

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

Health and Human Services Committee
March 17, 2011

[CONFIRMATION]

The Committee on Health and Human Services met at 1:30 p.m. on Thursday, March 17, 2011, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on gubernatorial appointments. Senators present: Kathy Campbell, Chairperson; Mike Gloor, Vice Chairperson; Dave Bloomfield; Tanya Cook; Gwen Howard; and Norm Wallman. Senators absent: Bob Krist.

SENATOR CAMPBELL: Good afternoon and welcome to the hearings of the Health and Human Services Committee. This afternoon we are having hearings on the gubernatorial appointments. And with that, I am Kathy Campbell and I serve District 25, which is here in Lincoln; and I'll go to my far right and start with senators introducing themselves.

SENATOR COOK: Thank you. I'm Tanya Cook. I represent the 13th Legislative District in northeast Omaha and Douglas County.

SENATOR GLOOR: I'm Mike Gloor. I am the representative from the 35th District which is Grand Island.

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

SENATOR HOWARD: Gwen Howard, District 9 in Omaha.

SENATOR CAMPBELL: And to my far left is Diane Johnson who is the committee clerk. She rarely talks although she can talk quite a bit, but she's so busy making sure that she has everything in order. We've decided that that's probably one of the toughest jobs in the Capitol because she has to keep track of all the recordings and what goes on, so. And our two pages today, Ayisha is our regular page and who...?

SENATOR HOWARD: Page Paige. (Laughter)

SENATOR CAMPBELL: Page Paige is here substituting for us. So if there's something that you need, feel free to talk to one of the pages. With that, we will start this afternoon with our first appointment nominee, Thomas Incontro. Am I saying that right, Mr. Incontro? [CONFIRMATION]

THOMAS INCONTRO: Yes. Incontro. Yes. [CONFIRMATION]

SENATOR CAMPBELL: Okay. Mr. Incontro's nomination is for the Foster Care Review Board. Good afternoon. [CONFIRMATION]

THOMAS INCONTRO: Good afternoon. Madam Chair, members of the committee, my

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name is Tom Incontro, that's I-n-c-o-n-t-r-o, and I'm here regarding my appointment by the Governor to the state Foster Care Review Board. I've been working in Douglas County exclusively as a guardian ad litem for...full time for approximately seven-and-a-half years, and I've been doing guardian ad litem work for...well, since 1998, actually, was my first appointment. So with that, I would answer any questions you may have. [CONFIRMATION]

SENATOR CAMPBELL: Questions the senators wish to ask? Senator Gloor.
[CONFIRMATION]

SENATOR GLOOR: Thank you, Senator Campbell, and thank you for your interest. I mean, obviously you have an interest in this area given your guardian ad litem work. But above and beyond that, tell me why you're willing to commit even more time to this area that's of interest to the Legislature? [CONFIRMATION]

THOMAS INCONTRO: The work itself is...it's very important to me, the work that my office does, which is represent children and their best interest, and I think it dovetails well with the work of the Foster Care Review Board. And just ultimately the purpose, the goal in both my organization and the Foster Care Review Board, is to do what's best for children; and I feel passionately about that. I enjoy working hard in that area, and I think this will just be another extension of what it is that I like to do. [CONFIRMATION]

SENATOR GLOOR: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: Okay. [CONFIRMATION]

THOMAS INCONTRO: You're welcome. [CONFIRMATION]

SENATOR CAMPBELL: Senator Howard. [CONFIRMATION]

SENATOR HOWARD: Thank you, Senator Campbell. Hello, Tom. You probably don't remember me but years ago we used to work in the same juvenile court arena.
[CONFIRMATION]

THOMAS INCONTRO: Yeah, I remember. [CONFIRMATION]

SENATOR HOWARD: Oh, well, that's good. [CONFIRMATION]

THOMAS INCONTRO: Yes. [CONFIRMATION]

SENATOR HOWARD: So how do you think things are progressing with the child welfare reform? [CONFIRMATION]

