the fact we weren't notified of the notification of the hearing for change of placement, and we weren't given those seven days' notice. So, to my knowledge, there's nothing we can do that's explicit if those rights and responsibilities are violated. So I'd encourage you, with this bill, not only to consider the rights and responsibilities, but also consider what occurs if those rights and responsibilities are violated. So, with that, thank you for your time. [LB650]

SENATOR CAMPBELL: Thank you, Mr. Haberman. Questions from the senators?
Senator Howard. [LB650]

SENATOR HOWARD: Thank you. Without getting too much into the case, because that would be confidential information, but was this move precipitated by the guardian ad litem? [LB650]

SAM HABERMAN: He made a motion to have the kids...well, the motion that was made was to have the state look into do a formal investigation was his recommendation based upon the motion. So indirectly, but not explicitly did he move... [LB650]

SENATOR HOWARD: Well, then did they follow through and do that? [LB650]

SAM HABERMAN: Well, that motion...from my knowledge, that motion was made two or three days before the kids were removed. So if they can do a formal investigation in that amount of time, impressive. [LB650]

SENATOR HOWARD: Did...I had something else I was going to ask you. Do you understand that guardian ad litem doesn't operate under the auspices of the Department of Health and Human Services? That's a separate, individual... [LB650]

SAM HABERMAN: Yeah. [LB650]

SENATOR HOWARD: ...so I'm wondering, how a decision made by the guardian ad litem would enter into any sort of agreement that you had with the department. I don't quite know how...I understand what you're seeking here, but the guardian ad litem acts separately from anyone in the department. I mean, they make their own decision regarding the best interests of the child. [LB650]

SAM HABERMAN: Um-hum. But I think you bring up a valid point, and I don't know that

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

I have the exact answer, because you are spot on that they're separate entities. [LB650]

SENATOR HOWARD: Right, right. [LB650]

SAM HABERMAN: But at the same point, they're on the same case, you know, they're acting in unison... [LB650]

SENATOR HOWARD: And I understand, and I'm not meaning to be critical or anything, but... [LB650]

SAM HABERMAN: Yeah. No, I know what you're saying. [LB650]

SENATOR HOWARD: ...but sometimes it seems so complex and interwoven that... [LB650]

SAM HABERMAN: Yeah. [LB650]

SENATOR HOWARD: ...but they're different decisions made by different individuals all working on the same case. So, I just wanted you to understand that any action that we took here regarding the department would be separate from anything regarding guardians ad litem. [LB650]

SAM HABERMAN: So, are you saying that even if you have the foster parents' rights and responsibilities, and there were, you know, recourse, if those were violated, that the guardian ad litem could still be excluded from that? [LB650]

SENATOR HOWARD: That would be what I would...I mean, in the years I've worked with the guardian ad litem is a separate entity, but the guardian ad litem individual doesn't work for the department, but. [LB650]

SAM HABERMAN: Yeah. No, I think it's a valid point. I would just...I think it's more proof that, you know, this bill needs to be formally debated and, you know, to some extent, I mean, there needs to...and I think not only to foster parents, but there needs to be that protection, you know, for the children and whatnot that, you know, in this case, that the guardian ad litem couldn't go rogue, if you want to say. [LB650]

SENATOR HOWARD: Well, certainly, you have a right to have your questions answered and have information regarding what your responsibilities and obligations and expectations are as a foster parent. I would sure tell you that. But I just want you to kind of have a picture of how it would work, and... [LB650]

SAM HABERMAN: Yeah, but if we have rights that can be violated, those really aren't rights is kind of my opinion. [LB650]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

SENATOR HOWARD: Thank you. [LB650]

SAM HABERMAN: Um-hum. [LB650]

SENATOR CAMPBELL: Any other questions? Thank you, Mr. Haberman. [LB650]

SAM HABERMAN: Thank you. [LB650]

SENATOR CAMPBELL: Next proponent? [LB650]

VAL PETER: Good afternoon, Senators. My name is Val Peter, V-a-l. Yesterday was my (inaudible) day, I want you all to know. Who do I give this one to? Thank you. And my last name is Peter, P-e-t-e-r. I'm not a football player. I'm not Peters. All right. Thank you for taking two minutes and to listen to what I have to say. [LB650]

SENATOR CAMPBELL: Father, you're always welcome to testify. [LB650]

VAL PETER: Pardon? [LB650]

SENATOR CAMPBELL: You're always welcome to testify. You've testified a lot in your years and advocating for children. [LB650]

VAL PETER: Oh, thank you. Yeah, I think I should get a private parking place, but that's a whole other thing (laughter). Excuse me for saying. [LB650]

SENATOR CAMPBELL: We'll have to talk about that after the hearing. Is that okay? [LB650]

VAL PETER: Yeah (laughter). Here's what I appreciate very much this opportunity to talk to you. I am not an administrator at Boys Town. That was my term of office. I now am a person who traces kids and tries to help all these kids who have left and are in trouble. What I would like to talk to you about is the foster care system. First, very generally, in the United States of America. I was the one who expanded Boys Town from the state of Nebraska to 17 states and the District of Columbia, so we have a lot of experience with a lot of good people, a lot of crazy people, do you know what I mean, as just anything else. And, by and large, the foster care system in the United States of America isn't very good. A lot of people say it's broken. I'm one of those. So when I'm crabbing a little bit about Nebraska, it's not that I'm pointing this out of some...they're like everybody else except they're in the higher echelons of those who aren't doing very well. Now, if I could just do, say, two things about that. The first one is, there are some states...we're one of them, who, and I'm going to take Child Protective Services, where it seems to me after all these years, they're overwhelmed with the number of reports

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

that are given, many of which should not have been given. The basic rule is you have to have reasonable evidence, not probable, to make a report. And I've just seen too many times, people say, well, it's better to be safe than sorry. You can overwhelm a system with that, do you know what I'm saying, folks? And once you overwhelm the system, then it's almost impossible to stop it. On the other hand, there are places like...you don't mind my saying so, Texas where they are so strapped for cash and have so put down, the child protective system. I talked to a judge the other day in Dallas, and you wonder if there's any protection at all. Do you understand what I'm saying? It's this big, too much, too little, and how do you figure out how to get it right? The second one is, we have a...everybody is saying, we have too many kids in foster care, and we got to get rid of some of these. I never looked at it that way, folks. I rather said, it's not whether we got too many. The question is, are some kids wrongly taken? And are some kids not taken who what, really should be. It's a question of tweaking the system, so that it's done well. Now the third one is, we got a big bureaucracy, folks. I mean, you got a big bureaucracy, too. Now, bureaucracies act in a certain way. I've seen this for 30 years. The basic nature of a bureaucracy, no matter how well-intentioned, it is it's going to...and it's a basic principle of anthropology. It's going to make sure that its view prevails, and nobody else's. So I'm not fussing with, you know, Nebraska as a particular. I'm just saying, it happens all the time. And we have to watch out for that. What's my conclusion here? I'm begging, I'm pleading with you senators, get involved. Do you know what I'm saying? Do some oversight. When anybody says to me, used to say at Boys Town, everything is fine, Father. Don't look over there. I go, I'm going over there to look. What...because usually they're covering their ass. Excuse me, I shouldn't have said that. They're covering something they don't want people to see. So I'm begging; I'm pleading with you, in this particular case, what is so sad is the parents that you've seen, I've seen, I say to myself, these poor kids. What was it? Three days before Christmas, four days before Christmas? I mean, don't you say to yourself, anybody with an ounce of common sense wouldn't have done that. So that's all I'm saying, and I'm saving a little bit for the next bill, and I want to thank all of you for listening to poor old Father. Thank you. Bye. [LB650]

SENATOR CAMPBELL: Okay. You got to stay for just a minute in case we have questions for you. Senator Wallman. [LB650]

SENATOR WALLMAN: Thank you, Chairman Campbell. Thanks for coming here, Father. [LB650]

VAL PETER: Thanks. [LB650]

SENATOR WALLMAN: As we went through privatization over the interim, was Boys Town contacted now to do this as far as evaluating children and? I went to school with a boy that went to Boys Town, and had a class reunion. He turned out quite well. [LB650]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

VAL PETER: Praise the Lord. [LB650]

SENATOR WALLMAN: So, yeah, I appreciate your organization. [LB650]

VAL PETER: Thank you. [LB650]

SENATOR WALLMAN: And so, did the state consult you on anything? Did they consult you what to do? Did they...? [LB650]

VAL PETER: Not in a privatization. No. [LB650]

SENATOR WALLMAN: Thank you, Father. [LB650]

VAL PETER: You're welcome. Anybody else? [LB650]

SENATOR CAMPBELL: We should note for the record that Boys Town...I think there might have been a misunderstanding, Senator Wallman, of your question. Senator, Boys Town is part of the Nebraska collaborative, and they're one of the lead agencies. [LB650]

SENATOR WALLMAN: Okay. [LB650]

VAL PETER: Yeah. I was answering the question, when they set this up for privatization. And I will say as a comment, when they were setting it up for privatization, I was dumb enough to write a little thing in the World-Herald, you know, and saying, hey, you're going too fast. You ought to do this, that, and the other thing, and the guy who in those days...his name was Landry. He tried to get me thrown out of Boys Town, because I said that. Father, Son, and Holy Spirit. That's all I have to say. [LB650]

SENATOR CAMPBELL: It'd be pretty hard to get you thrown out of Boys Town, sir (laughter). Thank you, Father Peter. Other proponents? Good afternoon. [LB650]

STACEY ANDERSON: Good afternoon. First of all, I'd like to thank you all...I'd like to thank the person that had enough strength to get this together to ask that we get a chance to talk about our kids. I'm not only here for my own family--I'm here for every family that's represented in Omaha that has tried to get help. Sometime when people ask for help... [LB650]

SENATOR CAMPBELL: Sorry... [LB650]

STACEY ANDERSON: ...I'm sorry, my name is Stacey Anderson. That's S-t-a-c-e-y, Anderson with an s-o-n. I'm in favor of this bill most of all, because since '07 I have been trying to get someone to listen to what happened to my great niece and my

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

nephew while in my care, having my niece for six years, and then having a false report given to the police that she hadn't been there for 60 days, and having this child taken. And then having me having to go get lawyers to try to prove this case. The entire neighborhood, the churches, the schools, everyone knew she had been with me, but no one will listen to me. I drove down here to Lincoln. I brought the paperwork saying what had happened to us. I talked to...on June 11 of last year, you had a hearing here in the Capitol or in the Department of Health and Human Services here in Lincoln. I showed up for it. It's like they're trying to force us to do something that maybe we may not want to do it in that manner, but there could be a good reason why. When this report was given to the police that this child had been at my house only 60 days, it was given by a Department of Health and Human Service worker. This worker happens to be kin to that child. Your reports that you sent me last year, I went through it, and it said, family is not supposed to work on family's cases. That being said, as I went through the court system, and tried to do the best that I could, from the day they took her, something is very suspicious with this, because the day they took her, I received a letter about her mother on the very same day. I actually called the woman that took her from the Department of Health and Human Services is kin to her. I asked her to give her a ride to school, and she called the police, says she had been there for 60 days. I have a false police report. The mother had already wrote a note telling me I could have total custody, because, as she got older in them six years, it was time for junior high. So I needed to take her to the doctor, and they're saying, she's in the system. She's got Medicaid. So for six years, someone was collecting a check on a child that I was taking care of with my money. Just like I told them last year, my family could have saved the state a lot of taxpayers' money. If you would go to the families really and ask the families, the more I pushed this issue, the more the department pushed back at me. Now they wanted to run the investigation on all my family members including my 86-year-old mother, my 91-year-old aunt that lives with me. That was their...because of me coming to talk to people here in Lincoln. Maybe there's too much on their plate, because I notice, all the paperwork I keep back in '01, they started telling us people that pay child support not to take it downtown. Take it to the Department of Health and Human Services. Maybe they have one too many jobs. I'm saying that to say this. When I try to stand up for my niece, because I am her great-aunt, not her mother, her grandmother, I'm her great-aunt, they wouldn't even allow me to have the right to speak up for a family member. First of all, if a child is in trouble, you need to go and talk to the family, because there's someone in those families that may want that child. Sometime a family may not know what's going on. That being said, if this child was already with me for six years, why would nobody question me? Why would no one do this? That's because they were trying to make the mother look like she was unfit, and she had just dropped the child off. It wasn't a true statement. That being said, when I show up, and I try to ask questions, and I wrote a document, saying, could I get a lawyer, because everyone else had one? That lady guardian ad litem, she...I guess did a false report on me. I brought all the documents from the court, but hers is not in there. So whatever was said by ad litem, I don't know if it had any effect, but by the time I came to court and was able to talk to the judge, he

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

started telling me, give that child back, telling them, what are you all doing? So, all the paperwork is here, but I needed someone to listen to the fact that my niece was illegally taken, and she has had problems ever since. And I have guardianship of my nephew. I had already had him since three years old. Well, that interfered with him to see her being taken, because he said, you're not my mother either. Can they take me? And so, I've been having trouble ever since, trying to keep my kids' head above water, because of this situation. And when they see adult go to another adult, and they can't make a difference, then the kids kind of give up. I appreciate you all listening to me. I have too much to even say. That's why it's in a book, because my family was not treated very well, and they really should have come and talked to family members, because taxpayers shouldn't have to pay money if they don't have to. I thank you. [LB650]

SENATOR CAMPBELL: You did a fine job of going through the sequence there. Questions for Ms. Anderson? Thank you for taking time to come today and share your story. [LB650]

STACEY ANDERSON: Thank you. [LB650]

SENATOR CAMPBELL: Other proponents for the bill? [LB650]

STACEY ANDERSON: Oh, may I add just one other thing? The only reason why I didn't want to be a foster mother, because of our relationship and her being my family. They wrote a letter and told me, because if I became a foster mother, the state get more money than they do for guardianship. It shouldn't be about money when it comes to kids. Thank you. [LB650]

SENATOR CAMPBELL: Okay. Sir, you're going next. Is that...? [LB650]

JAMES HOLT: Okay, thank you. [LB650]

SENATOR CAMPBELL: Good afternoon. [LB650]

JAMES HOLT: Good afternoon. My name is James Holt, H-o-l-t. [LB650]

SENATOR CAMPBELL: Go ahead, sir. [LB650]

JAMES HOLT: Okay, yeah, I've come to you today...I actually was neutral and when I first heard the opening, but as a licensed independent mental health therapist, I am a proponent of the bill, primarily because as I work with families and as also, I have contact with foster families as I was one myself once. The lack of either information that was given or the lack of understanding about information that was given is affecting what my experience as foster parents to understand what their job really is, whether it's relative to the care of the children, whether it's relative to what their overall function is, I

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

always saw myself as a foster parents as a bridge...as a bridge to helping the children and the biological family come back together and start the healing, be part of the healing process. And I believe that any information that can be given and explained to them and given the opportunity for the parents to ask any questions regarding that, I think would be very helpful. And I thank God for foster parents. I think they are a blessing, and I think they are needed in this state. I think the state of Nebraska, Health and Human Services, has done, I think, a good job trying to make it the best it can be, but I think there are some issues. And I want to even bring up training, because when I was a foster parent, there wasn't the training that was necessary. There was initial training. However, the ongoing training was lacking, and I still sense that the training is lacking. And it would be, I think, helpful for foster parents to be given the training that they deserve and even be looked upon as part of a system that is together instead of individual, because sometimes foster parents believe that they're there by themselves. You know, the foster parent groups used to be held, and I don't know if there are support groups for foster parents now. And with the privatization that's just taken place, I think this is not just an opportunity. I would hope that it would be an expectation that the changes within the system could be taken and used in a very productive and a positive way. And, finally, in closing, I want to say as a therapist, I think that...and I look at things holistically, and families that are in need of support and in need of having their children in a safe and nurturing place until they can get their lives back together, foster parents are our only answer right now, I believe. And so, I want to say that in closing, and any questions I would be happy to answer. [LB650]

SENATOR CAMPBELL: Okay. Any questions from the senators? Thank you, Mr. Holt. [LB650]

JAMES HOLT: Thank you. [LB650]

SENATOR CAMPBELL: Next proponent. Good afternoon. [LB650]

ERICA FISH: Hi. I'm Erica Fish, E-r-i-c-a Fish, F-i-s-h, and I wanted to first start off by answering Senator Howard's question about the guardian ad litem question and touch on that just a moment. With the guardian ad litem, many times we see constant complaints, and, you know, there are some agencies that oversee and have a staff of several guardians ad litem, and then there's somebody to turn them into and to talk to, and say, have you checked their reports, because I can prove that they're completely inaccurate with documents? Not hearsay--documents. But when you have freelance guardians ad litem, there's no accountability. If I want to turn them in, I have to hire my own attorney and go through a long hoopla of doing it. Not everybody can afford attorneys to fight the system, and that's not fair, because this should be completely open, where we're out to protect the children. And you shouldn't have to have a certain economic ability in order to fight for the children. And through all this, I'll continue to go on with this. The reason I want to see foster...when I started...it was on a whim. I

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

was...one time I was hearing a horrific story when I was out with a group of foster parents about how they were being treated. And I, in my naive virginness (sic) of foster care, was like that couldn't have happened. There's no way in the state of Nebraska that would happen. We love children. And even Senator Howard, I called her numerous times. I'm like, tell me this can't happen; tell me this can't happen. And I was just completely naive at the beginning, and, thank goodness for Senator Howard living just down the street to answer all my questions. And, so then, you know, I kept going through, and we started talking and pretty soon I was getting 25 phone calls a week from foster parents, saying, what do we do? How do we help? And pretty soon, I started, was like, well, I can't answer phone calls, because I couldn't handle it any more, because the emotional stress it was taking on me as far as hearing these horrific, horrific stories was just phenomenal. So then when we went on to KETV and revealed what had happened to us, Mark's e-mails got slammed, our personal e-mails got slammed, the telephones got slammed, and I've been working really hard to try to go through each one of them and respond. But every one of them...it's where they got threatened by DHHS. And I know Kerry Winterer went on the record to say that it wasn't retaliation; they don't condone retaliation. And they also sent out an e-mail to state employees that said, we don't condone this. However, it's happening. It's not just my word...it's word after word after word of department members. And when I had people constantly calling me, saying, please continue to testify for us, because we can't, because we still have foster children in our home and will lose them. That should be a wake-up call for each and every one of us. Each of you were elected to represent the people who can't speak out, and many of you saw those kids running up and down the aisles of this Legislature. They are human beings, and I want you to put a face onto them, and I want you to look at them, and tell them that they don't deserve representation. Well, I believe that foster parents are that representation, because we spend the time with these kids, you know. I stayed home with them. I had to go up...I had one kid that had horrific problems at school, and I spent three hours a day up at the school, trying to help this kid to stay in school and to not be kicked out. You know, foster parents love them, and we want to be able to speak out for birth parents against the state if they're being treated illy. We want to be able to help them, because I have never met a foster parent, and I know they exist, but I have never personally met a foster parent that doesn't want to see reunification happen and doesn't want to see that, because it's only the best thing for the child. And anybody who's in this business, it is not for the money, because I can guarantee you, taking on all these kids has been a huge financial drain on my husband and I personally, because to me, they're treated the same as my siblings and as everybody else, and I will treat them the same when they're in my care. And, you know, when we continue to treat them like this, my attorney told me, it's a legal risk to do foster care in Nebraska. Now, shouldn't that be a wake-up call when my attorney advises me not to do foster care? Shouldn't we provide a bit of protection? If we want the best of the best, then we had better provide the professionalism to get the best of the best. And right now, we're dropping them like flies. Last week I heard a judge testify in Judiciary, when we tried to get stuff for guardians ad

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

litem, to put some oversight there, and they said he didn't have any emergency placement homes, and he didn't have any group homes, and that was pretty startling to me. And, you know, they went on...I believe it was the Foster Care Review Board went on record to say they had lost 70 families. Well, I had a six-bed foster home, and I walked away, so that I could speak out to you today and be the voice for all those other people who are being threatened. Thank you for your time. [LB650]

SENATOR CAMPBELL: Thank you, Ms. Fish. Questions? Senator Gloor and then...Senator Wallman, did you have a question? [LB650]

SENATOR WALLMAN: No. Thanks. [LB650]

SENATOR CAMPBELL: Okay. Senator Gloor. [LB650]

SENATOR GLOOR: Thank you, Senator. No...I'm sorry. [LB650]

SENATOR HOWARD: Stay (laugh). [LB650]

SENATOR GLOOR: Thank you for your testimony. I'm sorry, other senators may know who are, but I didn't understand whether you're a foster parent or a therapist or what... [LB650]

ERICA FISH: I was a foster parent. I'm Senator Christensen's daughter. [LB650]

SENATOR GLOOR: Thank you. It's nice to meet you. Are you in favor...I mean, are you in favor of this approach specifically? Are... [LB650]

ERICA FISH: I worked for two years trying to get this put together, so how does that tell you? (Laugh) [LB650]

SENATOR GLOOR: Yeah, this orientation specifically. [LB650]

ERICA FISH: Yes. [LB650]

SENATOR GLOOR: Okay. Thank you. [LB650]

ERICA FISH: And I've worked with a lot of foster parents that are too scared to come out today, and I would privately show you a lot of that documentation that says they're too scared. But I would never put it in front of Kerry Winterer or Todd Reckling or KVC, period. [LB650]

SENATOR GLOOR: Okay. But the documentation that this bill addresses is... [LB650]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

ERICA FISH: Yes. [LB650]

SENATOR GLOOR: ...documentation that would be given to...for training purposes to families. [LB650]

ERICA FISH: Oh, to put this one in? I thought you meant my research as to where I came up with a lot of this. As far as this, I would love to see it in there, but I want more than just this bill, and I mean, Mark and I will be honest enough to say that we can disagree within one house, big time. And, you know, I want to see more in this bill. I want to see where there's repercussions, where there's an immediate third party who has nothing to do with KVC, nothing to do with the department, nobody to do with any sort of government agency, and nobody whose appointments by buddy, buddy, buddy appointments. I want to see a neutral group of people that actually love and adore children, who foster parents can go to besides just the Foster Care Review Board, and there can be a mediation. The department used to have a mediator, but when this whole privatization came through, they got rid of that position from what I've understood. And so, there's no mediation. I went to the Governor; I went to...Kathy Campbell was in meetings. I've gone to more senators than you can name a stick at, and I couldn't get anywhere. And what about the people who don't have cell phone numbers, and who don't have addresses? What about them? When are we going to do something, so that we can have repercussions for this? [LB650]

SENATOR GLOOR: Just so I don't get too far off... [LB650]

ERICA FISH: Yeah, yeah. [LB650]

SENATOR GLOOR: ...this complicated issue, but this doesn't speak to any of that. This...this (inaudible)... [LB650]

ERICA FISH: No. I'm saying like I...if I could, I would take it even a next step further, but... [LB650]

SENATOR GLOOR: ...okay, okay. I (inaudible)... [LB650]

ERICA FISH: ...Mark is a little bit more conservative on this issue than I am, so this is where we met in the middle. [LB650]

SENATOR GLOOR: (Laugh) Thank you. [LB650]

SENATOR CAMPBELL: He's smiling. [LB650]

SENATOR GLOOR: Fathers usually are when it comes to daughters. I have a daughter, so I know. [LB650]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

SENATOR CAMPBELL: Senator Howard. [LB650]

SENATOR HOWARD: Thank you, Madam Chairperson. Erica, you kind of got into this at a...at, I would say, a difficult time, because it was a transition from the state doing the foster care into the privatization effort... [LB650]

ERICA FISH: I think you've told me that all along, haven't you? [LB650]

SENATOR HOWARD: Yes, I probably have. (Laugh) And any time you make a change in a program, there's going to be problems, and I'm not justifying anything. I'm just saying, it's the way it is. But I'd be interested in your observation from the time that you began working with a state worker until transition. Did you feel there was an improvement in going to the privatization or did it make it harder? [LB650]

ERICA FISH: I wouldn't have lasted longer than 60 days if it wouldn't have been for my private agency. However, you know, as the times got longer and longer, and foster parents started getting smarter and smarter and smarter, I will absolutely go on record to say, I know many, many foster parents who when they get a call about a child, they say is it NFC or KVC? Who is the kid through? And make their decision based upon that. It's not about, does the kid have problems or no problems or this or that? And they'll make their decision based upon that. And I tried to work with them, you know, and I went to them, and I have the phone records to prove that. And, you know, that's a scary thought right there, to me. I mean, do you want a kid to say, I mean, personally, if I were a kid, I'd say, oh, please, God, let me get...you know, because you don't want to get stuck. [LB650]

SENATOR HOWARD: Did you feel it was a problem with not being able to reach the worker? Or, you know, traditionally, we have such high caseloads at Health and Human Services, that alone would be a frustration for people, because we'd be out in the field, and people would be calling in, and... [LB650]

ERICA FISH: I never had that problem where I could never get ahold of a caseworker and, you know, that my two longest term cases, you know, one was five months, and one was 15 months. I had...the five-month one was the hardest kid you could ever imagine. I mean, a lot of people saw no hope for that kiddo. And I had the most amazing group of professionals you have ever encountered in your life, and they gave me hope for the system, and they showed me how great the system can be. And there would be no need to have any laws or legislation or oversight if we had all his team. But then we had this other team over here for 15 months, and I was degraded; I have never been treated so illy professional. My friends...I had about 50 different people that I could name off that wanted to do foster care throughout the state, because of seeing kiddos and seeing the difference you can make in a child's life. But every single one of them

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

either dropped out of the class or stopped the process or whatever. I impacted 50 families. How many kids did I impact? That's embarrassing to me, like that I hurt the chance for that many kids to be in good, safe homes, all because of the horrific thing I went through. And I'm not saying it can't be good, because I told you, I had an amazing team. But yet I also had this horrific team which is why...because of a few bad apples in the group. You have to have legislation and oversight, and that's what I'm saying... [LB650]

SENATOR HOWARD: So that was the... [LB650]

ERICA FISH: ...you can...I know I didn't answer your question, because you can have good. I saw greatness with it. And then I saw horrificness (sic), and they were both, you know, through the same times, and I saw how the state hurt both children, you know, completely hurt both children. And I still don't have an answer for you. And any bill that gets through, Mark and I have had many arguments about every single bill, and we can each give you about 150 pros and 150 cons, and we can duke it out forever. And we have had many family arguments over different bills. And I'm telling you that there is no right answer. But you guys were each elected into your positions for your wisdom, and so please, help us with your wisdom, and try to do something here, so we don't continue to lose families. [LB650]

SENATOR HOWARD: Thanks for coming in. [LB650]

ERICA FISH: Thanks. [LB650]

SENATOR CAMPBELL: Ms. Fish, was there a CASA worker that worked with you in any? [LB650]

ERICA FISH: Over here, the Great case, (phonetic) had a CASA worker, but I've heard horror stories of CASA workers, too. But, overall, I think it's a pretty amazing thing to have a CASA worker, but we can't request it, because I found out, trying to get a CASA worker over here with these two kiddos, and I was told no. I was also told no to a therapist for over a year. I was told no to all these different services, but over here, they would come to my house and say, can we offer to help you do anything? Is there anything we can do for you? You know, workers--caseworkers would say this. And, you know, totally different situation, and that had a CASA worker, and that CASA worker just fed into his life completely, and still does to this day. [LB650]

SENATOR CAMPBELL: Thank you very much. Thanks for your story today. [LB650]

ERICA FISH: Thanks. [LB650]

SENATOR CAMPBELL: Okay. Other proponents? Those who wish to provide neutral

Health and Human Services Committee
February 16, 2011

testimony? I'm going to take neutral first. Neutral testimony? Good afternoon. [LB650]

MELANIE WILLIAMS-SMOTHERMAN: (Exhibit 2) Good afternoon, Senator Campbell. My name is Melanie Williams-Smotherman, M-e-l-a-n-i-e Williams-Smotherman, S-m-o-t-h-e-r-m-a-n. I am the executive director of the Family Advocacy Movement. We are a group of primarily birth families that include parents, grandparents...we have an enormous number of grandparents in our group, advocates who are working tirelessly to address these issues and attempt to reform this system, and professionals, who are concerned about what we're all seeing. The reason I'm testifying in a neutral capacity on this bill is not because I don't support what is being recommended in this bill. I think that information is extremely important. I think representation and a voice for anyone who has the concern for children has got to be something that is just expected. It is disheartening that foster care families are experiencing the same sorts of things as we report birth families experiencing. And, I guess, the reason that I am testifying in a neutral capacity is more to speak to the fact that we need to see more discussion over the fact that birth families of any family is being push...that they're being pushed aside, that they're...you know, we want to talk about the investment of love and care into children, and the desire for seeing positive outcomes. We can't exclude birth families, and, all too often, it seems to be a very touchy topic. It's less clean; it's less of a topic for people to want to jump in and champion, because there's this assumption that the majority of cases that are in the system are due to serious enough neglect that a child had to be removed. We see this over and over again, and it's simply the statistics prove that to be false. And it is one of the most harmful misconceptions about what is actually happening which is allowing families...I mean, I guess one of the things that occurred to me when I saw this bill being introduced is, wow, you know, they sure do have a complaint, and it is an important one. But if even the stepdaughter of a state senator can be treated so callously, if the children in her care can be pushed aside so easily, and their feelings disregarded, what must be happening to everyone else in the system? And that's what I appeal to this committee to consider. What I passed out are three different...well, actually, four different resources, and we have many. Prior to this hearing, because of the expose' articles coming out of North Platte over the last few days, that have, you know. I was quoted explaining...I'm not shocked at any of it, because I get calls from families constantly in tears, desperate for the advocacy that the state of Nebraska is actually paying people to do, and they're not doing it. We don't get paid. I don't get any payment for what I do, and yet families are contacting me just from word of mouth, just from reading articles, and they are desperate. And this committee hears about it a lot, you know, and I know, and you hear from me all the time. I'm constantly e-mailing you, I know. But it's because we don't have a forum. We don't have a place or a piece of legislation that is really addressing the seriousness, the desperation of this issue. And just prior to this hearing today, just because of those articles, families are...they deluged me with phone calls this morning. I wish I could have brought my computer in and played the voice mails that came in today of parents in tears, reaching out to some stranger, who they don't even know, you know, asking for

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

some sort of help to be heard, to understand that the system is not treating them fairly, that they're being denied due process in court. And we aren't just talking about taking away some adults' rights. We're talking about the outcome, the futures of these children, and, you know, I guess what I passed out to you is to show, and I know that some of you have seen this already. Nebraska, on the DHHS Web site has these statistics, but of the many, many phone calls that are made to report potential neglect and abuse, a tiny fraction--a tiny fraction is actually substantiated. Of those, and these are the ones I want to speak to you most about, I see what happens behind the scenes. Of those, parents are not being treated fairly; they're not being listened to. There is not a proper type of investigation being done. Juvenile court systems are so overburdened that due process is being just swept aside, and children are the victims of the outcomes of these things. [LB650]

SENATOR CAMPBELL: Are there any questions from the senators? Thank you for the information, and I want to thank you again, because you've appeared a number of times before the 603 oversight, and a lot of your material has been very helpful. [LB650]

MELANIE WILLIAMS-SMOTHERMAN: Thank you. I appreciate it. And I'll probably be speaking to the other bills as they come up. Thank you. [LB650]

SENATOR CAMPBELL: That's fine. In a neutral? [LB650]

BARBARA NISSEN: (Exhibits 3, 4) Good afternoon, Senator Campbell and members of the committee. [LB650]

SENATOR CAMPBELL: Good afternoon. [LB650]

BARBARA NISSEN: My name is Barbara Nissen, B-a-r-b-a-r-a N-i-s-s-e-n. My husband and I have been foster parents and adoptive parents for the last 18 years, and today I come as a representative of the Nebraska Foster and Adoptive Parent Association. For the past ten years, there's been a movement across the United States for states to enact a foster parent bill of rights. At present, 16 states have enacted laws that established the rights of foster parents. Themes within these bills of rights are for foster parents to be treated with respect, to have all information disclosed, to be treated as part of a team, and to express grievances without retaliation. NFAPA's philosophy is that when one has rights, one must also have responsibilities. Team work is the central theme of foster care, and it is important that foster parents have knowledge of the roles and responsibilities of the caseworker, the birth parent, and themselves. Those roles and responsibilities are within DHHS policy--Title 390, Title 474, and Title 479. The required preservice and in-service training for licensed foster parents provides essential information on the roles and responsibilities of the foster care team as well as knowledge of the foster parent's rights to file a grievance when their rights have been violated. In 2009, NFAPA facilitated a series of quarterly stakeholder meetings where

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

over 225 foster parents representing 49 counties were given the opportunity to complete four surveys on support, training, information, and communication. Seventy-two percent of the foster parents completing the survey stated that they have been provided with written description of their roles, responsibilities, and legal rights. Respondents were asked if they were aware of their rights and responsibilities as they pertain to court hearings and appearances, the case plan and safety plan, team meetings, child removals from their homes, adoptions, assessments and allegations, and documentation. The overwhelming response to each was yes. On the other hand, we must look at the kinship providers who are the preferred placement choice for children removed from their homes. In many counties across our state, kinship providers outnumber licensed foster homes. DHHS waives all training for kinship providers. They receive no orientation or training to understand their rights and responsibilities, legal options, permanency planning, developmental, and special needs of the children, and available resources and services. These are the folks that don't know what they don't know and would truly benefit from LB650. [LB650]

SENATOR CAMPBELL: Thank you, Ms. Nissen. Questions from the senators? Thank you for coming today and sharing the information. Anyone else in a neutral position? [LB650]

An DREA WASHINGTON: Good afternoon. I'm kind of new at this. [LB650]

SENATOR CAMPBELL: You're going to do just fine. [LB650]

An DREA WASHINGTON: My name is An Drea Washington. Washington like D.C. I am a parent... [LB650]

SENATOR CAMPBELL: Would you spell your first name, just to make sure the...? [LB650]

An DREA WASHINGTON: A-n D-r-e-a. [LB650]

SENATOR CAMPBELL: Okay. Thank you. [LB650]

An DREA WASHINGTON: I am a parent. Not only am I parent, I am also, and you got to excuse me. I am a former foster child and adoptive child, so everything that you guys are talking about today has affected me in a very, very significant way. If I could ask anything from this panel is to, as a parent, to listen to what the family is requesting. My son had been taken from me. I had called for assistance with my son, and he had been snatched up out of my home, and NFC has brutally beat me up for me trying to be there for my son. I feel like I have no rights when it comes to them. They tell me one thing; I see another. I guess my question is, what is the best interests of a child? Who knows a child better than their own mother? To snatch a child up, and for people to dictate to

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

you, as a parent, what you're to do, is not a way that you're going to be successful in a child's life. You, I feel, need to work with the parents. You need to find out what it is that they're requesting, what is it that they need? Don't snatch a child out of a home, you know, with all these allegations, and you don't even know really what all the allegations are really about. Find out what the services that they could possibly need and help them to be able to (1) keep a child in the home. Who better loves a child than their own parent? I'm not knocking foster care. Foster care is a wonderful thing for the children who need it, but if you have a mother like me who wants their child at home, and would like assistance with keeping the child at home, then I don't understand why is it that I can't get some assistance, and not be brutally beat up by a system who's supposed to be there to help me? You know, they've done everything, I feel, but rip my heart out when it comes to my son, and I don't think that the system is set up to do that. You're supposed to reunify, and you're supposed to do what's in the best interests of not only the parent but the child. And I guess I'm just asking just to take in consideration, you know, the families, you know, because if people are as passionate as I am about my son, and they could see that I only want the best interests of my son. And I just want some help. And, like I said, I know what it is to be on the other side of that. I was a foster child. I was adopted, and the system wasn't nice to me at all. It was ugly and brutal. And back then, you know, everything was hush-hush. Well, now, a lot of things are coming out of the closet, you know, and so I guess I'm talking not only as a parent, but also as, you know, other foster kids that are going through the system, and they're not a folder; they're not a file--they are somebody. They have feelings, and I just want people to listen to them. Hear their concerns, and hear their parents' concerns on what's going on. And I apologize for crying. [LB650]

SENATOR CAMPBELL: No, you're just fine. We appreciate you coming to tell your story today. Are there questions? Yes. Senator Cook. [LB650]

SENATOR COOK: Thank you, Madam Chair. Ms. Washington, you're testifying in support of LB650, because you'd like to have known...forgive me if I'm putting words into your mouth. Would you like to have a clearer idea of what to expect when you called for help in placing your son into foster care? [LB650]

An DREA WASHINGTON: No. He wasn't placed in foster care. [LB650]

SENATOR COOK: Okay. [LB650]

An DREA WASHINGTON: What happened is they came and took him. I called to get some assistance, because... [LB650]

SENATOR COOK: You called the state. [LB650]

An DREA WASHINGTON: ...yeah, because they were...he was acting out. And so, with

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

that, they came and snatched him up, and now, I'm having a heck of a time fighting them to even get my son back home. [LB650]

SENATOR COOK: Okay. [LB650]

An DREA WASHINGTON: And that's what I'm...I guess in a neutral, but I just want you guys to understand that, you know, to listen to the family members, listen to the child who's going through it, but also to know that I've been on the other side. I know what it feels like. [LB650]

SENATOR COOK: Okay. Thank you very much. [LB650]

SENATOR CAMPBELL: Any other questions? Senator Howard. [LB650]

SENATOR HOWARD: Just a quick question, and, again, I don't want to get into your personal situation, because that is yours. But you're involved in juvenile court? [LB650]

An DREA WASHINGTON: Yes, ma'am, I am, and I have a judge that's not good to me. [LB650]

SENATOR HOWARD: And you have an attorney that goes into court with you and represents you. [LB650]

An DREA WASHINGTON: No, ma'am, I don't have an attorney. There has never been an attorney given to me. From what I'm understanding, my...I haven't done anything wrong, so they don't feel that I need to be heard. And I have gone to court several times over, and...if I may, the judge just looks at me and she acts like I'm not even there. Sometimes I wonder why am I even trying to advocate for my son. It's already been told to me, and we haven't even gone to court as...we're supposed to go to court on Thursday, that my son will be taken. He will be placed in a group home, no ifs, ands, or buts about it. [LB650]