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THOMAS INCONTRO: Well, I think--obviously--any change is difficult. I think there are a lot of people working hard to make sure that things don't get missed, and I think there's a lot of people working hard to double check things. I know my office has worked extra hard the last few months, especially, to make sure the right services are in place. And I personally have had several meetings with people from the department to make sure that my office continues to get the right information from the right people. And my perspective is exclusively from Douglas County, and I just hear the anecdotal things from other, you know, parts of the state. There are some incredible difficulties with it, but I think that people are working hard to try to make it an appropriate and smooth...I don't like the word "smooth" there, because it just can't be; but to make it as the best transition that it possibly can be. I do want to say this that I think that the individual caseworkers that are employed by the contractors and also the ones that remain from the department are some of the hardest working and best people that can be out there, and they're the ones in the trenches. And I always take the opportunity to commend them when I can, and they're the ones working hard in dealing with a lot of the...you know, the administrative orders that can make their lives difficult. And I think they're all working very hard and staying in contact with me and my office to make things best. [CONFIRMATION]

SENATOR HOWARD: Well, that was what I was going to ask you, if you were getting the information that you need in a timely fashion. [CONFIRMATION]

THOMAS INCONTRO: You know, that's always an issue. I mean, it was an issue...it's an issue last week, it's an issue two years ago, five years ago. I haven't seen a major change in that. There are hearings that get continued for lack of having information. I don't see it being anything different than it was six months ago or again a year ago, two years ago. [CONFIRMATION]

SENATOR HOWARD: But you don't really see an improvement? [CONFIRMATION]

THOMAS INCONTRO: Actually, I think there has been some improvement with some of the services that have been in place. I think some have been put in quicker. And I don't know much...do you want me to go into this? [CONFIRMATION]

SENATOR HOWARD: No, no, that's okay. I... [CONFIRMATION]

THOMAS INCONTRO: I could sit in your office and we could talk for hours I'm sure. [CONFIRMATION]

SENATOR HOWARD: Well, you could do that, actually. [CONFIRMATION]

THOMAS INCONTRO: I'd love to. [CONFIRMATION]

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SENATOR HOWARD: You could come down sometime. [CONFIRMATION]

THOMAS INCONTRO: I will. [CONFIRMATION]

SENATOR HOWARD: Thank you. [CONFIRMATION]

THOMAS INCONTRO: Sure. [CONFIRMATION]

SENATOR CAMPBELL: I'd like to introduce Senator Norm Wallman who has joined us. Other questions from the senators? Mr. Incontro, I have a couple of questions. One is, in your application you serve on the NFC advisory board, or did. Could you tell me what that is? [CONFIRMATION]

THOMAS INCONTRO: It is one of the contractors, Nebraska Families Collaborative. [CONFIRMATION]

SENATOR CAMPBELL: Ah. [CONFIRMATION]

THOMAS INCONTRO: I'm on an advisory board that meets...at this point, we're meeting about once a month to kind of give feedback as to how they're doing is probably the best way to put it. And it's individuals from all disciplines involved with NFC. Yes. [CONFIRMATION]

SENATOR CAMPBELL: Okay. I thought it might have something to do with foster care because you have not served on a local board, have you not? [CONFIRMATION]

THOMAS INCONTRO: Never, no. [CONFIRMATION]

SENATOR CAMPBELL: Yeah. And some of the, obviously, nominees that come to the Foster Care Review Board have served on local boards, so I was just double checking that part of it. What do you think are a couple of the major issues that you see facing the Foster Care Review Board? [CONFIRMATION]

THOMAS INCONTRO: Getting information, getting the proper information quickly; having access to it. I think the problem with this field, sometimes the levels and the different levels that...layers that become involved in the process, it's kind of like peeling an onion trying to get to something. So I think the struggle there is getting to that information. [CONFIRMATION]

SENATOR CAMPBELL: Okay. Any other questions from the senators? Senator Bloomfield has joined us. Thank you. [CONFIRMATION]