SENATOR HOWARD: You have the right to an attorney. [LB650]

An DREA WASHINGTON: Yes, ma'am. Thank you. [LB650]

SENATOR HOWARD: Thank you. [LB650]

SENATOR CAMPBELL: Okay. Thank you very much, Ms. Washington. [LB650]

An DREA WASHINGTON: Thank you. [LB650]

SENATOR CAMPBELL: Any other neutral testimony? Sir, your call for the...can I ask a

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

question? Did some testifier come forward and leave their tape recorder there? [LB650]

_____ : No, that's the (inaudible). [LB650]

SENATOR CAMPBELL: Oh, okay. Senator Gloor wanted to know if we were doing a special taping here so (laughter). Sir, thank you for your patience and for coming today. [LB650]

PAUL BUSER: You bet, you bet. Good afternoon, everybody. I've taken a little time off of work. I'm working today, so I was a little worried about dressing too formal for you guys, but luckily, that's not the case so. [LB650]

SENATOR CAMPBELL: You're absolutely fine. [LB650]

PAUL BUSER: I'm safe. My name is Paul Buser, P-a-u-l, my last name is B-u-s-e-r, and I am a licensed foster parent. I have been a licensed foster parent for the past almost four years. I'm here today...I just want you to know I'm representing myself. I'm not representing any agency. I'm here on behalf of my wife and myself, and I am here to testify in opposition to LB650. And I want to tell you a couple of things why I oppose it. First off, I'd like to start with the couple sitting right behind me to my left. You know, I applaud them for doing foster care and anyone in this room that has done foster care. I think it's an awesome thing, obviously. It's a very difficult thing, strenuous, time consuming, and there's a lot of sacrifice to be made in foster care. And so I want to commend them for doing foster care. I guess I'm maybe a little disappointed that after 15 months, to me, it seems like things didn't go the way they wanted them to go, and what's disappointing is they've just walked away rather than stick with it and push through, and try to help make things change. I understand they're trying to do that now, but it's disappointing to see that they're not doing foster care anymore. I guess, quite honestly, as far as this bill, I really don't understand the point. And when I say that, it's because all the private agencies right now pretty much follow these guidelines that have been set forth. I looked at the NFAPA guidelines of the sample that they have, and, you know, looking through all of them, I personally am licensed through KVC. And, you know, we have had no issues. I guess I'm in the minority. She had talked about she knows numerous foster parents that are having a terrible time. Well, I guess I'm in the minority, because we don't have those kinds of issues. The fact that, you know, these guidelines...this bill of rights is to be set in place what they want to do. Where's the enforcement of it? I know she talked about wanting to do some kind of enforcement, you know, for accountability if these areas aren't met, but at the present time there's nothing there. Who determines the enforcement of that? Are there foster parents that are going to be involved in determining what the bill of rights are? Is it you as a state agency that determines that? Who, you know, who does that? Quite honestly, to me, this bill is quite honestly patronizing, and I say that, because, like I said, these things are already in place. It's almost like a...you know, a show of trying to do something, but it's trying to do

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

something, but there's really no weight, no anything to it. It's just disappointing to me. You know, as I've been sitting here listening to the testimonies, the one thing that has stuck out to me the most, is when did we get off the focus of the kids? Why is there a need for a bill of rights for foster parents? You know, as bad as it may be for a foster parent, at times, the difficult situations that they go through, I can tell you right now the kids have it way worse than they do that they're taking care of. And, you know, when you get into foster care, you have to understand that there are sacrifices that you make whether it's time with your own family doing personal activities, whatever that may be, and it's not a perfect system. And even if you put this bill of rights in place, it isn't going to be a perfect system then. Quite honestly, what I believe is, it should be left up to the individual private agencies to have their own specific code of conduct or bill of rights, whatever you want to call it. And the reason I say that is, because, you know, each agency is different. When you start putting a blanket bill of rights on all of these agencies, then you start moving into the idea that potentially there could be discrimination, because what about, for example, Christian Heritage Homes? You know, what about other faith-based foster systems, you know, that don't necessarily agree with the bill of rights? You know, there has to be some latitude, because I believe that the people that are in place at each agency knows what they need. And when it comes to privatization versus governmental regulation, you know, the idea that we're moving to private care for the foster kids is, you know, if you think about the free enterprise system, if they aren't doing what they need to do in providing for their foster parents, those foster parents are going to leave, and they're going to go to another agency. But if the government is in control of it, where are they going to go? It just creates a big problem in my mind. [LB650]

SENATOR CAMPBELL: Questions from the senators? Mr. Buser, are you head of the Foster Parents Council for KVC? [LB650]

PAUL BUSER: No, I am not. [LB650]

SENATOR CAMPBELL: Okay. I apologize. I just remember a gentleman testifying when the Lincoln senators had a forum on... [LB650]

PAUL BUSER: Um-hum. That was me. I'm on the board. I'm not the head of the board so. [LB650]

SENATOR CAMPBELL: ...and all right. I did remember a face. Okay. I just thought maybe I'd misplaced a face there. [LB650]

PAUL BUSER: They don't like me that much. [LB650]

SENATOR CAMPBELL: (Laugh) Pardon? [LB650]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

PAUL BUSER: They don't like me that much. [LB650]

SENATOR CAMPBELL: Oh, okay. Well, we appreciate your service to the system and coming today and... [LB650]

PAUL BUSER: Thank you. [LB650]

_____: Senator Howard. [LB650]

SENATOR CAMPBELL: Oh, I'm sorry, Senator Howard is trying to get my attention. You have a question, Senator Howard? [LB650]

SENATOR HOWARD: I do. I'm just wondering, did you ever do foster care for the Department of Health and Human Services? [LB650]

PAUL BUSER: Yes, we have. [LB650]

SENATOR HOWARD: How long have you been a foster parent? [LB650]

PAUL BUSER: We've been a foster parent for almost four years. In fact, we started...we actually started out with CEDARS, did our training through CEDARS, and then we ended up with a traditional case through Health and Human Services. And it was a struggle. We have...eventually, we have adopted those two children. And right now, we have three other foster kids in our home. We have a total of seven kids in our home, so...but, yes. And since we have gone and transitioned over to KVC, I've seen a world of difference. I really have. And I'm not just saying that, because of my position on an advisory board there. I truly, honestly believe that, and I see KVC doing things that I never dreamed would happen...just their ideas and how they handle their people. You know, with the state, there was almost a feeling of you're replaceable. With KVC, there's not. [LB650]

SENATOR HOWARD: Are you considered to be a professional foster parent with KVC? [LB650]

PAUL BUSER: Yes. I believe so. Well, I am a licensed foster parent... [LB650]

SENATOR HOWARD: Okay, which is different than the... [LB650]

PAUL BUSER: ...I guess I'm quite...a little unclear on what you mean by professional foster... [LB650]

SENATOR HOWARD: Well, I know they have a term, professional foster parent which focuses on... [LB650]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

SENATOR CAMPBELL: High needs. [LB650]

SENATOR HOWARD: ...high needs. Thank you. [LB650]

PAUL BUSER: Right. I am not...we are not a high-needs home. [LB650]

SENATOR CAMPBELL: Okay. Thank you, sir. Thank you for your service to the children. [LB650]

PAUL BUSER: Thanks. [LB650]

SENATOR CAMPBELL: With that, is there anyone else who wishes to testify in a negative position? Okay. Senator Christensen, would you like to close on your bill? [LB650]

SENATOR CHRISTENSEN: Yes. Thank you. Appreciate the time, and I'd just like to address...try to shorten it here a little bit. I got a full page of notes, but, you know, without this bill, how do we know this is going to get accomplished? We've heard from different ones. There's similar things handed out; some got them, some didn't from different testimonies. But why wouldn't you want to hand something out, so everyone understands the page that they're on. It's very simple to me. If you want a good system, everybody knows which page they're on. You know, it might clarify something, and Senator Howard spoke of about the guardian ad litem case with my daughter. You know, HHS was notified of the hearing, so they could have, and by two court cases, have responsibility to notify the foster parent, and they chose not to. They gave us the excuse in the office that they even admitted nobody was at the hearing from HHS. And yet, then they said the reason why was, the judge moved up the hearing. I don't know if you've ever went to any of them hearings; I have. They are booked all day long. There's not any opening slots. They don't move cases. They have trouble staying on time. You know, I really struggle with Kerry telling us that in the office. Todd was there, too. Might have even had Senator Campbell there; I'm not sure that was the meeting. [LB650]

SENATOR CAMPBELL: I think I was called to that meeting. [LB650]

SENATOR CHRISTENSEN: But, you know, I just want to clarify what happened, and we went through this in Judiciary a few weeks ago where Senator Ashford stood up and said, you know, we have two court cases saying, you must be notified. You should be there, and this case was handled poorly. And, but anyway, healthy systems take input from caretakers. That's who your foster parents are. We all wish for reunification. Unfortunately, you have the situation where it can't be done. Certain times parents don't want them back. Certain times parents aren't fit to have them back...maybe got a drug issue, some other issue, you know. I even have taken kids to visit when they clung to

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

my legs and said, please don't make us go. And the actual birth mother leaves within 30 minutes, and it's supposed to be a three-hour visit. Unfortunately, there is some that need to be removed. Another problem we have with the guardians ad litem is the fact...and I have a bill working on that, but to help build this case here is, they have a choice whether they make home visits or not, or they can call the caseworker and get information. They just have to have at least that contact once every six months to be informed upon the case. The problem you've got is if you have a personality conflict between a caseworker and a foster parent. The foster parent loses every time. There is no way to get the situation rectified. This bill would not address that. That's something to go a little further, but there's a lot of things that need to be corrected in this system if we want to start seeing foster parents showing up to take care of kids, and we not have to be advertising as you're seeing on billboards and signs. If you want some additional ideas sometime, I ask you to visit with Erica and Sam. They were involved in the Colorado foster care system before they moved back to Nebraska to take a job here. Why does one agency advertise for foster care providers, and we don't see the others having to. I drove around Omaha; I drove around Lincoln. Do you ever notice? It's concerning to me. Skip down here. You've heard many times, there's no forum for foster parents. Unfortunately, we need one, because they are on-site caretakers until reunification can be done or permanency is reached with another home. And I don't understand why you wouldn't want their input. This bill is just the start. I'd be glad to work with this committee to develop a much more needed reform if this committee would desire to do so, to support foster children in Nebraska. You heard a number of people testify that this is maybe not enough, and I would agree, but I believe it's a good starting point, because it identifies where the state sees foster parents, so that legislators can step back and decide and evaluate if there needs to be any changes beyond that. That's why I feel this bill is so important. It gives us an idea...we know where the state says foster parents are. At that point in time, you can evaluate. Right now, when nothing is written, nothing is handed out, how do you really evaluate? We wouldn't have all these bills and all these concerns on foster care if we had a good working system. I'm very pleased that Paul is having a great experience. I feel absolutely great that he's having a good experience. We had one great experience, too. We had one that was a living nightmare, and it was just the agency's problem. We had been able to refute it. You've heard from a number of neutral testifiers, how we didn't let foster care be represented--foster children, foster care. I think it's important we look at that. You know, I sit here, and you know, we had one agency...I guess maybe two, you could say, represented here today, one on each side. And for me, it's ironic, we had a good experience with one pro; we had a bad experience with one opposing. Again, I'll give you some information. If you'd like the names...I'm sure I can come up with them. I visited with six representatives out of Kansas. One of them, when asked, what about KVC? They said, we didn't know who they were. They were a senator or representative like we are. Five of them told me to run as fast as you can. That's sad. It concerns me, but I don't want to come in here, sound (inaudible) attacking one agency. We've had a number come in, leave, have problems. And I know there's been problems with other

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

agencies, too. We've heard that. I'm not trying to single one out over the other, but we have problems that need to be addressed. The key point here is, let's get started to figure out where the state HHS says, foster care is or foster parents, and be able to move forward. Thank you. [LB650]

SENATOR CAMPBELL: Thank you, Senator Christensen. Senator Howard. [LB650]

SENATOR HOWARD: Thank you. Just a few things. I'm just wondering, if you know, did KVC attend the hearing for change of placement? You said the agent, that Health and Human Services didn't have a rep there. [LB650]

SENATOR CHRISTENSEN: I guess I never asked the question if they attended. I know the guardian ad litem done, as Erica said, looked for an investigation. [LB650]

SENATOR HOWARD: I was just wondering if the department had delegated that off to KVC. When I was doing case management, there was always a case manager from the department there, but that was when the department... Oh, no, okay, well, there should have...in my opinion, there should have certainly been one or the other, preferably the department. Another thing is, when we work with folks either bio parents or foster parents, and really the key pieces is the relationship. I mean, it pretty much is with anything you do. And if you don't feel comfortable, for whatever reason, the foster parent isn't connecting with the case manager, ask for a new one; ask for a change. I mean, I myself, as a case manager, asked for a change with a family that we weren't on the same wave length, if you want to put it that way. But, in the past, that's how we've been able to handle things. And I'm going to go back...this is kind of my third comment. I'm going to go back to kind of what I asked you in the beginning, now after hearing people testify on this. Do you feel there should be one agreement with the department, or do you feel there should be individual agreements with the private agencies since we're in kind of new territory here? [LB650]

SENATOR CHRISTENSEN: Well, you know, even if there was three different ones, if it's handed out, at least you'd know where you're at. You know, I would amend to that. That wouldn't be an issue to me. But I think it would be good and maybe each agency should have their own, but the reason I wrote it the way I did, because I'm trying to figure out where the state HHS is at. How can we better understand as senators what is needed to amend a broken system, and I don't think anybody would argue. We've got a lot of broken system. How can we change it if we don't know where we're at? [LB650]

SENATOR HOWARD: And who has the bottom line? I agree with you, I agree with you. [LB650]

SENATOR CHRISTENSEN: Correct. And maybe you want to amend this that each agency work on this with HHS. Then it could have some individual. You know, we had

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

Paul testify that it should be able to be different. Not one form fits all. You could have that if they worked it out with the department. [LB650]

SENATOR HOWARD: Yeah, I could see this going either way, depending on what would serve the need. [LB650]

SENATOR CAMPBELL: Senators, I'm going to try to move...I hate to interrupt the conversation, but it is 3:00, and we have three bills left, and another senator is waiting in the wings. And so, I'm really going to try to keep us focused on time, knowing that these issues are extremely important. But I'm watching people in the audience, who also want time to testify, so I'm going to really focus on the time here. Senator Christensen, we're going to open on LB651, because this has also got some very important items in it, and I wanted to get to it. (See Exhibit 5.) [LB650]

SENATOR CHRISTENSEN: (Exhibit 6) Okay. Thank you. Thank you, Madam Chair and members of the Health and Human Services Committee. I'm Senator Mark Christensen, M-a-r-k C-h-r-i-s-t-e-n-s-e-n. I represent the 44th Legislative District. I'm here to introduce LB651. LB651 would add a new section to the Foster Care Review Act. This bill would require the Foster Care Review Board to oversee a third party audit of the foster care system in Nebraska, and a survey of relevant parties involved in foster care. The bill requires that the program audit and survey be done every year for five consecutive. This would provide data and trend lines to identify problems and provide a picture of the effectiveness of the current reform to privatize Nebraska foster care system, and where it looks like we are headed. As a lawmaker, I find it very difficult to analyze and know what, if any, we should do if we can't get enough information to make our decisions. I believe that the children that find themselves in foster care system and the biological parents and foster parents deserve to have an effective system that protects the rights of parents, does what is best for the child, and treats foster parents as professionals that they do a great service to the state. As many of you have noticed, along with I, the current reform is not going well in many areas. I have heard from service providers in the western part of the state that haven't been paid, with more and more standard services being denied children while millions were recently found to give to the lead agency of KVC. I was not present, but I was told about a judge testifying in the Judiciary Committee last week from Lincoln County that said, they have gone from 50 available beds for kids to zero. What are they supposed to do? It is also my understanding that Legislative Fiscal Office has been trying to evaluate HHS expenditures with the foster care system. The capable analysts have been scratching their heads, trying to make sense of the available information, and ensure how recent appropriations have been handled. These are important signs to me, and more oversight is needed to evaluate the reform process to make sure the state is providing the appropriate level of care for foster children that they are responsible for. Looking at the fiscal note, I understand if the committee feels, due to the state current budget gap, this might not be feasible even though there is some evidence there is money tucked

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

away somewhere in HHS. I will leave that to Appropriations Committee and the Legislative Fiscal Office to determine. So I'd like to suggest another way we could accomplish much of the same goal. I would like to amend LB651, so that the committee could work with the Foster Care Review Board and do a slightly scaled-back version and not bid out to a third-party firm. They already have legal authority to access HHS files, and they have done much of the basic work already. Working on this idea, I would be able to get some general fiscal information from the Foster Care Review Board if the committee wanted to amend LB651 where the Foster Care Review Board was assigned the task under certain assumptions and/or goals that I have handed out to you. This could potentially make the cost of doing an audit and survey fairly reasonable. Again, I'm willing to work with the committee on the concerns and suggestions, but truly believe the legislation and the public need to have information over the next five years to evaluate reform in the Nebraska foster care system. Thank you for consideration of LB651, and I would urge its advancement to General File. [LB651]

SENATOR CAMPBELL: Questions for Senator Christensen? [LB651]

SENATOR GLOOR: I have one. [LB651]

SENATOR CAMPBELL: Oh, I'm sorry. Senator Gloor. [LB651]

SENATOR GLOOR: Thank you, Senator Campbell. Senator Christensen, I'm trying to understand what the outcome might be of this. I mean, as I read through it, it sounds like this is just an effort that would roll up all kinds of data, but not come up with any conclusion, and leave that to whoever gets a copy of it to come to their own conclusions. [LB651]

SENATOR CHRISTENSEN: Well, the benefit that I see of it is, we already get a Foster Care Review Board report which you've probably looked at, and in sitting down, visiting with them, they would like to have this. And with the additional things that I'm asking for, that we sat down and visited with, they would be able to get a better trend, because we talked about taking different age groups and taking 5 to 20 cases in each case or each group of age, and checking it out from the beginning till the end. This is on finished cases, so that we can actually see how each case developed, how it worked, and like I told them, I'd like to have some cases that were really fast and done. Some that have been drug out five to seven years, which I know there's some past that, and evaluate what's went right, what's went wrong in all these different cases. And only if we can track what is working well and what is not working well, can we make a better department. You know, I challenge this group, because you guys are basically responsible in this area. If you go look at Maine, they hired a new guy to come in up there and work. He has got half the staff working. He's got a system, from what I can find, foster parents are happy with, the state is happy with, the cost is half. They got rid of the bureaucracy and got down to the nuts and bolts. What's important--children, and

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

how can we best serve them and get it taken care of? And I think that's a model. I'm just starting to look at it. I let you know, because there's just starting to be some reports and things coming from there. You know, I think if we do this bill and get that in-depth information, we'll be able to figure out what we need to do to streamline and make it better. You and I both know...take GM for an example. They have done a lot of streamlining since bankruptcy. Sometimes it takes a bankruptcy to pull a head out of the sand to do what we need to do. I think the same case is before us. We got a bureaucracy that is spread out... [LB651]

SENATOR GLOOR: (Recorder malfunction, missing testimony with Senator Gloor)...but you'd have to pull out...I mean, there's got to be some sort of statistical model that you pull X number of cases out that get reviewed by certain parties that compile that data that then feed that information to the parties that can do something about it. I'm just looking for...I'm not looking for that level of detail. How many cases would we talk about pulling out? Who would then do the reviews of these? [LB651]

SENATOR CHRISTENSEN: Well, I'm saying we should amend this; the Foster Care Review Board do the reviews, because they have the rights to the access, and then I would say somewhere around 1 percent of the cases, because if you take a campaign for an example, you can get a poll done. They'll call 1 percent of the people, and at that point in time, you'll have a statistical analysis come back and give you a report of where you're at, and it worked very well in my campaign. [LB651]

SENATOR GLOOR: Yeah. I think trying to come up with some real solid numbers of what we're looking at, so that somebody doesn't say, we looked at 12 of them. They happened to be lucky enough to pick the 12 where everything went smoothly, and what you find out is not what you had hoped to find out, but, in fact, just the opposite. I also am not so sure that I'm comfortable with the Foster Care Review Board doing this, because they could...they're part of the system. I have a problem with the system reviewing itself, because it...I mean, they're part of the system. [LB651]

SENATOR CHRISTENSEN: That's why I wrote this as third party, but in visiting with the Foster Care Review Board, and all of the struggles, it took multiple years for them to get full access, and they still have to fight sometimes to find all the documentations to work on cases even though they have rights to...they have to work hard to get them. So, I figure do you want a whole new system trying to fight to get information, or do we want to go back there? Then if you wanted to, maybe you amend who can be on that Foster Care Review Board. [LB651]

SENATOR GLOOR: Okay. [LB651]

SENATOR CHRISTENSEN: That might be your...to make it independent. [LB651]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

SENATOR GLOOR: Okay. [LB651]

SENATOR CAMPBELL: Senator Howard. [LB651]

SENATOR HOWARD: I'm going to make this quick. Foster Care Review Board...(laugh)... [LB651]

SENATOR CAMPBELL: Oh, no, you can...we're now on to bill two. [LB651]

SENATOR HOWARD: Foster Care Review Board traditionally has operated outside the Department of Health and Human Services. A number of years ago, we had an internal permanency plan review group. The department made the decision that the Foster Care Review Board would do the reviewing based on the fact that they were separate from the department. They operate outside the department, so, no, they're not an arm or unit or a part of the Department of Health and Human Services. I, myself, was a member of the internal review. I know this very, very well. Thanks. [LB651]

SENATOR CHRISTENSEN: Okay. [LB651]

SENATOR CAMPBELL: Senator, I'm assuming that, based on the information that you've given us, this would be the basis of the amendment, right? [LB651]

SENATOR CHRISTENSEN: Correct. [LB651]

SENATOR CAMPBELL: And, if I understand, as you've gone through the testimony, you think...the Foster Care Review Board has, within the statutes, the...how do I want to say, the authority to do this. [LB651]

SENATOR CHRISTENSEN: Correct. [LB651]

SENATOR CAMPBELL: But what you're looking at here is really trying to deal with the fiscal element and authorize some expenditure of monies to carry this out, because right now, the Foster Care Review Board wouldn't have sufficient resources to do it now. Would that be accurate? [LB651]

SENATOR CHRISTENSEN: Correct. And I'm asking for a little more detail. When I sit down and visit with Foster Care Review Board, see what they could do, because they didn't like my fiscal note. [LB651]

SENATOR CAMPBELL: Yeah, I understand. [LB651]

SENATOR CHRISTENSEN: They said, you know, tell us what you want done, what are you wanting different than what you found in our report, and let's get that listed, and

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

that's what would be your cost to add on, and if the Legislature charges them to do it, because we created them, then they'll have to do it. And so, if we're charging them to do it, we got to provide the funds to do it, and that's why the fiscal note...I just, yes, I love an outside third party, because then you got two sets of eyes. But we got to be fiscal responsible, so I'm sitting here saying, okay, let's just change third-charge a little bit, and see what we can get. If this works as well as I hope it does, then we wouldn't need the third outside and wouldn't have that additional cost. [LB651]

SENATOR CAMPBELL: Okay. Thanks for clarifying that, Senator. [LB651]

SENATOR CHRISTENSEN: Thank you. [LB651]

SENATOR CAMPBELL: Any other questions? And I know you'll be here for close. [LB651]

SENATOR CHRISTENSEN: Yeah. [LB651]

SENATOR CAMPBELL: And we'll try to watch the time for you, because I know you have to go to another... [LB651]

SENATOR CHRISTENSEN: I already had to send Dan. They're on their last bill (laugh). [LB651]

SENATOR CAMPBELL: Oh, no. Well, we'll try to spring you here. Okay, how many would like to testify in favor of this bill? Okay, how many...oh. Could you...oh, all right. And how many wish to testify in opposition to the bill? Okay. Anyone in a neutral position? One, two hands, three hands? Okay. Good afternoon, again. [LB651]

SAM HABERMAN: Hello. My name is Sam Haberman, S-a-m H-a-b-e-r-m-a-n. You've heard our story a lot, and, you know, to some extent, it kind of feels like we're beating a dead horse. But somebody's got to speak up, so I'll try to make this as quick as I can. And I wrote it out, so I don't, you know, distract. I'd like to take you...there are just some events that occurred up until, you know, the last couple of months within our case, because, from my standpoint with this audit, things aren't transparent. There's dishonesty; there's lies, and there needs to be some accountability to it. And if you have an audit that might be able to start to force transparency so that, you know, some of this stuff may get righted again just, you know, we got to start somewhere. So, as you are aware, you know, we had two kids that were taken out of our care suddenly after 15 months. And, in that process, there was a lot of things that happened that just really weren't kosher. So in September of 2010, after being an adoptive placement family for about a year, my in-laws, Senator Christensen and his wife began to express concern about the state of the foster care system from their own experiences to Todd Reckling and those others in DHHS, and solely based upon their own experiences relative to

case. At the same point, I'd like to note that in September, at our monthly home visit, our case manager asked my wife and I if we would be...if we would consider taking placement of an additional child, that this child was older than the two children in our care. And we explained to her at that point that we didn't want to disrupt the birth order of the kids in our care, so we declined. But being asked if we would take placement of another child was indication to us that we were good foster parents in September. In October, at a monthly home visit, the case manager's supervisor was present. She explained to us that we must stop bringing up issues with our case, and that we had to...that if we had an issue, we needed to follow protocol. Specifically, we weren't supposed to talk to Todd Reckling directly. Protocol was to talk to our case manager or her supervisor, the lady who was telling us this. So we complied and did nothing for the rest of October. In November, we were given a contract to sign with our agency that was developed based upon directions from KVC and DHHS. If signed, we can only discuss information about the kids and their family situation directly with our foster care specialist, who is with our agency, and then she would determine what information to pass on to the professional team. And there are also other stipulations as well. We were told if we didn't sign it, the kids would be removed. That's just how the system works. We either be quiet and keep the kids or we speak out, and they will remove the kids to us. It sounded like a gag order. After receiving this contract of sorts, we set up a meeting with Kerry Winterer, Senator Christensen, and yourself, Senator Campbell. This was in mid-November. We showed them the gag order which he had not seen before but had heard about. Kerry Winterer's response was that this is not DHHS protocol and is not sanctioned by the department. He asked for a copy of it, and he gave them one. Also in this meeting, he agreed that if the kids were removed from our care that it made perfect sense that our foster care license should be revoked, because it was an illustration that we were inadequate. Also, Senator Howard, at this meeting, we expressed to Kerry Winterer that we needed severe reconciliation or a new case manager, because communication between parties had just broken down. In December, you're all aware the kids were removed. In the court document submitted for removal, the gag order was one of those exhibits. Kerry Winterer said it wasn't protocol, but yet it was submitted for a reason why the kids should be removed. In addition, you know, foster parents are supposed to be given seven days' notice of change of placement unless it is an emergency. Yet, as you know, six weeks later, we terminated our own license. So, despite the agreement that, you know, our foster care license should have been terminated, it wasn't. So, maybe this isn't retaliation against us as DHHS does not condone retaliation. Maybe this is just simply standard protocol. This is one of several examples specific to our case, and there are other examples that permeate throughout the system. Removing one person or ten people is not going to be sufficient. A thorough audit of the department is required, so thank you. [LB651]

SENATOR CAMPBELL: I'm sorry. Questions for Mr. Haberman? Senator Wallman.
[LB651]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

SENATOR WALLMAN: Thank you, Senator Campbell. Yeah, do you know how the kids are today? [LB651]

SAM HABERMAN: Through the court documents that we obtained, we have a good idea of where they're at, but we have had no contact. [LB651]

SENATOR WALLMAN: Okay. Thank you. [LB651]

SENATOR CAMPBELL: Senator. [LB651]

SENATOR HOWARD: Thank you, thank you, just a quick question. Did you have a number of different case managers you worked with over the...over the course of your...? [LB651]

SAM HABERMAN: No, there was...the case manager changed about three to four weeks into the case when we first got it. So there was only one. In regards to our service coordinator, there were three. About every four months, we'd get a new one. [LB651]

SENATOR HOWARD: So the case manager was with the Department of Health and Human Services... [LB651]

SAM HABERMAN: Yes. [LB651]

SENATOR HOWARD: ...and the service coordinator was with the... [LB651]

SAM HABERMAN: KVC. [LB651]

SENATOR HOWARD: ...with KVC. [LB651]

SAM HABERMAN: Yep. [LB651]

SENATOR HOWARD: So the turnover occurred with KVC. [LB651]

SAM HABERMAN: Yeah, yeah. And just a side comment. One of the KVC coordinators at one...they do, you know, visits once a month, you know, they see the kids for 10, 15 minutes. He was asking one of the children...both children were under age four...try to keep it as ambiguous as I can. He was asking them what they wanted to be when they grew up, and we were trying to teach our kids how to talk. So it's just an example that, you know, they're not always the most equipped to understand the kids and seeing them for 10 or 15 minutes a month maybe isn't enough to be able to make decisions. And, again, that just goes back to why we think it's important for the people who are caring for the kids, you know, to have that right. And, to some sort, have a responsibility

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

to, you know, speak out to the kids' care. [LB651]

SENATOR HOWARD: And you talked about the service coordinators. [LB651]

SAM HABERMAN: Yeah, to our case, yes. [LB651]

SENATOR HOWARD: Okay. Thank you. [LB651]

SENATOR CAMPBELL: Any follow-up questions? Thank you, Mr. Haberman. [LB651]

SAM HABERMAN: Thank you. [LB651]

SENATOR CAMPBELL: Next proponent? [LB651]

VAL PETER: I'll make this very brief, very, very brief. Thanks for the opportunity here. [LB651]

SENATOR CAMPBELL: (inaudible) I do. We're focused. [LB651]

VAL PETER: My name is Val, V-a-l Peter, P-e-t-e-r. I am singular; I am not plural. Do I have to say anything else? Just start? Are we okay? [LB651]

SENATOR CAMPBELL: No, I think you're fine. Clerk, do you have all that? Okay. [LB651]

VAL PETER: Okay. This is just very simple, a story. In our place, we're rather large. How do you, as a bureaucracy...we're a bureaucracy. How do you help people attain some level of satisfaction with the bureaucracy? And we do two things. The one, we have somebody go in who doesn't know, you know, you're a senator. Oh, you're one of the kids. Okay, and so we say, okay. So, Senator, we go in and somebody you never saw before in your life...he comes in or she comes in and says, okay, can you tell us three things? Number one, do you like it here? What do you like? What don't you like? Number two, is this a safe place? And number three, do you know how to do whatever it is to get out of foster care? And we have real good luck with this. And then we go to what we...they aren't foster parents. We call them family teachers. And we ask similar questions. And you know what we call those people...family? We call them our consumers. We want to have our..we figure we're at a grocery store. We want to have our consumers happy. And I think that's what we're striving for. And that's all I have to say. Thank you. [LB651]

SENATOR CAMPBELL: Thank you, Father Peter. [LB651]

VAL PETER: I was clear; I was brief, and I'm gone (laughter). [LB651]

SENATOR CAMPBELL: Very focused, very focused. Next proponent. [LB651]

ERICA FISH: Erica, E-r-i-c-a Fish, F-i-s-h. So this bill, you asked Mark some questions about why it, but I have my own reasons as to why. You know, earlier I testified that I had lots of calls and lots of e-mails, and I have lots of documents. So why not...why take my word for it? Why don't you find it yourself? I mean, in simple. I mean, it doesn't have to be complicated. And, you know, part of this was, I've just been bombarded with information, and you know, I can't put statistics on it, because I haven't talked to every single foster parent in the state. You know, as you just heard, there was one happy one with KVC. Now, I can say I've met somebody happy (laugh). You know, you can't...you can't put words on it, but we have this ability with this law to put words to these things. In my case, I found that the greatest case managers I've ran into at the state were parents, and they had a degree in social work. The ones that I found were the worst were young and out partying and drinking and got up the next morning and showed up with a hangover, and no life experience, and no degree in social work. Pretty scary thought. And, you know, one thing I talked to the Judiciary about was, you know, to me, these kids are just as important as a murder case. Yet when you go to Judiciary and you sit in the courtroom which I challenge each of you to do, if you haven't done, to sit in a Judiciary hearing or to call the judges, especially the ones in western Nebraska, they have a totally different feeling than in Douglas County, too, because, you know, we tell these kids, okay, (a) you can't be represented yourself on what's happening to you, but you might be locked away for the rest of your life into a family that you don't know or that may not even look like you or may not have the same beliefs that you did grow up with. And we're dictating all these different things to this child, and we don't listen to the child. We've heard that birth parents don't get representation. We've heard that family members don't get representation. We know that there are some judges that will say, foster parents, come forward, tell me about this kiddo that you spend day in and day out with. But I can also tell you I've ran into judges that don't want anything to do with the foster parent, and they just want to talk to the case manager. So, you know, we have all these different people dictating this kid's life, but yet we don't have to have facts. You know, when they brought in all this testimony against us, and I can't even imagine or fathom being a birth parent and being stuck in this position, because I had all these allegations against me which I'd be happy to show each one of you. And all these allegations, yet we have e-mails and documents that we can prove most all of them to be completely false with their own e-mails. So, you know, but yet we can't have any representation, and we can't talk about it. So I want this bill to go in and dig out those things. How many times did foster parents call in and beg for help? How many times, you know, like your question earlier, did they ask for a case manager to be changed? I went all the way to the very top and asked for help in somebody neutral and somebody to arbitrate the situation. Senator Kathy Campbell was in there when I begged for this, and I pleaded before it went south. And did I get any of that? Absolutely not. And so, you know, like we were talking on the last bill, and they kind of overlap a little bit,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

because to me, they do kind of go hand in hand, and so do the ones in Judiciary. And there should be talking together on the legislative floor. You guys had a great debate yesterday on LB218. I was so proud of all of you (laugh), and, you know, it should be together. And I will state on record that Maine has offered to help and to talk to us, and they've offered all their services, because I spoke with the Governor's Office over there yesterday, and they're more than willing to provide all the support and help in research if each of you will meet with them. And I beg and urge each of you. They were in this position ten years ago where they had outcries and kids dead. So I hope that Nebraska is willing to learn from their mistakes when they're offering to come help, and there's foundations out there that are willing to provide free support with no cost to the state of Nebraska to come in and to help us. But yet we haven't tapped any of those resources, and I'll be happy to, at some point, talk to each one of you about these great resources I have found, and I've talked to all the head people and they're all willing to help us. What more could we ask for than free help especially when we're in budget problems? So I encourage you to look at this and take it as a step in the right direction. [LB651]

SENATOR CAMPBELL: Questions or follow-up for Ms. Fish? Thank you very much. Make sure I get everybody's question. [LB651]

ERICA FISH: Thanks. [LB651]

SENATOR CAMPBELL: Other proponents for LB651? Okay, I saw...I didn't think I saw any...oh, yes, ma'am. [LB651]

STACEY ANDERSON: May I speak again? [LB651]

SENATOR CAMPBELL: You may. [LB651]

STACEY ANDERSON: My name is Stacey Anderson, S-t-a-c-e-y, Anderson with s-o-n. Because there was so much to my case, five minutes wouldn't be possible, but I wanted to really make sure that I touched bases with the most important things that I've been through, because the outcome of this is always going to affect the kids more than it does the adults. So, that being said, with false information being gathered by the department or wherever they may get information that's not true about a case, if you don't have the right information, you're going to come up with the wrong conclusion. I follow other court papers just to see what information possibly could have made a judge say that my niece could not come back the first time. Now, in between her being taken and me showing up for court the very first time, it was only five days...they had her in a foster home in five days--over the weekend. That being said, she actually snuck...used the foster care lady's phone to tell me there was a court hearing within that five days, so that I might be able to show up. She knew Aunt Stacey would show up and try to do whatever I could to try to get her back home, not knowing I would have to fight the system, all because I didn't have a way to get her to school that morning. False

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

information brings about wrong conclusions for these kids. Now, the next thing, when the department...when I start questioning them, it did feel like retaliation, because they did a few things that just was not necessary. First of all, I work for the state taking care of elderly people, so they went into my account, and they put money into this account after they gave this child back. Because when I showed up and talked with the judge, the judge told them, give that child back, because they couldn't explain why they took her, so he told them to give her back. They did. And so, they wanted me to do some paperwork. I tried to make them realize she had been there six years, not 60 days. They were upset, because I wouldn't do this progress report on how she does every day after six years. So, this is what made them want to retaliate even more when I said, well, can't I be a guardianship like I am for my other nephew that I've had for ten years? They told me no, because the state got more money when I became foster care. They wrote it...I'm just quoting what they wrote. That means that the child was taken more than once from me, and then when I...I talked with the judge. You mentioned about getting a lawyer. Let's go back to that. Everyone on that case had a lawyer but me. The first time I wrote to ask for a lawyer, they said I made too much money. The second time...this is money that I'm using on a child that's not receiving anything, okay, for six years. The next time I wrote a letter...this was after the state of Nebraska brought the mother to me. She went to the department and tried to commit suicide in the department so...in her caseworker's office. He called and asked, would I take the lady in? Now, I'm not a psychiatrist, mind you, but I couldn't say no, because if that lady had took her life, what would this child have felt about me saying no? They took the child and brought me her suicide mother. I asked the caseworker, did you try to find her some help, knowing that she needed some help, over the phone? Now, he's on his cell phone. I'm thinking he's on the department phone. He said, yes, I called a couple of places. They didn't have any room. Will you take her? I told him, bring it on. So, yes, I videotaped them bringing her to me, because I don't understand any of this. Why are they taking a child and bringing an adult that needed some psychiatric help? She's in Immanuel right now, and this happened back in '08. Since '07, I've been trying to get someone to hear me. That being said, this foster care versus guardianship--that may be an issue you all really want to look at, because they made me feel like, if I don't be a foster care mother, you're not going to give her back? Well, my little nephew--it wasn't that hard to get guardianship of him. It was no different in the case. And them being split up just made it worse for each child--one being sent to a home, and the things that happened there. Are you really looking at the...all the guardianship versus foster care, because if you took a child from me, and you put him over here, and I knew this family, but there were things that maybe was "unkosher" for my family, for my niece to be there. Why wouldn't anyone come and question the family members? Retaliation--there's no place for this when it comes to kids. We need to find the best solution for these kids, because this is our next generation of our successors. They're going to take our places--our teachers, our doctors. And if we haven't shown any care and couldn't respect and care for them, they're going to push us over in the corner in our wheelchairs and forget all about us. I say that, because they see me daily take care of elderly people. They say, oh, you