SENATOR BLOOMFIELD: Better late than never. (Laughter) [CONFIRMATION]

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SENATOR CAMPBELL: Of course. Of course. Mr. Incontro, one other thing that I noticed in your application is that you received a major award for your work in the Omaha community, the Metropolitan Child Advocacy Coalition award. Can you tell us a little bit about what is the Metropolitan Child Advocacy Coalition? [CONFIRMATION]

THOMAS INCONTRO: Well, it's actually a group of people in my mind that are really in the trenches also. It's a group of people that...you know, therapists, educators. It's another situation where it's a wide range of disciplines that, you know, get together and try to advocate for children and work on child abuse issues and systems issues. So I honestly did not expect the award. It came out of nowhere for me, and it was a great honor. [CONFIRMATION]

SENATOR CAMPBELL: Okay. [CONFIRMATION]

SENATOR GLOOR: Congratulations. [CONFIRMATION]

SENATOR CAMPBELL: Yes. [CONFIRMATION]

THOMAS INCONTRO: Well, thank you. [CONFIRMATION]

SENATOR CAMPBELL: Was that just last year? [CONFIRMATION]

THOMAS INCONTRO: It was a couple of months ago, yeah. Yeah. [CONFIRMATION]

SENATOR CAMPBELL: A couple of months ago. Okay. Any other questions that the senators might have about the application in front of us? Thank you, Mr. Incontro. [CONFIRMATION]

THOMAS INCONTRO: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: If you could just stay for a little bit, we're going to go through...what I'm going to do is take both the appointments to the Foster Care Review Board, and then we'll take any comments that anyone in the audience may want to have on the nominees. Mr. Zimmerman, by process of elimination...or Zimmer, Zimmerer? Now I've given you like three names (laughter) and...I bet it's... [CONFIRMATION]

MARK ZIMMERER: It's all right. I respond to two...pretty much anything, so. [CONFIRMATION]

SENATOR CAMPBELL: Do you? Is it Zimmerer? [CONFIRMATION]

MARK ZIMMERER: Zimmerer, yes. [CONFIRMATION]

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SENATOR CAMPBELL: Zimmerer. Well, welcome... [CONFIRMATION]

MARK ZIMMERER: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: ...to the Health and Human Services Committee. We're delighted to have you today, and I thought that you might want to just tell us a little bit about your background and how you came to be interested in the Foster Care Review Board. [CONFIRMATION]

MARK ZIMMERER: Well, thank you, Senators, for having me today. And, you know, pretty much out of college, although I started getting into the field of law enforcement: I got my degree in criminal justice from Wayne State College and, thereafter, started a short career with law enforcement, about a five-year career with the Pierce Police Department. Did that for a few years and decided maybe that wasn't what I wanted to do. I wanted to be more involved with maybe helping people get out of these situations, maybe some preventative efforts and so forth. So got into the area of health and human services where I did child protection work. Did that for about five years, doing everything from juvenile parole to adult protection services to child abuse cases. I did a lot of transition work, especially when juvenile parole was taken over by this state. They were their own separate agency at the time, so I saw a great deal of transition which I feel, you know, kind of suites well for what's going on now with the state. Then about 2000, I became a supervisor of my own child protection unit in the Dakota City area. Did that, and then came back to Norfolk where we started up the integrated care coordination unit there in Norfolk. So another transition into trying something new with the state which we had some fairly good success. And then when I was there, I was approached by a committee who was looking at starting a child advocacy center in Norfolk. At that time, we had to go across state lines into Sioux City to receive child advocacy services. So we...I worked on that for about a year and a half, developed the whole program from the ground up, created the center at Faith Regional Hospital in Norfolk. We're the only...now we're currently the only hospital-based child advocacy center in the state, so we're very proud of that. And that's where I've been ever since. So pretty much my whole life has kind of revolved around working with families in difficult situations, so I think it's prepared me well. [CONFIRMATION]

SENATOR CAMPBELL: Questions from the senators? Senator Gloor.
[CONFIRMATION]