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

could do that, but you can't make the system let us stay at home, Aunt Stacey. Thank you all for listening. God bless you all. [LB651]

SENATOR CAMPBELL: Thank you, Ms. Anderson. Any...wait just a minute. Any questions? Okay, thanks for your story. [LB651]

STACEY ANDERSON: Thank you. [LB651]

SENATOR CAMPBELL: Okay, we'll move to neutral testimony, because I don't think there was any negative. So, anyone here to oppose this bill? Okay, I was pretty sure I saw the hands. So if you are testifying in a neutral position, you might want to come forward. Good afternoon. [LB651]

CAROL STITT: Good afternoon. I'm Carol Stitt, the executive director of the Foster Care Review Board, and the one thing I would like to emphasize is, there would have to be dollars to do this or some clause that there would be some reviews not conducted. What we really looked at was the age breakdown, a geographical breakdown, and as the senator explained, cases that were quickly resolved and cases that were not. So I was just asked to make sure I emphasized that piece. We do have a researcher on our board currently, and he helped me in looking at the fiscal note and also connecting us with the survey people at the university, the people who conduct surveys. The other thing I would like to mention, and that would probably take some amending. It's very difficult to find foster parents, service coordinators and DHHS workers who have left the system, which is one of the things the survey calls for. That's one of the issues we're having with termination of parental right cases where prosecutors are really struggling to find those folks, so there may have to be some guidance from the committee if that's not possible, what you would like to look at. I did say to Senator Christensen, we do have access to the files. I know that there have been concerns identified today, but I would like to also go on record saying HHS and the lead agencies have worked well with us to provide files for our reviews. And while we may not always agree on what is there and what isn't there, they have gotten the files to us. And he's right...that took us many years, as Senator Howard knows, just to find those files. And so, I would really like to say that. We would also work very closely with those two entities...the lead agencies and HHS in this study and getting their ideas which we've done on the lack of documentation forms. With that, I will leave the committee and thank you. If there are any questions. [LB651]

SENATOR CAMPBELL: Questions for Ms. Stitt? Senator Howard. [LB651]

SENATOR HOWARD: Quick question. I'm going to give you the opportunity to briefly explain how you're separate from Health and Human Services, because I think that's important. I'm sorry Senator Gloor isn't here to hear it. [LB651]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

CAROL STITT: Very briefly, we were put in place in 1982 by the Nebraska Legislature to track, to review children in out-of-home care and to report back to the system. We are the most data-based system in the country. Every review that's conducted...there is a six-page data form filled out, and both agencies and the courts have to report children placed in out-of-home care. There are a number of checks the Legislature very wisely put in, and we needed all those in the last year and a half. And we have reviewers professionally go in, comb the files, prepare the information, and many of you have been to board meetings, and then our recommendations are legal documents which are provided to all legal parties. We are not in any way intertwined with HHS or the courts. [LB651]

SENATOR CAMPBELL: Okay, thank you, Senator Howard. Thank you, Ms. Stitt, for coming today. [LB651]

CAROL STITT: Thank you, Senator. Yes. [LB651]

SENATOR CAMPBELL: Next neutral? Good afternoon. [LB651]

SARAH HELVEY: (Exhibit 7) Good afternoon. My name is Sarah Helvey. It's S-a-r-a-h, last name H-e-l-v-e-y, and I'm a staff attorney and director of the child welfare program at Nebraska Appleseed. I'll keep this brief. I just wanted to go on record in support of an audit. Nebraska Appleseed and others have been calling for an independent evaluation that would provide some necessary information to improve the system. We're testifying neutrally, because we had some questions that we didn't have an opportunity to ask before the hearing about the scope and focus of the audit and survey. But it sounds like some of those issues are going to be reconsidered in the context of an amendment, so we'd be happy to provide, if we could be helpful, any input in that process. I just want to mention a few key issues that we think are vital to be looked at in any audit or survey: The effect that privatization has had on service capacity in the state; the structure and adequacy of funding; and the cost drivers in the system, including the cost of non-Medicaid covered services. We believe it's critical that these and other issues be examined whether that's part of an independent evaluation; whether through this bill, LR37, or other means. So we thank Senator Christensen for his commitment to these issues and to the committee for their consideration of this bill. [LB651]

SENATOR CAMPBELL: Questions for Sarah? I appreciate you bringing up LR37, Sarah, and we'd have to work through that. Good afternoon. [LB651]

SARAH FORREST: (Exhibit 8) Good afternoon, Senator Campbell and members of the committee. My name is Sarah Forrest, S-a-r-a-h F-o-r-r-e-s-t, and I'm a policy and research associate at Voices for Children in Nebraska, and I'm here to testify neutrally on LB651. Voices for Children has been consistent over the course of child welfare reform in asking that oversight, evaluation, and assessment be an integral part of our

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

child welfare reform process. And so, LB651 provides an opportunity for the Legislature to use this audit as a tool as well as DHHS to really look at what's going right and what's going wrong, and how we can improve things. The reason I'm testifying neutrally today is, I just wanted to stress the fact that, because there are lots of conversations about evaluation data, looking back, looking forward, that we think this really needs to fit into that as an integral part to the LR37 process to ongoing conversations between the department and KC family programs, so that what you have here is dollars well spent on an assessment that can be truly useful, but also complements other evaluation efforts. I'm happy to answer any questions. [LB651]

SENATOR CAMPBELL: Any questions for Ms. Forrest? Thank you for your testimony today. And we have been joined by Senator Krist. Welcome. Others who wish to testify in a neutral position? Good afternoon, again. [LB651]

MELANIE WILLIAMS-SMOTHERMAN: Hello, again. Hello. Melanie Williams-Smotherman, M-e-l-a-n-i-e Williams-S-m-o-t-h-e-r-m-a-n. I'm testifying neutrally on this bill, because I am...while in support of an audit for the reasons that everyone else has stated, I think it's a long time coming. I think it's an obvious step for all of the headline-making news we hear and all of the debating we hear about what is going to fix this problem. You know, we have to identify what's going wrong first before we can do that, and I don't believe that it is something that we need to apologize for with regard to, you know, how expensive is it going to be? I think it's time. You know, we don't need to...I appreciate the mention of the Maine system, because they were able to address these issues, but only after the loss of a child in foster care, and it was devastating to that state. And, you know, according to the people who are watching how Nebraska is doing, they said, Nebraska is so similar to Maine, right before that happened, that's really not the thing we want to differentiate us from Maine before we have reforms. The only reason, again, that I'm testifying neutrally is because the glaring exclusion is, again, birth families. If there is going to be a proper audit of the health and human services system, and foster care, you cannot exclude the people who are constantly involved in that process which is the birth parent. And I think that, you know, any kind of a bill that comes out of any...anything that comes out of this that excludes birth parents would be an obvious exclusion that would be incredibly unfortunate. Also, I don't know if 800 cases is realistic, because, you know, although I'm not against it, I'd like to audit every single case that has happened, because I think we would all be a little bit shocked and saddened by what we see. But when lawsuits are typically filed, about 350 cases are looked at, and that's enough to be considered a valid sampling. But it's still enough where it's possible for the case readers to closely examine the issues. But I would...I guess in the scheme of the 800 number that was thrown out there, I would make a proposal that let's do 400 foster families and 400 birth families. Then we get the 800, and we also have the equality, and really looking at the entire system. Another concern that I have also, is that any such audit needs to be free from bias, and if we're going to do this again, you know, it should be above reproach. The legislation, I think,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

should specify that it go to an organization which does not advocate on behalf of agencies themselves like the Child Welfare League of America might or, and, you know, we could have a whole new hearing on our concerns about the Foster Care Review Board. But to us, there have been problems with the Foster Care Review Board with regard to birth families' reports. I have heard, and I could document, and sit down with each one of you and talk to you about our concerns, about the ability of the Foster Care Review Board to remain objective in this process. But ideally, an organization like the strategic consulting arm of the Annie E. Casey Foundation or the Child Welfare Policy and Practice Group, we would be very much supportive of, because those are truly independent entities with a wonderful track record of doing competent auditing. My husband and I have wryly joked about how it's easier to get the noonday reports on hogs slaughtered in Nebraska than it is to get information about how many children we have in the system at any one time, where they are, how they're doing, and I think that's an atrocity. You know, and I don't know anyone when we actually have that discussion who would disagree. And the three parts to every solution that I raise, and everyone who knows me and has heard me rant, has heard these three things, and I'm going to turn it into a song somehow. But it's transparency...we have to have more transparency, and we don't want to continue to hear the system hide behind the idea that it's just protecting the privacy of children. And we are concerned about the safety of children, and we believe that the transparency is preventing us from keeping children safe. Independent oversight is essential. We don't have that today. You know, there are a lot of...and with all due respect, Senator Howard, I know that, you know, you mentioned that if a family is not happy with a caseworker or if a caseworker is really oppositional, and something is not working, you can just request a new caseworker. That's not how it really happens in real life. It may happen occasionally, and we have had a family really fight for another caseworker, because it was just devastating. But most of our families are not able to do that, and they try, and it goes nowhere. So I see my time is out, but... [LB651]

SENATOR CAMPBELL: I know. You're also good, because you did catch that red light at some point. Questions and follow-up that the senators would have? Thank you once again for your testimony. [LB651]

MELANIE WILLIAMS-SMOTHERMAN: Thank you. [LB651]

SENATOR CAMPBELL: Any other neutral? Senator, would you like to close on your bill? [LB651]

SENATOR CHRISTENSEN: Sure. Thank you again for your time. I apologize this took a long time, but I think it illustrates the very important subject that we have here. I'll just quickly say, why can't foster parents talk to their senator? How can senators observe what's happening if gag orders are in place? If an agency is going well, what do they have to hide from senators? I understand not talking about private matters to the press,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

general public, but why not to Kerry Winterer, Todd Reckling, or a senator of your choice? Why would this be a bad thing to learn about how to improve the system? Instead, we punish foster parents for openness. What do you have to hide? If you have a good system, you can share it with a senator, department head, without repercussions. If you want to hide problems, ban communications using gag orders, you have something to hide. I think maybe something you guys might think about on this since we have went to privatization is taking this just back to when privatization started and evaluating cases forward. I don't know what...we could probably learn some, but maybe not as much if we go back and see just straight department cases, something to think about. That's something I thought about into the amendment that I want to work on and, hopefully, you guys choose to work on with me if we...so we can get something moved forward here. But something that we might do is just think about so many cases of different ages, geographics in each agency moving forward here, because that's the system we're in. I'd be glad to take any questions. [LB651]

SENATOR CAMPBELL: Follow-up questions? Thank you for your interest in children. [LB651]

SENATOR CHRISTENSEN: Thank you very much. [LB651]

SENATOR CAMPBELL: Absolutely. With that, we will close the public hearing on LB651 and take a five-minute...five-minute break, and we'll send a page to find Senator Dubas. [LB651]

BREAK

SENATOR CAMPBELL: Could we have everyone take their chairs for this afternoon for the last two hearings? Sorry, I thought Senator Dubas was here so, but we're all ready to go. So when she gets back, we'll start. For anybody who might have come in for these final two hearings, if you plan to testify on either of the last two bills, you fill out one of those orange sheets there. If you just want to show support for either of the two bills or the first two bills, there's a sign-up sheet. Tongue-tied here, that you can give your name to. We do use the lights. And as you can tell, we try to keep people pretty focused on the lights. Senator Dubas and I were talking about the schedule this afternoon. We're pretty close, aren't we, to where we thought we'd be?

SENATOR DUBAS: We are. We really are. You told me.

SENATOR CAMPBELL: Yeah, so that was good. We will open the hearing on LB199, Senator Dubas' bill, to require adequate financial support for foster parents to support foster children. Welcome, Senator Dubas.

SENATOR DUBAS: (Exhibit 9) Thank you very much, Senator Campbell. My name is

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

Annette Dubas, A-n-n-e-t-t-e D-u-b-a-s, and I represent Legislative District 34. First of all, I would just like to begin by thanking the committee and Senator Campbell for her leadership in recognizing the problems that we're dealing with in the child welfare reform. As we continue to move forward, I know you're very much invested in what do we need to do to make things better and give this situation the attention it really deserves, so I appreciate your leadership very much. Through my participation on the 603 committee, we've been kept constantly up to date on how foster care services are being delivered and what is happening with the child welfare reform. Over the past months, we have heard about subcontractors who are not being paid by the department or not being paid by the private providers, excuse me, which made it difficult or impossible for these subcontractors to pay their payments to foster families. I've spent a great deal of time visiting with foster families, and I do find it absolutely deplorable the way the system is treating these people. I have met with dozens of families trying to see if the concerns we as a Legislature were hearing were simply isolated incidents or common occurrences, and I'm afraid the latter may be closer to the truth. Story after story has told me about the delayed payments or the reduction in payments after services were moved to a private agency. Foster families were promised Walmart cards; they were promised gas cards; they were promised Medicaid cards so that they could get medical services for the child, and just the ability to buy basic necessities, because most of the time these kiddos were showing up at their door with nothing more than the clothes on their backs. None of these cards ever came, even after days of constant phone calls to the contractors. No mileage was provided as these families drove their kids to the required doctors' appointments, counseling, visitations with their biological parents, or even to another school outside of the district where the foster family lives, because that was the decision the biological mother made about where the child should go to school. I was also quite amazed to find out that if you're a kinship placement, that automatically gives you a reduced payment, so I'm not quite making the connection between just because you're a family, does that mean the child's needs are reduced? Very often these families don't have the means. They're grandparents who maybe are on a fixed income, so I'm just questioning that decision and the rationale behind it. I actually intervened on two cases after I visited with some of these foster parents, and I want to be on the record. I appreciate KVC's quick attention to the issues that were brought to my attention. They quickly tried to resolve these issues for the families, and I truly do appreciate that, but it also makes me question, what about the families that didn't bring their concerns to my attention? And we shouldn't really have to get involved to find...to get the issues taken care of as they need to be. I understand that currently an assessment of a child is used to set the rate of payment for foster parents, and it appears that the more problems or the more needs that a child has, the more the payment is. The minimum agency rate for foster care in Nebraska, as reported in the MARC report from 2007, is a mere \$236 a month. You can't even board a dog in this state for that little, so I question how well this process is working. LB199 addresses the problems of the current payment method. First, it requires the department to develop a methodology on which to base payments. Second, it codifies the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

department's responsibility to ensure that private contractors are paying foster parents adequately and on time. Federal law conditions federal funding on states' agreement to cover the expenses of caring for their foster children. These expenses include food, shelter, clothing, supervision, transportation for visitations, school supplies, personal incidentals, as well as normal childhood activities, so that, you know, they expect that these children are able to participate in Boy Scouts and Girl Scouts and sporting activities, and other such things as we want all of our children to participate in. So as I visited with foster families, it was clear that they were spending many, many dollars out of their own pockets to take care of the basic needs of these children which, again, makes me wonder about the accuracy of the current payment. In 2003, a federal court ordered Missouri to develop a methodology for determining foster care payments. The court directed that the state's method of setting payments based on available needs rather than the child's needs violates federal law. A report from the University of Maryland School of Social Work called "Hitting the MARC" which stands for Minimum Adequate Rates for Children indicates that Nebraska must raise its current rates by over 150 percent to reach that mark. Current national rates range from the \$236 a month, the lowest in the nation, to \$869 which is paid in Washington, D.C. The testifiers behind me who are fighting for fair treatment of foster parents can explain the federal requirements and this MARC study in more detail. But my point is, if foster parents are continually struggling to care for these children that they welcome into their home, everyone suffers. Inadequate rates will also impact recruitment and retention. Once we find a good foster family, I believe we should do everything that we can to support them, because oftentimes they are the only stable force in that child's life. I know that, you know, we do have somewhat of a methodology in place. My question is, does it even begin to address those basic needs for those parents, and what they're able to do? My esteem for foster parents has just magnified beyond my belief as I sat down and visited with them and the things that they're willing to do to make these lives for these children somewhat better. I mean, just...the one mother, in particular, that I talked to, they all impressed me beyond belief, but the one young woman, she and her husband have no children of their own. They take in high needs teenage boys. If you have your own teenage boys, you know that they're all high needs. But I was just amazed that these...this young couple was willing to open their home to these teenage boys, the sacrifices that they're willing to make to provide for those boys a normal life, and the struggles that they are going through. I mean, they live daily holding their breath, hoping that their car doesn't break down or the furnace goes out, because they don't have the financial resources to take care of those needs. They're putting everything else into their families. So with that, as I said, I do have people coming behind who have much more expertise who will be able to speak to these issues. I would be willing to answer any...try to answer any questions they may have. I do have a letter to pass out from an attorney in the Grand Island area, who will reference some of the things that are going on in the Grand Island, Hall County area, as far as challenges to how our foster parents are being paid. [LB199]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

SENATOR CAMPBELL: Senator Gloor. [LB199]

SENATOR GLOOR: Senator Dubas, I want to make sure I understand. Does your bill require a review of this state's reimbursement methodology and appropriate changes, or are you talking about requiring a new methodology to be developed to replace what the state currently has as a methodology? [LB199]

SENATOR DUBAS: I think that question will probably come out more and more as we hear the testimony. And my bill is requiring the development of a methodology, so, in essence, it's probably not recognizing the methodology that may be in place right now or not recognizing the effectiveness of it anyway. So with that, as the testimony comes forward, and we hear from different people on both sides of the issue, I'd be very willing to look at what do I need to do to make my bill either what I really intend it to be or what it really needs to be? [LB199]

SENATOR GLOOR: Okay. Thank you. [LB199]

SENATOR CAMPBELL: Senator Howard. [LB199]

SENATOR HOWARD: Thank you, thank you, our chairperson. You know, I've heard these stories, too, and it's pretty bad. Some of them are pretty bad. As I understand it, let's see if we're on the same page. The department gives through the contracts, the department gives an amount of money to let's say, our two remaining main providers now, and they in turn, set their own foster care provider rates, so they could be vastly different from one another. When I worked for the department, we had a system, an N-FOCUS system. When a placement was made, we gave it to the case manager or to the case aide, who entered it right away, and so that payment rate was in there. Are you thinking it should be more of a uniform, kind of back like what we used to do at the department, so that foster parents were on a level playing field sort of thing? [LB199]

SENATOR DUBAS: Well, I recognize the differences between, you know, every child comes in with different needs specific... [LB199]

SENATOR HOWARD: Sure, and that's what payments were based on--the child's needs. [LB199]

SENATOR DUBAS: ...needs. Right. And in looking at the assessment and this point system that's given, and there seems to be some misunderstanding about how that point system...the whole application, it looks very intimidating to me. You know, as I visited with these foster parents, many of them said, you know, let's start with a base rate across the board. And I believe New York has something like that where there's like...okay, automatically, you're going to get \$25...I'll pull that number out of the air. You're going to get \$25 for no matter what the needs of your child. And then we'll go in

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

with that assessment and determine... [LB199]

SENATOR HOWARD: So a flat rate of 25 bucks a day. [LB199]

SENATOR DUBAS: Correct, correct. [LB199]

SENATOR CAMPBELL: Senator Dubas, do you know whether the New York model is tied to an index, so you don't have to go back and say, well, in three years, we should raise it to 30? You see my question? [LB199]

SENATOR DUBAS: I do not know for that. I mean, I've looked at it, but I haven't looked at it in depth. But that...I don't know specifically, and someone behind me may be able to answer that. Otherwise, I'd sure check into that. [LB199]

SENATOR CAMPBELL: (Exhibit 14) And just so that you know, we received a letter from KVC in support of your bill, LB199. And I apologize, because we've had several letters on the other two bills, but I'm sure the clerk has those for the record. [LB199]

SENATOR DUBAS: All right. Thank you. [LB199]

SENATOR CAMPBELL: Um-hum, thank you. Are you going to stay for closing? [LB199]

SENATOR DUBAS: Yes, I am. [LB199]

SENATOR CAMPBELL: Okay. First proponent. Well, how many people want to testify in favor? Okay, a whole bunch. How many in a neutral position? Okay. How many opposed to the bill? Okay, first proponent. [LB199]

SARAH HELVEY: (Exhibit 10) Good afternoon. My name is Sarah Helvey, S-a-r-a-h, last name H-e-l-v-e-y, and I'm a staff attorney and director of the child welfare program at Nebraska Appleseed. We support LB199, because we believe foster children have a right to adequate support while in out-of-home care. I just want to start by saying that we recognize the financial constraints that are presented by the privatization, and we also strongly support efforts to prevent the need for removal and to provide support for families to keep their children in the home. However, for those children who cannot remain safely in their home, we believe the state and the contracting agencies must make adequate provision for their support that meets the requirement of federal law. And as Senator Dubas stated, and you have the language there in the bill, federal law sets forth some particular basic needs of the child that the state is obligated to ensure that the foster care rate covers. And as Senator Dubas indicated, I'm sure you'll hear from other testifiers, there's evidence in Nebraska that that rate is inadequate to meet the federal requirement. In addition, the current contracts as part of the Families Matter reform, and the operations manual that's incorporated into the contract, do not

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

specifically require that the lead agencies provide a rate that meets federal law. Instead, it only requires that lead agencies provide the department with its rate, process, and structure. And so, I think there's some concern about the oversight there in that process. I want to clarify what I understand to be the requirement under federal law, and how this bill would sort of address that in terms of the methodology. The way that I understand the way the current structure works is that they're...for most agencies, I know they vary, but the basic model that I am familiar with is that there's a base rate, and then there's an assessment of whether children have special needs, and then the rate may be increased to take that into consideration. My understanding of what the federal law and what this bill would require is that there be some sort of assessment of what goes into that base rate, and whether that rate actually covers the cost of those things, whether that base rate covers what it...the money that it would cost to provide food, clothing, shelter, supervision for a foster child in Nebraska. It's not a rate that can just be brought out of thin air. It's not...we can't just choose the rate that is the going market rate in our community, and it can't, as Senator Dubas said, be based solely on budgetary considerations. And so, just to give you a context...I know other states have looked to the MARC report, there has been discussion of there's a USDA report that begins to estimate what it costs to raise a child in different parts of the state. That would have to be...take into consideration differences that would exist for a child in foster care. But the way I understand the federal requirement and the legal cases that have addressed that is that we actually need to look at whether our rate has a methodology for coming up with what that figure would be. And so, I haven't been able to find anything of that type of methodology. I've seen the behavioral checklist, but I haven't been able to see anything that HHS, the private agencies has that is the basis for that estimation, and so this bill would require the state to develop that type of methodology and put that into regulations. If a methodology does exist...and I think that's important, because people...we need to be able to understand how that process works. So if such a methodology exists, this bill would require it to be put into the existing regulations. Hopefully, that made sense. I'm not sure I was the most articulate, but if I can answer any questions, I'm happy to do that. So, in conclusion, we believe that LB199 would provide necessary oversight without micromanaging the department or the private agencies by requiring the department to develop a methodology that calculates those actual costs of a child's basic needs and also provide an adequate base rate to support foster children as required by federal law. [LB199]

SENATOR CAMPBELL: Questions for Ms. Helvey? Senator Wallman. [LB199]

SENATOR WALLMAN: Thank you, Chairman Campbell. Yeah, thanks for testifying. Your organization crunches numbers pretty well, don't you? And... [LB199]

SARAH HELVEY: I don't know about that (laugh). Others at Appleseed... [LB199]

SENATOR WALLMAN: Do they? Okay. You know, looking at this, boy, that would

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

increase our budget tremendous, wouldn't it? [LB199]

SARAH HELVEY: You know, I think that the fiscal note, there was a question as to whether this would require...it would require a change in methodology. It may require increasing the budget. And my response to that would be that it's already a requirement in federal law, and so, as there have been...has been litigation in other states, and so I think that's something that needs to be looked at whether we're meeting that federal requirement. And, you know, I guess I would also argue that it's important, and it has impacts in terms of recruitment and retention of foster parents, and so that that's an important investment. But I suspect that there could be a financial impact. With the structure of the contracts, I don't know how that would affect HHS's budget. It certainly would impact the private agencies. [LB199]

SENATOR WALLMAN: Thank you. [LB199]

SENATOR CAMPBELL: Any other questions? Thank you, Ms. Helvey, very much. [LB199]

SARAH HELVEY: You're welcome. [LB199]

SENATOR CAMPBELL: Next proponent? Good afternoon. [LB199]

LINDA COX: (Exhibit 11) Good afternoon. [LB199]

SENATOR CAMPBELL: And welcome. [LB199]

LINDA COX: Senator Campbell, members of the committee, I'd like to thank you for the opportunity to discuss a vital component of a healthy foster care system. My name is Linda Cox, L-i-n-d-a C-o-x, and I am the special projects and data coordinator for the Foster Care Review Board. LB199 seeks to ensure that foster parents have adequate resources, and by doing so, children are more likely to have stable foster placements which is essential for their growth and development and, therefore, the Foster Care Review Board supports this measure. We have talked this afternoon about why some foster parents have had issues with the system, and I have some information on why some foster parents have told us that they're quitting the profession. But first, I really want to describe what that means from the child's perspective. Children in out-of-home care have already experienced a serious disruption in their lives when a removal from the home was necessary. When foster parents decide to quit being foster parents, children's lives are disrupted again as they experience one or more additional placement changes. And I say one or more additional, because often when a foster home quits caring for children, those children will be placed where a bed is available as opposed to being placed where the foster parents have that unique skill set necessary for that individual child. If the new placement doesn't work out, then there may be yet

another disruption for the child, so stabilizing the foster care pool helps to stabilize children's lives. Now considering the foster parent perspective. In December 2010, the Foster Care Review Board issued a report on child welfare reform, and we noted that we had had 50 foster parents that had reported directly to the Foster Care Review Board of their intention to discontinue foster parenting. And these foster parents were leaving for two main reasons: a lack of financial reimbursement needed to continue foster parenting, and finding the foster care system difficult to work in. The lack of financial resources appeared to be especially acute for relative foster parents, such as grandparents on fixed incomes. Some have reported that with privatization, their reimbursement rate had been reduced, sometimes significantly. They reported the cost of providing food, shelter, etcetera for the children sometimes exceeded the amount of reimbursement, and this created a hardship. Some reported to us that they were receiving less in reimbursement than they would have been receiving if they had just been doing day care for that same child. In addition to inadequate reimbursement, some of the foster parents who were leaving reported that they perceived that they had received little support in dealing with some of the difficult behaviors that many of the children, who have experienced abuse, neglect, and a traumatic early childhood can exhibit. Some of these foster parents reported that they didn't feel they were treated as a valued member of the team of professionals engaged in that child's life, and they were not informed of decisions impacting themselves, their families, and the children they cared for. Some of the foster parents who remain in the system have told our staff that they fear retaliation if they disagree with the child's plan or visitation schedules, if they report other issues, or even if they reported issues with getting their reimbursement checks. Fear of losing the children they care for is a powerful factor in their decisions about whether and when to leave the foster care system, and what they feel they can or cannot say about that child's case. Some of the other issues that were common were communication breakdowns and other issues caused by changes with case managers and service coordinators, and difficulties with the children's transportation and visitation arrangements. This included frequent schedule changes, drivers picking up, and dropping off children later than the agreed to times, and the difficulty in coordinating schedules. Whether it's to improve the outcomes for children or to increase the pool of foster homes available, assuring foster parents receive adequate reimbursement and support is an important goal. And, therefore, the Foster Care Review Board supports LB199 and urges its adoption. [LB199]

SENATOR CAMPBELL: Questions or comments for Ms. Cox? Ms. Cox, I really appreciate your reference to the whole kinship issue and families. In the last bill this afternoon which is my bill on fostering connections,... [LB199]

LINDA COX: Um-hum. [LB199]

SENATOR CAMPBELL: ...we're going to talk about what the federal requirements are in fostering connections, and one of them is that it's a high priority to place a child with a

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

relative in a kinship situation. And so I appreciate those comments. [LB199]

LINDA COX: Thank you. [LB199]

SENATOR CAMPBELL: It's too bad for those families when that's a federal, certainly goal and philosophy. Thank you. Next proponent? [LB199]

BARBARA NISSEN: (Exhibits 12a-12i) Again, I am Barbara Nissen, B-a-r-b-a-r-a Nissen, N-i-s-s-e-n. I am a foster and adoptive parent of 18 years, and I am representing the Nebraska Foster and Adoptive Parent Association. I have brought a copy of the MARC for each member of the committee. I have also brought letters from six different foster families that really wanted to come and testify, but because of their jobs they couldn't be here, so we've brought them for your consideration also. Somewhere within a child welfare reform that has been given the title "Families Matter" is a very important group of families that are having a difficult time believing that their families do, in fact, matter. I know this committee and each member of this Legislature has heard the frustrations felt by foster families all across the state. Over the past year, foster families have experienced lower foster care subsidy payments, late payments, and a reduction in support services in a system that already provided the lowest monthly reimbursement rate in the nation. Within the reform there is no uniformity in subsidy payments. Each agency is paid the same daily rates by DHHS and the agency, in turn, determines what rate and supports they will provide to the foster family. The result is that many agencies are paying only \$10 a day. And I think it's important for you to remember that in the central, northern, and western service areas, we do not have a lead agency, and so we're dealing with, you know, up to 12 different agencies out there. In our current system of reimbursement, the FCPay Checklist, based on the child's age and the behavioral, emotional, and physical needs of the child, a new tier system was implemented. In many cases subsidies were evaluated without the foster parent's input, and that's a right afforded to them through HHS policy, which resulted in a surprise reduction in payments for many families. The tier system also penalizes a foster parent for having the knowledge, expertise, and training to maintain the behavior and needs of a child in their care. Other supports such as respite care, transportation, and clothing vouchers have been eliminated or restructured within each contracted agency. Foster parents are unfairly stigmatized as being just in it for the money. However, the love of children and desire to help families heal is the most cited reason people become foster parents. When a foster parent accepts a child into their home, they accept the emotional, social, and physical responsibility of fostering. They should not be expected to shoulder a financial burden to meet the children's needs. NFAPA supports LB199 and the monthly reimbursement rate that reflects the true expenses of caring for a foster child. [LB199]

SENATOR CAMPBELL: Thank you, Ms. Nissen. Questions or follow-up from the senators? Thank you for providing the material and the report. Next proponent? Good

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

afternoon. [LB199]

JUDY DOMINA: Good afternoon. I'm Judy Domina, J-u-d-y D-o-m-i-n-a. I'm currently executive director at Nebraska Family Support Network, but I'm taking that hat off at this point, and I'm speaking to you as a kinship foster parent of my grandsons. It will be six years ago on April 1, 2005, that I made the trip across the state of Iowa to pick up my two grandsons, Alex and Zachary. Alex was three years old; Zachary was six at that time. Zachary I adopted two years later, the older child, when parental rights were terminated. I'm speaking to you about Alex. In February 2007, Alex was removed from my home due to the fact that I could not keep him safe. He had attempted suicide twice. Now remember, he was just five years old. I had repeatedly asked my case manager for services in my home. I lived in Scotia, Nebraska, which is between Ord and St. Paul. Within six weeks of the boys coming to live with me, I had exhausted all day care in the area, so I lost my job. And then Alex was removed from my home. He was moved to Epworth and put in a therapeutic foster home, so he could attend Epworth. Six weeks after being there, the foster father slapped him and left a mark on the side of his head--a handprint on the side of his head, so he was removed from that foster home and put in another one. Well, to date, Alex has been in 12 different foster homes. He's been hospitalized 62 days at both Immanuel and Bryan in Lincoln. He was in Immanuel RTC for almost a year. He was the last child that left I Believe in Me Ranch in Kearney after being there almost a year. I moved from Scotia, sold my home, moved to Omaha to get services for his older brother...better services, and also because Alex, at that time, was residing at Immanuel RTC. Two weeks after I sold my house in Scotia and was moving to Omaha, they placed him at I Believe in Me Ranch in Kearney. Yeah. October 5, 2010, it was determined that Alex was stable enough that he could come home with me. It was his ninth birthday. That's all Alex wanted for his birthday was to come home and be with Grandma. I do have to tell you that Alex was admitted to Immanuel three weeks ago, and he is now at Boys Town RTC, and the hopes of Alex recovering is very slim, that he will ever be able to live outside of an institution. I'm asking you to look seriously at the rate that you pay foster parents and the services that you give. I think I could have kept Alex in my home. I think he could have recovered if I would have been provided with what I needed. I'm a single parent. My youngest son's father died when he was an infant, so I was trying to do this by myself. I asked HHS, and I can provide you with the letter that came back to me, if they would provide what would be the rate for 40 hours a week day care for each one of the boys, and I would subsidize that and hire a full-time nanny to live in my home, and I was told no. So I'm asking you to look at the needs of the child, look at the needs of the person that's willing and loves and cares for these children, and then decide. Let the money follow the child and their needs, because now we have a child that was going to cost the state a lot more money, because he's still a state ward, has never been adoptable, and he's probably going to be institutionalized for the rest of his life. [LB199]

SENATOR CAMPBELL: Questions or follow-up? Ms. Domina, I want to thank you very

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

much for coming today, and I know that you had to make a special effort because of your call to the office, so thank you very much for coming. Next proponent. Good afternoon. [LB199]

GINA NELSEN: (Exhibit 13) Good afternoon. My name is Gina Nelsen. It's G-i-n-a N-e-l-s-e-n, and I've been a foster parent for over 12 years. I've had close to 75 children come through my door, some for a few days; others for a few years. The majority of these children had high special needs--or special medical needs. In the last ten months, I have been with three different agencies and with the state--same child, same needs, four different rates. I was moved to the KVC agency home without my consent on December 21. I was then informed that my rate would drop to \$10 a day. For my foster child's needs, this was unacceptable. The family specialist told me that I would have to speak to my case manager, but that was what the rate was. Sorry. I called my case manager several times for the next two weeks. My case manager filled out the foster child checklist on her own and only called to ask some clarifying questions. I was told that it was waiting for a supervisor's approval, but two weeks later I was still waiting. Finally, I called the guardian ad litem, who is wonderful, and within two days my reimbursement rate had been restored starting January 15. I still do not know if it will "retroact" back to when I was switched in December. I really feel that if I had not been experienced and willing to go up the ladder and question why did the rate change from agency to agency, that nothing would ever happen. I'm all for change and improvement in the foster care system. I have given a lot over the past years--my time, my money, my skills, and my heart, but I have received so much. I have seen children grow, heal, laugh, and learn to be a child again. To be a foster parent, it is not about the money. It is about providing a safe, loving home to a child in need. However, foster parents shouldn't have to fight to meet the needs of the child in care. Thank you. [LB199]

SENATOR CAMPBELL: Thank you very much. Thank you to all foster parents. Any questions? Thank you for coming in today. [LB199]

GINA NELSEN: Thanks. [LB199]

SENATOR CAMPBELL: Next proponent? Good afternoon. [LB199]

LEIGH ESAU: Good afternoon, Senators. My name is Leigh, L-e-i-g-h Esau, E-s-a-u, and I'm a foster parent. I'm also the cofounder and executive director of the Foster Care Closet located here in Lincoln, Nebraska. I'm here to ask you to vote LB199 out of committee. Because of my work with the Foster Care Closet and because I've been honored to have great working relationships with many parts of the foster care system including working with Mr. Jeff Schmidt, Southeast Service Area administrator, Ms. Carol Stitt, executive director of Foster Care Review Board, Ms. Sandra Gasca-Gonzalez, KVC Nebraska president and others; I have a unique perspective, because I am both a foster parent and a safe haven for those in the midst of this storm.