SENATOR GLOOR: Thank you, Senator Campbell. And, Mr. Zimmerer, thank you for taking the time to come here. I'm curious about the hospital and the advocacy center's relationship. I mean, is it actually operated under the direct auspices and control of the hospital? Is it a partnership? How does that function and how does it get funded?
[CONFIRMATION]

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MARK ZIMMERER: Senator Gloor, it is definitely...we are under the wings of the hospital. We are all hospital employees. And what's such a great fit about it is that, you know, we don't have the overhead expenses that a lot of these independent centers have, and they've been very generous in providing us those costs at no charge; so it allows us to provide more resources back into the community and towards the kids and families that we serve. So it's a really great relationship. I think they promote me as well as I promote them, and it's just...it's a great relationship. They've really stepped above and beyond to make sure we protect the files of our young victims that come into our facility, even far more above than our regular patients which, you know, with HIPAA they're very well protected as well. But we keep our files separate, and we register our patients at the center versus at the registration desk. So it's just...it's been a great partnership. [CONFIRMATION]

SENATOR GLOOR: Are you located on the campus or is there an outbuilding that is where you're located? [CONFIRMATION]

MARK ZIMMERER: We are located on campus. [CONFIRMATION]

SENATOR GLOOR: Campus. Okay. Thank you. [CONFIRMATION]

MARK ZIMMERER: Yes, yes. You're welcome. Thank you. [CONFIRMATION]

SENATOR CAMPBELL: Senator Bloomfield. [CONFIRMATION]

SENATOR BLOOMFIELD: Thank you for coming down. Anybody that's spent that much time in northeast Nebraska has to be all right. (Laughter) [CONFIRMATION]

MARK ZIMMERER: I enjoyed visiting with you the other day too. [CONFIRMATION]

SENATOR BLOOMFIELD: That's all I had to say. (Laughter) [CONFIRMATION]

SENATOR CAMPBELL: Well, it's pretty important since Norfolk was my hometown, so. Senator Bloomfield... [CONFIRMATION]

MARK ZIMMERER: I did not know that. [CONFIRMATION]

SENATOR CAMPBELL: Yes. Little known fact. My great-grandfather was one of the 30 families that founded Norfolk many years ago. Yeah. Sure. [CONFIRMATION]

MARK ZIMMERER: Really? And that's when they screwed up the name, right, probably? (Laughter) [CONFIRMATION]

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SENATOR CAMPBELL: Probably. I thought maybe you were going to answer you got involved in this because of Senator Flood. He certainly a... [CONFIRMATION]

MARK ZIMMERER: Oh, he's... [CONFIRMATION]

SENATOR CAMPBELL: ...wonderful proponent for city, that's for sure.
[CONFIRMATION]

MARK ZIMMERER: Most definitely. [CONFIRMATION]

SENATOR CAMPBELL: I'm going to ask you the same question I asked Mr. Incontro and that was, what do you think are some of the major issues facing the Foster Care Review Board? [CONFIRMATION]

MARK ZIMMERER: You bet. Well, I don't know if...I don't look at issues facing the Foster Care Review Board; I look at how we can maybe help everybody else. You know, I was expecting a question on, you know, what do I think of the reform and I might yet get to that. But what I'll...all I know about the reform is what I read and what I see in our area. And I know it's much different in other parts of the state. And so when I look at what the Foster Care Review Board can provide, it's real lifetime...real-time data and that data is genuine. I mean, you actually know where it comes from. It's coming from the files of these young children and their families. So we're actually getting real-time data on actually what's going on in a field. I'm not naive enough to think that, you know, that data is only as good as what's in the files; but it's important that the information is in those files. As a caseworker I know if it isn't documented, it didn't happen; and as law enforcement that was very important. So I feel that I understand a lot of these workers are overworked, and I understand the great task they have in front of them; but it is very important to have that data so we really know what is going on. And that's what I think is great about the Foster Care Review Board. We're using real data to support or maybe not support any one venture that's going on.
[CONFIRMATION]