People share with me, because they know I'm listening. I may not have the answers, but I will certainly do all I can to find them, and as with any line of work there are others who must come alongside to help you accomplish the task at hand. Today, Senators, I am asking that you come alongside the foster parents and help us do our task at hand. Did you know that the average foster parent receives a stipend amount of 83 cents an hour? Did you know that if you're lucky enough to be related to the child or a child's specific home, your stipend amount is 43 cents an hour? I would hope you do not. I hope that as you think about these numbers, you would be doing a double take in your mind. I want you to ask, could you support a child in your home on this? Would you be able to provide a roof over their head, food on the table, clothes on their back? If your phone rang right now, and you had someone on the other end asking you to take a child in, would you be able to say yes? Foster parents make incredible sacrifices to take care of the kids they bring into their homes. But in the end, this isn't about the foster parents. It's about being able to provide adequately for the children they are taking care of. Could you provide all the basics needed for your child, for a child you care for on \$10 a day? What about \$20? And because I'm a person of action and because we started the Foster Care Closet, I just wanted to share with you that last year in 2010 we had 908 kids that visited us. We gave out over 14,600 items to those kids. We saved our foster parents last year alone \$43,941 just through our own efforts. We could not wait any longer for somebody to notice that we were drowning taking care of the kids we take care of, so that's why my husband and I stepped in, saw a need, and have done our best to fill that gap. But I can tell you that there are foster parents that cannot and bio parents, and there are relative placements that cannot meet the needs of the kids. And if it weren't for us, you would have a whole lot bigger problem than we have now. Is it all about money? No. It's about meeting the needs of these kids. Can we be creative and think outside of the box? I think so. I think we've proven that. And I know as I have talked with various senators about my idea, my goal is not to increase a budget amount. We all know that that's not going to happen, but I do think that it's time that we started rethinking the process of who is the service provider? And in my opinion, the foster parent is your most important service provider, but when it comes to getting the money down the line, the foster parent is the last one. That's it. [LB199]

SENATOR CAMPBELL: Any questions for Ms. Esau? [LB199]

SENATOR COOK: Thank you, Madam Chair. I just have a question about the Foster Care Closet... [LB199]

LEIGH ESAU: Yes, ma'am. [LB199]

SENATOR COOK: ...and how it operates, how you accept donations or? [LB199]

LEIGH ESAU: Yes, ma'am. We take in donations of clothing, shoes, bedding, anything that helps with the kiddo. As we expressed earlier, most of the times kids come with just

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

the clothes on their back. And so what we are able to do through our service is we're able to help families, on average, get seven outfits per child, and we work with birth all the way through age 19. And the other thing is, we work with all children who are wards of the state, so it's not limited to where they reside, but the fact that they are in the system. [LB199]

SENATOR COOK: Thank you. [LB199]

SENATOR CAMPBELL: Senator Wallman. [LB199]

SENATOR WALLMAN: Thank you, Senator Campbell. Leigh, thanks for coming. Thanks for what you do. [LB199]

LEIGH ESAU: Thank you. [LB199]

SENATOR WALLMAN: And tacking onto what she said, how's about the medical...how are the kids taken care of medically? Okay or? [LB199]

LEIGH ESAU: As far as I know, they all qualify under the Medicaid. I've never had an issue with that and so I don't know. If in a relative situation, if that's any different, but my understanding is that any child that has been made a ward of the state is covered automatically under the Medicaid. [LB199]

SENATOR WALLMAN: That's nice to hear. [LB199]

SENATOR CAMPBELL: Any other questions? I do want my colleagues to know that Ms. Esau is such a modest person, she would not tell you, but she has received a grant to open a second Foster Closet in Omaha because of she and her family's work and commitment and dedication. [LB199]

LEIGH ESAU: Thank you. [LB199]

SENATOR CAMPBELL: Good afternoon. [LB199]

SANDRA GASCA-GONZALEZ: Good afternoon. [LB199]

SENATOR CAMPBELL: Speaking as a proponent. [LB199]

SANDRA GASCA-GONZALEZ: (Exhibit 14) I am speaking as a proponent. Thank you all for allowing me to speak. I'm excited about this bill. I have had the opportunity to work with Senator Dubas, as she mentioned on a couple of cases. My name is Sandra Gasca-Gonzalez, G-o-n-z-a-l-e-z is my last name, and I am the president for KVC Behavioral Healthcare. And it's enlightening to sit here and listen to all of the testimony

Health and Human Services Committee
February 16, 2011

that's being given, and I appreciate the opportunity to be able to answer any questions about processes, but also be in support of this bill. As a lead contract agency in the Families Matter initiative, we recognize that we cannot do the work that we do without foster parents, and that is why we support this bill. In addition to the reimbursement that is needed for foster parents, we believe that they also need support from a foster care specialist. So in isolation of reimbursement, we don't believe that that's as effective, so we would want to see the methodology include some form of support for the foster parents as well. KVC, in addition to being a lead contractor in the reform, we're also a licensed child-placing agency, and we have currently approximately 200 licensed foster homes who serve about 400 children, and that's throughout the 19 counties that we serve. For your convenience, I did attach the Child Needs Assessment tool that KVC utilizes. It's very similar to what the other contractor is using. We created this assessment tool, and I'm not advocating that we use this assessment tool. I just want to educate the committee on the fact that there is a tool that we use. But we use this assessment tool, and the process should be that the foster parent is included in the discussion, and not that this is just done at their desk without their input. Based on what I'm hearing today, it sounds as though there are issues with that, and that's something that I'm going to be looking into. So the process for the Child Needs Assessment that we use is that at the first 30 days, you only know so much information about the child, so we do it within the first 30 days. We gather as much information. Then we do it every six months following that unless the foster parent or someone else states that they want a further review of it. One thing I want to also emphasize is that while we're talking about foster parent reimbursement rates, I don't want to lose sight of the fact that the birth parent is also a primary person that we need to be working with, and that probably is a very different approach that KVC takes. We are in the midst of trying to undo a lot of things...habits that were in the system. Our vision is that birth parents would work with foster parents, and that the children would have two or three or four loving adults that they could rely on, and that they would work in tandem to serve the child the best way, so if the child is reunified, the foster family is still there as a support. If, for whatever reason, the child cannot be reunified, they're an adoptive resource for that which leads me to my last thing. I just want to put on the table that as we're looking at revamping the entire methodology for reimbursement, there needs to be consideration towards the adoption and guardianship subsidy, because we're already seeing some issues where KVC, you have a list of our rates. We did increase our rates from what the state was paying significantly for licensed foster parents, and we're now in some situations where we are not able...the foster parents are saying, we can't adopt or finalize the guardianship because the subsidy that will be paid for the life of the case is too low. So I would just offer that as, you know, for discussion. Anyhow, I just want to close by saying, again, our foster parents are invaluable, and we can't do the work that we do without them, so I'm in full support of this bill. [LB199]

SENATOR CAMPBELL: Questions or follow-up? Thank you for testifying today. [LB199]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

SANDRA GASCA-GONZALEZ: Thank you. [LB199]

SENATOR CAMPBELL: Next proponent? Any other proponents? I thought I saw one more hand. I thought I was counting right. [LB199]

SARAH FORREST: (Exhibit 15) Good afternoon, Senator Campbell and members of the committee. My name is Sarah Forrest, S-a-r-a-h F-o-r-r-e-s-t, and I'm policy and research associate at Voices for Children in Nebraska. Voices for Children is fully in support of LB199 as it's an important step to establishing both a stable and transparent child welfare system. For many years, Nebraska has struggled with foster parent retention and recruitment, and studies have found that foster parent payment is linked to these issues. In addition, it's also been linked to placement stability which is one of the indicators in the federal Children and Family Services Review which has been identified by the department as one of the key indicators of the success of our current Families Matter child reform initiative. You've heard a little bit today about the importance of foster parents and the work they do. Foster parents are a primary caregiver for children who had to be removed from their homes, and have already experienced a trauma. While Voices for Children fully supports moves by the department to retain more children safely in their homes, that doesn't mean that we can neglect improving out-of-home care as an important step in looking at the effectiveness of the system overall. So I would just urge you to advance the bill and to fully support some of the primary service providers for our state's most vulnerable children. I'd be happy to answer any questions. [LB199]

SENATOR CAMPBELL: Any questions for Ms. Forrest? Thank you very much for your testimony. [LB199]

SARAH FORREST: Thank you. [LB199]

SENATOR CAMPBELL: The next proponent? In a neutral position? Neutral? [LB199]

MELANIE WILLIAMS-SMOTHERMAN: Hi, again. I know I'm optimistically naive, but I can't help but fight for the best of all worlds. [LB199]

SENATOR CAMPBELL: Melanie, I'm going to stop you for a minute. [LB199]

MELANIE WILLIAMS-SMOTHERMAN: Oh, I'm sorry. [LB199]

SENATOR CAMPBELL: We need for the record,... [LB199]

MELANIE WILLIAMS-SMOTHERMAN: Oh, my name. I'm sorry. [LB199]

SENATOR CAMPBELL: We need the whole name again. [LB199]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

MELANIE WILLIAMS-SMOTHERMAN: Melanie Williams-Smotherman, M-e-l-a-n-i-e Williams-Smotherman, S-m-o-t-h-e-r-m-a-n. Sorry. [LB199]

SENATOR CAMPBELL: Thank you. [LB199]

MELANIE WILLIAMS-SMOTHERMAN: I can't help but fight for what's best, and I see any discussion, as great as it is, as needing to be more holistic when we talk about these things. Again, you know, I think that Nebraska pays lower than a lot of states to foster families, and I, you know, in my research, I think we're on the lower end. And that is a problem. But whenever we talk about money, a lot of things go through my mind. A lot of thoughts go through my mind, and one such thought, while it may have become a too useful cliché is, nonetheless, significant. And that is that in the aftermath of one of the most tragic events in recent Nebraska history, when young Robert Hawkins entered Von Maur, and we were left with a tragedy. We were then exposed to the department scrambling to explain how it could use \$250,000 of taxpayer money not helping this young man. And as a representative of birth families, yet again, I urge any discussion about supporting foster care, as important as that is, to also hand in hand think about the money that could be used for prevention, for keeping children in their own homes with wraparound services that are targeted to, you know, preventing the traumas that accompany the removals of children. And I also would like to always bring up the fact that the majority of removals are due to neglect or allegations of neglect, not abuse, that, you know, we all are horrified at the idea of abuse. But that is really not the main story. That's not the primary story of the removals of children, and that removals based on allegations of neglect are often related to poverty. And if we can find a way on the front end to prevent those removals, Nebraska will not only be saving a lot of money, but we will also be preventing irreparable traumas and dragging cases through the juvenile court system which is, you know, all of these systems are strained. And, hopefully, then, those resources will be better spent not only helping find the real abuse cases and responding to those, like the Michael Belitz's, but also, we will be able to have better outcomes in the long run for these children, and the foster families who are in here today, I don't question their motives at all. I think that they all care very much about the children that they choose to foster. But there's an awful lot of foster families out there who may be in it for the money, and I don't want that to be what we are putting our children into--that situation. So, I guess, I'm not going to take all my five minutes this time. I just wanted to keep those things in the forefront. [LB199]

SENATOR CAMPBELL: Questions? We'll note the credit for next time. [LB199]

MELANIE WILLIAMS-SMOTHERMAN: (Laugh) I appreciate it. Thank you. [LB199]

SENATOR CAMPBELL: Others who wish to testify in a neutral position? Senator Dubas, would you like to close on your bill? [LB199]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

SENATOR DUBAS: Thank you, again, committee members for your very kind and respectful attention to this very important issue. As I said in my opening, I've spent a lot of time visiting with a lot of foster parents over the last few months. And the thing that really just made such an impression on me outside of the incredible work that they do is, when I spoke with these people and I was asking them questions, it was almost as if they were ashamed to say they needed the money. It was like they were apologizing that they were there, saying, I need help. And it just really brought home to me where their heart was at, because they're doing it for the right reasons. I'd like to just be on the record that Leigh Esau and the foster parents who are in this room and all across the state are my heroes. They just have...have just made such an impression on me. When we make it more difficult for a foster family to take care of their children, we make the foster child's life more difficult. These men and women who are providing an invaluable service to our state are at the end of the line when it comes to receiving an equitable payment. In response to the question that Senator Wallman had about what it will cost the state, there's real potential for it to cost the state, but there's also very real potential for us to open ourselves to a loss in federal aid, and the very real possibility of a class action lawsuit. So it's kind of one of those where do we spend the money, and how do we get the most back for the money that we're spending? I also believe that we need some checks and balances in place. One of the things, again, as I visited with these foster parents and ones who called me seeking help was a very real fear of retribution. Now, whether that's real or not, it's still there, and they're very fearful of questioning maybe the assessments or questioning the amount of money that they're being paid. They're not sure who they're supposed to go to, are not comfortable approaching anyone with their concerns. So I think going to the agency that you're questioning their assessment about is probably not the most comfortable nor is it the most effective manner. So how do we figure out a way to put those checks and balances in place and be able to help these families address their concerns? And, as I said, I had KVC intervene on a couple of cases for me, and they were very quick to do that. So how do I remove myself from the situation and have something in place that these foster parents feel that they can use? And another point, I think something was brought up about day care. There's, I believe, a base rate for day care, so if you have a foster child, and you're going to send that foster child to day care, we're going to pay that day care provider, I believe, around \$25 a day but yet we wouldn't be willing to pay that foster mother or father that amount of money to actually stay home and take care of that child when we know if they're able to stay at home and be in a stable environment, that's probably one of the best things we can provide for them at that time. So, again, I appreciate your attention on this bill, very willing to work with the committee on how do we move something forward that will, again, meet my intention as well as meet the needs of these families. Thank you. [LB199]

SENATOR CAMPBELL: Thank you, Senator Dubas. And with that, we will close LB199 hearing, and we'll turn the chair over to the Vice Chair for the last bill of the day. [LB199]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

SENATOR GLOOR: Any time you're ready, Senator Campbell.

SENATOR CAMPBELL: Thank you, Vice Chair Gloor and colleagues on the committee. For the record, my name is Kathy Campbell, K-a-t-h-y C-a-m-p-b-e-l-l. LB177 is a result of two prior legislative efforts that I undertook. First, in 2009, I introduced LR164 as an interim study on the federal Fostering Connections to Success and Increasing Adoptions Act. Next, in 2010, I introduced LB971 which went to the Judiciary Committee. The Department of Health and Human Services had some concerns about portions of LB971, so I asked the committee to hold the bill while we worked to resolve problems. Over the past interim, my office worked with interested parties and came up with what you now see before you in LB177. LB177 addresses the department's concerns in LB971 to an extent, and I'll get back to that at the end...about time for notifying adult relatives and its concern about references to nondelinquents, and there are none in the federal law. LB177 is intended to help the Department of Health and Human Services implement the federal Fostering Connection to Success and Increasing Adoptions Act. Congress passed this legislation and President George W. Bush signed it into law in 2008. The federal law requires many specific things for states. LB177 focuses on only three, and I have to tell you, that when we pulled together a group of advocates and people who have worked extensively in this area, these were the three most important components that they felt not only needed to be in the federal law, but also to be in the Nebraska law. Notifying adult relatives of a child's entry into foster care, sibling placement, and visitation, and transitioning out of foster care. LB177 is necessary, because it requires some involvement by the judicial system to ensure that children are given the greatest possible chance for adoption or staying connected to family members, if that is desirable, and to transition out of foster care when they reached adulthood. A couple of comments from my colleagues: (1) When the revisions were taken this summer from the work to the Bill Drafters, the Bill Drafters said, let us put it into a different section in terms of foster care, which created problems and more questions by the department. And I've been assured by Director Reckling that many of their questions can be resolved. It's just that we need to sit down and, once again, address those which we are more than willing to do. (2) And Senator Wallman is going to be the first one to take a look at that fiscal note and go, holy Toledo there. Most of that is connected to the requirement, and in the bill, talks about kinship and licensure. And it was never our intent to require licensure of that kinship relationship. Unfortunately, it's in the bill. That is what is driving much of that, and the department has indicated to us that if we can sit down and resolve that language, it should take away most of the fiscal note. I would say to my colleagues, what we've tried to do here is to underscore the importance of these three major themes in a child's life and particularly, of all three, I am most connected to and feel important is the transitioning plans for these young people. This past year, I was notified by a worker in the system who said, I just want you to know that I have received the transition plan for the person that I've been working for, and it says, go to the People's City Mission. That is not a transition

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

plan nor does it help our young people. We need to ensure that great transition plans are in place, because for many of these young people, they really are leaving to go out into the world without anyone or any way to get help. And so with that, we do pledge to you that we will go back to the drawing board and get this worked out with the department, and I, once again, appreciate the patience of the committee. There are several people, I think, here who do want to talk about the importance of the bill, so with that, I'll close. [LB177]

SENATOR GLOOR: Any questions for Senator Campbell? Thank you, Senator Campbell. [LB177]

SENATOR CAMPBELL: Thank you, Senator Gloor. [LB177]

SENATOR GLOOR: I'm assuming you're going to be here to close. [LB177]

SENATOR CAMPBELL: I will be here. [LB177]

SENATOR GLOOR: Can I have a show of hands of people who would like to speak as proponents? Okay. I'm going to try and speed this up. I would ask you, if you're going to be a proponent, please move up to the front. Save us the time of back and forth travel. How about people who will speak in opposition? I see no hands. Anybody who would like to speak in a neutral capacity? Okay, proponents, please. [LB177]

KELLI HAUPTMAN: (Exhibit 16) Good afternoon. My name is Kelli Hauptman, Kelli with an i, H-a-u-p-t-m-a-n, and I'm the staff attorney with the Through the Eyes of the Child Initiative, which many of you know is a Nebraska Supreme Court initiative that works on improving court processing in abuse and neglect cases. The initiative is also part of the Nebraska Court Improvement Project, and so, today I'm going to be testifying in support of LB177 on behalf of the Court Improvement Project. I do want to talk about how I think enacting federal Fostering Connections into state law will improve how the court systems are dealing with these issues. First, I did want to talk briefly about the fiscal note, though, just since I know that that is an issue. I was one of the original people that worked with Senator Campbell's staff on this, and it's my belief that that should be a zero. You know, not only are these three provisions that are focused on this important provisions, but they're also...the nice thing about them is they should have a zero fiscal note to them, that there's no fiscal note attached. And I think, as Senator Campbell alluded to, with working with HHS last year, some clarification put into the bill may be interpreted as we're having a fiscal impact. So, I'm happy to hear that HHS is willing to work with Senator Campbell's staff and, hopefully, that can be resolved. So I would like to focus my testimony on how LB177 will help the courts and the cases within the courts. As Senator Campbell mentioned, LB177 enacting into state law, would require nothing substantively more than what HHS is already required to do under federal Fostering Connections law. So, one question you may have is that it may not seem that

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

useful then, just taking federal law and putting it into state law. So I want to give you a couple of reasons why I think it would be useful for the court system. The first and just really most basic reason is that court stakeholders most often refer to statutory law--Nebraska statutory law and Nebraska case law. That's just the reality. We have federal laws. Us systemic people like to refer to the federal law all the time, but the reality is that the day-to-day court stakeholders who have their caseloads look at state law, they look at Nebraska case law. So, enacting Fostering Connections into state law would allow them to be more cognizant of the requirements of HHS, making reasonable efforts to place siblings together, to have better transition plans earlier, to provide relative notification, and ensure that those standards are applied in every case that they have. The other thing I want to mention is, I've already heard of cases where an attorney is seeking compliance with the provisions of Fostering Connections. And in some of those cases, the judge just doesn't feel like they can use federal law that directs HHS to do something. So, in other words, an example I have is with the sibling placement under the federal law, HHS is required to make reasonable efforts to effect sibling placement, and some judges have hesitation on actually translating that into a court order. So if this language were enacted into state law, the judge can more easily use that statute and finding that...HHS has made reasonable efforts at sibling placement just like they do now with the reasonable efforts to reunify the child with the family. So I think that these are really important provisions, and I think connecting them into state law will really help the court system, and I'm happy to answer any questions you may have. [LB177]

SENATOR GLOOR: Thank you. Any questions for Ms. Hauptman? Thank you very much. [LB177]

An DREA WASHINGTON: My name is An Drea Washington, A-n D-r-e-a Washington like D.C. I just wanted to say a few minutes that the kinship is important, because the fact, like I had mentioned earlier that I was a foster child. And I also was adopted, and I had two other sisters at that time that were younger than I was, and I had stated at a young age that if you couldn't take all of us as sisters and siblings, then don't take any of us. We had been snatched from our biological mother's home due to the fact of abuse and neglect, and I just couldn't see, you know, how the state could come in and want to break up a family. Not only do I have a son who's in the system now, that they've done taken and not trying to place back in home with wraparound services to keep him in the home to try to save the state money, it's really hard, you know, if you have family members, you know, and you love your family members to have them torn from you. I have a niece who I take care of all by myself. Her mom just up and...like my biological mom, just left. You know, she didn't want to take care of her. So here I am, taking care of my niece along with my children to the best that I possibly can on the money that I am, you know, making on my own, being a single mother. And I'm not saying that it's easy...it's very hard, but I couldn't see my niece going to anybody but me. You know, she is my blood, and I can instill values into her that I don't believe, you