SENATOR CAMPBELL: Thank you. How do you think the...I'll ask the obvious question, (laughter) how do you think the welfare reform is going? [CONFIRMATION]

MARK ZIMMERER: Well, you know, I just came...I come from the area where we just had the last private partner back out, and I've seen how it's affected not only families with multiple caseworkers; and...but I have also witnessed the business side where we have providers that really have not been reimbursed for their services. And, you know, we're...a lot of those providers are not wealthy enough to just kind of take that on and forget about it, so. And some of the providers lost business by the fact that, you know, the private providers obviously to make money are creating their own services. So it's difficult. It's a difficult time for us, but. [CONFIRMATION]

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SENATOR CAMPBELL: I would say so. We appreciate all people like yourself on the direct line for sure. [CONFIRMATION]

MARK ZIMMERER: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: Senator Gloor. [CONFIRMATION]

SENATOR GLOOR: Thank you, Senator Campbell. Mark, I notice that you're chairman of Boys and Girls Club development that's going on in the community. [CONFIRMATION]

MARK ZIMMERER: Right. [CONFIRMATION]

SENATOR GLOOR: That same process has been underway in Grand Island for a little while. How's it going in Norfolk? [CONFIRMATION]

MARK ZIMMERER: We're slow. We have a little competitive thing with the YMCA. [CONFIRMATION]

SENATOR GLOOR: Always. [CONFIRMATION]

MARK ZIMMERER: And I think where we've kind of gone in that direction is maybe steering away from the Boys and Girls Club and maybe just reenforcing what the Y was meant to be; and that's not just focusing in on the physical side of it, but the mind and the body and all of that. And I think they've added a significant amount of programs to the YMCA, and I've been a part of partnering with them on some collaborative grants which they've added programs that have really strengthened those areas. So I would love to see Boys and Girls, but we just don't have that support that we need right now. But we're going to stay involved with it, definitely. [CONFIRMATION]

SENATOR GLOOR: Yeah. I think there may be an issue with just the size of the communities that makes it a little bit more of an issue, but good for you... [CONFIRMATION]

MARK ZIMMERER: You're witnessing some of the same struggles, too, huh? [CONFIRMATION]

SENATOR GLOOR: Yeah. But good for you for being willing to be chairman as well as is recognizing that maybe you have to change your outlook and exactly what can be accomplished, but. [CONFIRMATION]

MARK ZIMMERER: Work with what we have, yes. [CONFIRMATION]

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SENATOR GLOOR: Yeah. [CONFIRMATION]

SENATOR CAMPBELL: Any other questions? One last question, Mr. Zimmerer. How many child advocacy centers do we have in the state? [CONFIRMATION]

MARK ZIMMERER: We currently have seven child advocacy centers in the state. They're located at Scottsbluff, Kearney, Grand Island, Omaha, Lincoln, and Norfolk. Did I mention them all? I think I did. [CONFIRMATION]

SENATOR CAMPBELL: I think that's seven. Yeah. We just have a brand new one here in Lincoln. [CONFIRMATION]

MARK ZIMMERER: Yes. I just was there a few months ago; beautiful facility. [CONFIRMATION]

SENATOR CAMPBELL: Beautiful facility. [CONFIRMATION]

MARK ZIMMERER: Community really supported that well, and that's what I like about child advocacy centers. It's a partnership with some state funding, with private dollars making it happen, so we're proud of it. [CONFIRMATION]

SENATOR CAMPBELL: Exactly. Well, thank you for your willingness to come forward, both you and Mr. Incontro. [CONFIRMATION]

MARK ZIMMERER: Welcome. [CONFIRMATION]

SENATOR CAMPBELL: I keep wanting to... [CONFIRMATION]

SENATOR COOK: Mr. Zimmerer. [CONFIRMATION]

SENATOR CAMPBELL: Zimmerer. No, I know and I was looking at Mr. Incontro. [CONFIRMATION]

MARK ZIMMERER: Thank you, Senators. [CONFIRMATION]

SENATOR CAMPBELL: I have lots of friends who help me here (laughter) as you can tell. Is there anyone in the audience who wishes to make comment on the appointments to the Foster Care Review Board? Okay. Would you come forward, please? And we'll probably have to have you fill out a form for the clerk. Okay. For people in the audience, we will take any comments on appointments to the Child Abuse Prevention Board and State Board of Health after those nominees have been introduced. Good afternoon. [CONFIRMATION]

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MELANIE WILLIAMS-SMOTHERMAN: Good afternoon. Good afternoon, Senator Campbell, members of the committee. My name is Melanie Williams-Smotherman, that's W-i-l-l-i-a-m-s-S-m-o-t-h-e-r-m-a-n. I'm the executive director of the Family Advocacy Movement, and I bring my own testimony as well as member families' sentiments in opposing Thomas Incontro's appointment to the Nebraska Foster Care Review Board. I'm here partly because part of what we do in our work, in the absence of other forms of reporting opportunities for families, is encourage families to name the names of those people, those officials whom the families have identified as being especially harmful to them in their cases. And unfortunately Mr. Incontro's name is mentioned more often than any other, and that's a concern for us. We hear a lot of names, but this particular name has become a great concern to us. Three years ago, before we organized the Family Advocacy Movement to support other families and educate the public about unnecessary harms caused to families and children by our current child protection system, we were simply the parents of our own busy family. We had five kids, have five kids, and four well-fed cats. We were Sunday school teachers at our church, volunteer chess teachers for Lincoln's CLC enrichment program at Everett Elementary School, and the recipients of praise by our children's teachers, principals, and even the superintendent of schools who lauded us for our involved parenting and our children's performance in school, both academic and extracurricular. Yet in spite of our good standing as a caring, functional, professional couple in the Saunders County community, we also became the victims of this broken, unaccountable child protection system. That's when we realized that if this could happen to us in our own state and in this country, it could happen to anyone. We believed, as all families who contact us also say, that our laws and our constitution are not meant to treat everyone as guilty in order to catch the few who actually are; but that the rights of innocent people must be protected through proper investigation processes and due process. Increased transparency, independent oversight, and accountability in government are necessary to ensure the trust of the public and that government officials are not abusing their power. And that's why in 2008 when my husband and I were tirelessly researching independent oversight agencies to save our own family from unaccountable abuses by state workers and a judge who did deny us due process, we came across the Foster Care Review Board thinking this could be it. We eventually determined there seemed to be no real safety net for parents or our children who suffer abuse at the hands of overzealous state workers or those who know that there is a lot of room for them to retaliate against individuals who bring attention to these problems. The Foster Care Review Board has been enmeshed in many controversies over the years, but the only one that has really meant the most to us is the question of conflicts of interest and credibility. Families need to be assured that this oversight agency is independent and interested in due process and the safety and best interests of children and families. Since advocating for families over the past two years, we have had the opportunity to observe many different guardians ad litem at work. I have attended teen meetings, prehearing meetings, I've observed court proceedings, and I have interviewed families.

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I've seen effective GALs who attempt to genuinely discern what is in their client's best interests and do not act like prosecutors, but they can be objective. From our own observations and through families who have reported to us, we find that Mr. Incontro does not follow such a model. Remarkably, no single name has been brought up more frequently and with so much expressed pain from families as that of Thomas Incontro. Perhaps the most personally distressing example for me involves a case in which I have advocated and in which the official documents reveal that Mr. Incontro allowed two young children to be placed and then left in a home with a man who had been convicted of violently assaulting the children's mother in front of them. While this man was awaiting sentencing, Mr. Incontro had to know, as all the other officials did, that the children were living in the same household as this man who was awaiting sentencing. If the documents that I have here are real, and I have no reason to believe otherwise, Mr. Incontro was responsible for not only violating the law in that instance; but failing to provide for the safety and well-being of the very children he was charged to protect. I have those supporting documents if the senators would like to look at them; however, I didn't know if I could pass them out since names might need to be redacted. I wasn't sure about how to handle that. Even more, families complain that Mr. Incontro seems dissatisfied with his position as a guardian ad litem and, instead, seems to be using his current position simply to support other professional ambitions. I know that that's hearsay; but these are observations from families, and I'm charged with representing their interests. The FCRB...their Web site includes the quote that reminds us, "The salvation of the state is the watchfulness of its citizens," and we agree. And this is why we are opposing the appointment of Thomas Incontro to the state Foster Care Review Board. [CONFIRMATION]