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

know, another family could possibly understand, you know, what we believe in, or how we conduct ourselves as, you know, people get raised differently. And I guess that's just what I wanted to say, keep families together, you know. And they say Nebraska is the good life, and the good life is to try to see, or I would say, that I would love to see my siblings, you know, be raised with me. [LB177]

SENATOR GLOOR: Thank you. Any questions? Thank you, Ms. Washington. I agree, Nebraska is the good life, and we keep working to try and make it better. [LB177]

CASEY KARGES: (Exhibit 17) Good afternoon. I'm Casey Karges, C-a-s-e-y, last name Karges, K-a-r-g-e-s. I'm the executive director of the Mediation Center here in Lincoln. I come with two colleagues--Cindy Tierney is the director of the Omaha center, and Jane Martin-Hoffman is the executive director of the Nebraska Justice Center, and their reports are in the packet that I'm passing around at this time. In the report that the Chief Justice brought to you this past Friday, he talked about mediation, and I wanted to lift up a few things. There were, in this past year, 1,047 cases in the child welfare court cases that were facilitated by mediation centers, and we talk about mediation centers in the state of Nebraska. They're approved by the Supreme Court Office of Dispute Resolution. We have six centers across the state. The Chief Justice talked about using this type of service reduces time to adjudication, time to disposition, and increases family involvement. And today, in supporting LB177--that's where we're going to come to talk about, there are some things in this bill that, as mediation centers, that we really want to support. Four particular things we want to list up at this time is, one, extended family involvement: identifying, locating, and notifying a child's extended family within 30 days. In the processes that we use, that's an essential process in moving the case forward. Second thing is, is sibling relationships. In the plans we work with the families, not only getting parents to see kids, but if there are siblings, can they be placed together. And is there a possibility if they can't, can we get those kids to see one another in the midst of this most traumatic time? Transition planning was also lifted up for foster kids 16 and beyond, taking time to write down the possibilities of what's moving forward, and kinship guardianship. What we want to talk about is a process that we have used for years, the past ten years, in those four particular things, and that's called a Family Group Conference process. It's been used in Nebraska for ten years. It's a nationally recognized, evidence-based child welfare practice, Family Group Conference. What happens is, is after a child has been taken out of a home for a period of time, there's the possibility that a case can be ordered to an FGC--a Family Group Conference. We assign a specialized facilitator to work with all the parties to bring them together, to work and find family members who are possibilities, who may not have even heard this is going on, to bring them together for a facilitated Family Group Conference which usually takes between three and seven hours. We put in the room all the family and support we can--caseworkers, attorneys, guardians ad litem, and we try to figure out after a period of time, what can happen with this case, and how can the family come up with a plan where they would be willing to meet the safety concerns to have that

child either come into their home or maybe with another family member, or they need to decide it needs to move on to someplace else. What makes the process unique is we have all the support workers and caseworkers and attorneys and mediators leave the room. And we leave the family in the room, and they're the one that comes up with the plan. And then we come back in after that's over with, and they do the reality testing of how this can happen, and that's what goes to the court. We believe, and evidence is showing, that those are the things that, when families buy into that kind of decision making, especially what they have been through, that's the way to help turn the corner to have some of these cases move forward and go out of the system when that family support system takes place, so that's the Family Group Conference process. In that, we do want to give out some examples. We had a case in Jane's area--it was a rural area--four kids under six years old. Dad just went into the service and began doing his time, and was being trained. Mom went into a depressed state, and the children were being taken away. Grandparents stepped up, and they couldn't do it anymore. Family Group Conference was called together. The family came together. There were 11 family members they were able to find and pull together with the caseworkers. And when six months was done, paternal, maternal family members--mom, dad, uncle in Iraq on the phone--within six months, they were back home again, because the family was the one that decided these are the needs that needed to happen. Those are the...and then the support system from that point forward. You'll find in your packet, you'll see the numbers for these. Cases are going down. We believe LB177 is going to put an emphasis upon these important aspects in LB177 can be continued to be used. It will cost less money. It will get the families involved, and the children continue to use that extended family that we think is very important as they move forward. So we wanted to give our support to the elements in LB177. [LB177]

SENATOR GLOOR: Thank you. Senator Wallman. [LB177]

SENATOR WALLMAN: Yeah, thank you, Senator. Thank you for being here. And every citizen, you know, repeat offenders--do you review these cases? Are you having good luck with this? [LB177]

CASEY KARGES: Yes, and one of the main reasons, the judges like these, just had a new survey that was out of the judges in Nebraska. They like the Family Group Conference's process for the very reason that you're talking about. A corner needs to be turned in a lot of these cases, and if we can get the family on board instead of working against us, starting to work, trying to make a plan work so. [LB177]

SENATOR WALLMAN: Thank you. [LB177]

CASEY KARGES: You bet. [LB177]

SENATOR GLOOR: Seeing no other questions, thank you, Mr. Karges. [LB177]

CASEY KARGES: All right, thank you. [LB177]

SENATOR GLOOR: Other proponents? [LB177]

SENATOR WALLMAN: It's a good program. [LB177]

DOUG PETERS: (Exhibit 18) Good afternoon, Senators. My name is Doug Peters. That's D-o-u-g P-e-t-e-r-s. I'm a policy and research intern at Voices for Children in Nebraska. I'm also a social worker and a grad student in the master of social work, master of public administration program at UNO. I'm here today, because Voices for Children in Nebraska is supporting LB177 and the provisions therein that bring Nebraska into compliance with three key components of the Fostering Connections to Success and Increasing Adoptions Act. I want to start by talking to you about out-of-home placement. Out-of-home placement is one of the most intrusive levels of service provided to a family, and it's often traumatic to the very children it's designed to serve and protect. When out-of-home placement occurs, children deserve to be in the least restrictive, most family-like setting possible. According to the North American Council on Adoptable Children, the bond between siblings is crucial. I quote them: "The connection between siblings is critically important to their emotional health and well-being. Siblings often provide continuity and family stability during a separation from home and family. Separating siblings can intensify a child's or youth's grief or trauma." Joint sibling placement with relatives maintains family ties, providing a safe and familiar setting for children. And LB177 would solidify these best practices for Nebraska's foster children. Research has found that relative placement is beneficial across several different factors: Relative placements are more stable; they're more likely to result in legal guardianship with a relative, and children in these placements are less likely to reenter the system after reunification. Children in these placements also report feeling more loved and less stigmatized. Out of the 4,448 children in out-of-home care at the end of 2009, 22.5 percent were placed with relatives. Although this is better than previous years, it still falls below the expectations--there is much room for improvement. In the 2010 Department of Health and Human Services mini-Children and Family Services Review, placement with siblings fell below the performance expectation while relative placement remained stable, both well below federal standards. Nebraska should strive to provide foster children with consistency and as much time as possible with trusted family members. Finally, clarifying requirements for the department when creating a transition plan for youth aging out of foster care will support the quality and consistency of the process for all children. Before I close, I just want to share a quick story with you. And I've spent the last couple of years working in the public school system in the Omaha area. I'm going to talk about two different kids that I worked with. The first one was named Joseph. Joseph was removed from his home. Prior to that, he had been, you know, doing pretty well in school, getting decent grades. He was removed from his home and placed in foster care, not with a relative. He experienced a

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

couple of moves to different foster homes, and in the course of all this, his grades just went down. They plummeted. You know, it took a lot of work. Eventually, he started to recover, and the grades started to recover and went back up. But it was a real challenge for him. You know, his schoolwork and his education suffered a little bit. I want to contrast that with the story of Tommy. Tommy was another student that I worked with. He was also removed from his home, put in out-of-home placement, but he was put with an aunt of his...kind of the same situation. His grades previous were decent, but after he was removed from the home and placed with his aunt, they remained stable. You know, and that's just a little anecdotal evidence of the effect that a relative placement can have. Voices for Children believes that LB177 provides important guidelines to strengthen the relative placement, joint sibling placement, and transition planning processes, and we urge you to advance it. And I'm happy to take any questions you might have. [LB177]

SENATOR GLOOR: Are there any questions for Mr. Peters? Thank you very much. [LB177]

DOUG PETERS: Thank you. [LB177]

SENATOR GLOOR: Other proponents? [LB177]

GEORGIE SCURFIELD: Good afternoon. My name is Georgie Scurfield. Georgie is G-e-o-r-g-i-e. Scurfield is S-c-u-r-f-i-e-l-d. I'm here today to thank Senator Campbell for introducing this, and on behalf of the Foster Care Review Board, I was just reelected chair on Monday, so I guess I'm here today. We want to talk just very briefly to echo what's been said by other proponents and why we think it's really important that we move ahead with this. The issue around the placement of children with family and how... [LB177]

SENATOR CAMPBELL: Can we stop you for just a minute? [LB177]

GEORGIE SCURFIELD: Yeah. [LB177]

SENATOR CAMPBELL: We must be missing something over here. [LB177]

SENATOR GLOOR: Oh, sorry. [LB177]

GEORGIE SCURFIELD: Oh, sorry. Sorry, sorry, I can do that. Sorry. Thank you for your help. [LB177]

SENATOR CAMPBELL: I'm sorry (laugh). [LB177]

SENATOR GLOOR: Thank you. [LB177]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

GEORGIE SCURFIELD: So, we...when we think about placing children with family and encouraging kinship placements and kinship guardianships, we're not only placing children in places that are familiar to them in a family way, people they actually know, but we're often connecting them with them with their heritage, their culture, their spirituality, and those pieces are really important to kids. And sometimes kids can't...children themselves can't identify those things. They just know those things in terms of the music they're familiar with; the football team their family supports, those kinds of things. That's what they feel is a comfortable spiritual connection. And those things are essential to the well-being of children as well as that, simply knowing this is Grandma or this is my aunt. We want to talk, too, to the piece about siblings, and the connection that siblings need. We know that when we're talking to young people who have grown up in the foster care system, that very often the biggest loss they have is that connection with siblings. Siblings are the people we know all our lives, and that connection is a huge loss if it's severed. We have some numbers that the staff of the Foster Care Review Board pulled for me, and as of Monday, February 14, the Omaha-Papillion and Lincoln metropolitan areas...and, I'm sorry, we don't have numbers for the whole state, said that there were 1,620 sibling groups in out-of-home care in those metropolitan areas. And of those sibling groups, 1,226 are placed together, so about three-fourths of them are placed together which is good. But we want to make sure that we're really addressing the needs of that other fourth, and seeing that we can get those together, too. And then the last piece is really the transition plans for children who are aging out of the system. We watch those kids with great concern, because we know that they become the vulnerable adults who will be relying on state care in good or bad ways over the few years after they've moved into independence. And they may become incarcerated if they can't manage economically or socially to work. They may become pregnant, and we may be supporting them through (inaudible), families, and other pieces, because they don't have the supports they need. And for any of you, and I suspect there are several on the committee who have raised young adults through that young adult time, we know that they're very vulnerable. Cars don't last and need repairs, and they've got big bills, and if you don't have a car, you don't get to your job, and you can't pay for your rent, and things can catastrophically fall apart in a very short time for a 19- or 20-year-old who's trying to support themselves. So there has to be a good plan, and there has to be not only a plan for how they're going to survive economically, there has to be a plan for how they're going to survive emotionally. Our young people need people, not only to help them through tough times, but to help them celebrate when things are going well. They have to have not only a job that will pay them a wage that they can support themselves, they also have to have someone they can go to on Thanksgiving. So, all that piece of that transition plan is really important, and I'm very grateful that we're encouraging HHS to address it really clearly, and their contractors. Thanks. [LB177]

SENATOR GLOOR: Thank you. Questions? Thank you,... [LB177]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

GEORGIE SCURFIELD: Thank you. [LB177]

SENATOR GLOOR: ...and thank you for serving as Chair. [LB177]

GEORGIE SCURFIELD: (Laugh) Thank you. [LB177]

SENATOR GLOOR: We know, like foster parents, you don't do it for the money and the perks, so...(laughter) thank you for that contribution. [LB177]

GEORGIE SCURFIELD: Thank you. [LB177]

MELANIE WILLIAMS-SMOTHERMAN: This is the last time you're going to see me today (laugh) unless you have another bill. Melanie Williams-Smotherman, M-e-l-a-n-i-e Williams-S-m-o-t-h-e-r-m-a-n. I also want to thank you, Senator Campbell, for introducing this bill, and raising the issue of keeping children with their biological families when at all possible. I guess one of the things that is integral to my experiences with working with families in the system is that when it's on paper, it doesn't mean that it's happening, and even if it's a law, even if it's something that studies have shown over and over again is the most healthy for the child, that doesn't mean that in practice, that's what is being focused on. And I guess those are where we have the most difficulties is, you know, kind of bringing together what we see on paper, and what we see in press releases, and then what we see actually happening, you know, in real life. And, most of the families within our group are biological. Many...I would say even maybe more are grandparents than parents. These are people who have fought for their children, who have been taken into care, because either they're young daughter or son did something, you know, used drugs or got in trouble with the law, or did something, you know, that required the state to intervene. And the families jumped right into action and tried to make known that they were available for their grandchildren or their nieces or nephews. Unfortunately, there is a real push back, because there is this...while the system does look for these kin, you know, the family, there is this idea that the apple doesn't fall far from the tree. And because of this, these grandparents and people who are desperate to keep the children out of stranger placements are either divided from each other in order to...you know, there are deals made where well, if you want your child...if you want your grandchild in your home, then you can't have any relationship with this grandparent over here. Or what happens in a lot of the cases that we have right now, grandparents' histories are then, all of a sudden, the main topic of conversation. If a caseworker is not happy with the interactions with the grandparents, because the grandparents are angry with how something is happening. You know, a lot is said about having to be on the good side of a caseworker in order to have good results. Unfortunately, that's not in the statute, but it's a reality. And if a grandparent has rubbed a caseworker the wrong way, or if a caseworker is using some sort of hearsay to make a determination privately about a grandparent, then the chances of those children being

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

put into the kinship care is very slim. I've watched the fighting. I've sat in team meetings. I go to the meetings, and I watch, and I listen to the conversations that are taking place, and, unfortunately, while we all know that it would be the best for a child to be placed in the care of a grandparent, you know, if he or she has had a DUI in the last 15 years, it's unlikely. And that, you know, I guess I want us to be able to find a way to measure what's most important here, you know. I mean, how are we going to make this work if this is something that we know is most important, then how are we going to, I guess, make sure that it's happening? The most definitive study to date on the effects of foster care on children show serious and stark outcomes fiscally and in the human sense with children who are removed from families. The most toxic is a group home. The next most toxic is a stranger home. And if we can prevent that, if we can somehow prioritize in a real way, keeping children in their own families, then we will be saving, again, you know, the long-term, the outcomes, you know, will be much, much better. And this study...I know I've shared it with some of you. I don't know, Senator Campbell, if I've shared it with you. It is the largest study ever done to date on the effects of foster care in three very important measures on foster children. And, you know, if this can help turn those figures around, then, again, you know, I think that we need to prioritize this so. [LB177]

SENATOR GLOOR: Thank you. [LB177]

MELANIE WILLIAMS-SMOTHERMAN: Thank you. [LB177]

SENATOR GLOOR: Questions? Thank you for your testimony, again. [LB177]

MELANIE WILLIAMS-SMOTHERMAN: Thank you. [LB177]

SENATOR GLOOR: Anyone else? [LB177]

SARAH HELVEY: (Exhibit 19) Good afternoon. Again, I am Sarah Helvey, S-a-r-a-h, last name H-e-l-v-e-y, and I'm a staff attorney and director of the child welfare program at Nebraska Appleseed. And we support LB177, because we believe it will strengthen the enforcement of these key provisions of the federal Fostering Connections Act in Nebraska. And others have spoken to the research that support these key provisions. I've included some of that in my written testimony as well, but just want to reiterate that there is strong support, both in the research and anecdotally, and also common sense that these are best practices and really ways that we can improve the experience and outcomes for children in the system. And that's why the federal Fostering Connections Act was approved unanimously by Congress and pretty swiftly signed into law by President Bush in October 2008. LB177 would help to ensure that every child in Nebraska receives key benefits of the federal Fostering Connections Act, and as others before me have said, for the most part, the main aspects of LB177 are already required by federal law and/or state policy, and, therefore, there should be little to no additional costs associated with the bill. I just want to say that again (laugh). We support

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

investments in key areas and making smart choices during tough economic times, but it's always great when you can make a significant impact in an area like child welfare without having a significant increase in your budget. And I think that this bill is one place that we can do that. At the same time, placing these key provisions of federal law into state statutes is a simple way, additionally, that we can ensure that all parties are on the same page as, like Kelli Hauptman indicated. With these requirements in state statute, the court in each case will be responsible to review these issues on a case-by-case basis to ensure that they're addressed in individual cases. And without this oversight, the primary enforcement mechanism in place, currently the federal level, is through the periodic federal reviews which analyze only a small sample of cases and see that general policies are in place. This is an important way to include some individual oversight at the local level. But we are also aware that the contracts in operations manuals between the state and the lead agencies under family matters reform address some of these issues. They require the agencies to develop protocols and to meet outcome measures related to some of these issues, and that's positive. But, again, this bill would have the added benefit of providing some oversight through the court system in individual cases versus in the aggregate through already existing court review process. So, again, we believe this represents a simple way to strengthen existing law and policy, and will aid in the enforcement of Fostering Connections Act in Nebraska. Other states have recognized the benefit of passing local...bills at the local level to aid in oversight and implementation, and have passed bills, looking at these and other key aspects of the Fostering Connections Act, so we hope that Nebraska will follow suit by passing this bill and advancing this bill, and then passing it, so that all Nebraska foster children receive the benefit of these best practices. And we thank Senator Campbell for her leadership. Questions? [LB177]

SENATOR GLOOR: Any questions for Ms. Helvey? Senator Wallman. [LB177]

SENATOR WALLMAN: Thank you. Yes, again, I want to...I think it's a good senator bill. Thank Senator Campbell, we can, I think, here in committee. As far as I'm an elderly person, you know. Do you have any guidelines of age for foster kids, you know, if you have grandchildren or something? [LB177]

SARAH HELVEY: I'm not sure. [LB177]

SENATOR WALLMAN: You know, could you be a foster parent, you know, for...at my age? [LB177]

SARAH HELVEY: Oh. An age in which you have to be a certain age to become a foster parent? [LB177]

SENATOR WALLMAN: Yeah. [LB177]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Health and Human Services Committee
February 16, 2011

SARAH HELVEY: I'm not sure of that requirement. [LB177]

SENATOR WALLMAN: I thought maybe you knew. [LB177]

SARAH HELVEY: That's a good question. I don't know. [LB177]

SENATOR WALLMAN: I'm sorry (laugh). Thanks. [LB177]

SENATOR GLOOR: I'll bet somebody in the audience can get you that answer after the hearing. Any other questions? Thank you, Sarah. [LB177]

SARAH HELVEY: Thank you. [LB177]

SENATOR GLOOR: And thank you for your conciseness, too. Other folks who wish to provide testimony? Proponents. Are there any opponents? Anyone providing neutral testimony? This would close the hearing then on LB177. (See also Exhibits 20-24.) [LB177]