SENATOR CAMPBELL: If you want to leave the papers with the clerk, you can; and we'll treat them as confidential and we'll return them to you. [CONFIRMATION]

MELANIE WILLIAMS-SMOTHERMAN: Okay. [CONFIRMATION]

SENATOR CAMPBELL: Just so that you'd leave your address with the clerk. [CONFIRMATION]

MELANIE WILLIAMS-SMOTHERMAN: That sounds good. Thank you. [CONFIRMATION]

SENATOR CAMPBELL: Thank you. Is there anyone else who wishes to provide information? Good afternoon. [CONFIRMATION]

RANDIE HARDIMAN: (Exhibit 1) Good afternoon. My name is Randie Hardiman, R-a-n-d-i-e H-a-r-d-i-m-a-n. I'm the grandmother of three beautiful grandchildren who are currently state wards and who I have not had the opportunity to see two for almost two months and another for four months. I feel strongly about sharing my concerns with

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you in person, but I consulted with my daughter before deciding to come today because I wanted to be sure she was prepared for the likely retaliation that comes as a result from my testimony. And that is exactly the problem with the appointment of Mr. Incontro to the Foster Care Review Board. The thought of Thomas Incontro being appointed to this position causes great concern for our family because he is currently also the guardian ad litem appointed to my grandchildren. That seems like a serious conflict of interest to me. We feel Mr. Incontro has behaved dishonestly and unprofessionally. He seems biased in how he has approached our family. Thomas Incontro has never made any attempt to speak to my daughter or, if I might add, any member of our family. Although I understand it is not a requirement, it seems unlikely that he could make well-informed decisions about the best interest of my grandchildren with only one-sided information. The summary reports he prepares for the judge from the therapists' and visitation specialists' reports do not reflect the content of the reports he is summarizing. Depending on the report, there is little or no similarity. During court, he has consistently taken on the role of prosecutor, voicing objection after objection whenever any positive testimony is presented, all the while the county attorney sits quietly. Although the majority of his objections have been overruled, it seems his intent has been to intimidate my daughter and witnesses who provide positive testimony on her behalf. I have also felt great disappointment while observing Mr. Incontro behaving in a less-than-professional manner during court. It is very distracting to have Mr. Incontro sitting at the prosecution table and throwing up his hands, rolling his eyes, and making audible sighing sounds when legal discussions are taking place to determine the outcome of my daughter's and my grandchildren's lives. In short, Mr. Incontro's behavior has not earned our respect or trust in his capacity to care, at least not about the lives of my beloved family. I sincerely feel that an appointment of Thomas Incontro to the Foster Care Review Board would only cripple any movement to improve the current system and subject even more families to unnecessary pain and anguish. This should not be the goal of the Foster Care Review Board. [CONFIRMATION]

SENATOR CAMPBELL: Thank you for your testimony, Mrs. Hardiman. Anyone else in the hearing room who wishes to provide testimony on the two nominees? Okay. We will move next to the Nebraska Child Abuse Prevention Board nominee, Martha Parker. And, Ms. Parker, we are delighted to have you here today and in good health. [CONFIRMATION]

MARTHA PARKER: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: For all our audience members, the last time we tried to entice Ms. Parker down for one of these hearings, she had been suffering from back problems I believe and severe; and we felt it was probably best that she stay at home and we reschedule. So thank you for coming today. [CONFIRMATION]

MARTHA PARKER: Thank you so much for having me and rescheduling me. Sorry I

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could not make it; but I feel great today, and I'm thankful for this opportunity to be a part of the Child Prevention Fund Board. [CONFIRMATION]

SENATOR CAMPBELL: Oh, go ahead. Sorry. [CONFIRMATION]

MARTHA PARKER: No, that's okay. Go ahead. [CONFIRMATION]

SENATOR CAMPBELL: Ms. Parker, tell us a little bit about your background and how you came to be interested in serving on the Child Abuse Prevention Board.
[CONFIRMATION]

MARTHA PARKER: Well, I suppose I served as a pastor's wife for over 35 years. My husband died in '07, and we did child training. Well, I guess what I should say is that we did...we started in our homes, and we came in contact with a lot of children that was abused and part of the foster care system. So that was a lot of care and that was a lot of training and working with the adults. And from there I was appointed as a supervisor of women for the Churches of God in Christ of which I have been in that position of over 24 churches in the Omaha area working with the Bishop Ford and organizing women, training them to work with ages preschool up through age 18 and beyond. And in the area where I live in north Omaha, we've come across many that was children that was abused. And we worked with the parents and showed love to the children and proceeded in whatever manner needed to be done. So it's been really grass-roots work that I have done; but I love children and I think that is the main ingredient is to love, to protect, and bring them from being a victim to a victor. And when I saw this advertisement, I was moved; and I felt like I wanted to be a part of this board because you're protecting that child, that children cannot protect themselves. [CONFIRMATION]

SENATOR CAMPBELL: Thank you, Ms. Parker. Questions or comments? Senator Wallman. [CONFIRMATION]

SENATOR WALLMAN: Thank you, Chairman Campbell. Yeah, welcome here and appreciate what you do. Do you think we're making any headway in this child abuse area? [CONFIRMATION]

MARTHA PARKER: Well, I tell you what. We can't give up. [CONFIRMATION]

SENATOR WALLMAN: No. [CONFIRMATION]

MARTHA PARKER: We must keep pressing on. And sometimes it seems as if that we're not making any headway and that we're not accomplishing, but we can't give up and stop. We must keep pressing on and doing all that we can to help those children that are helpless. And I appreciate what you do and would like to be a part of that group and to join in with your professionalism. I've been to one of the meetings, and very

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professional and caring and it's important. And we need money to do what we do.
[CONFIRMATION]

SENATOR WALLMAN: Thanks for what you do. [CONFIRMATION]

MARTHA PARKER: Yes. [CONFIRMATION]

SENATOR CAMPBELL: I'm going to take Senator Howard and then back to Senator Cook. [CONFIRMATION]

SENATOR HOWARD: Thank you, Chairman, Chairperson. I'm wondering, Martha, do you still work over at Health and Human Services there on 42nd? [CONFIRMATION]

MARTHA PARKER: Yes. I work in the home. I don't work in the office. I work with patients. [CONFIRMATION]

SENATOR HOWARD: But you are employed out of the Health and Human Services office? [CONFIRMATION]

MARTHA PARKER: Yes. [CONFIRMATION]

SENATOR HOWARD: What is your job? What do you do? [CONFIRMATION]

MARTHA PARKER: Well, I work with individuals in their home. I have a client that is completely disabled, and I do training with him. He doesn't read very well. I take him to his appointments. I help him to make decisions that... [CONFIRMATION]

SENATOR HOWARD: So does he employ you or does the department employ you? [CONFIRMATION]

MARTHA PARKER: I'm employed by Health and Human Services, and you become a self-employed when you work with them on that level. [CONFIRMATION]

SENATOR HOWARD: Okay. So you are self-employed. [CONFIRMATION]

MARTHA PARKER: Yes. Um-hum. [CONFIRMATION]

SENATOR HOWARD: Okay. All right. Thank you. [CONFIRMATION]

SENATOR CAMPBELL: Senator Cook. [CONFIRMATION]

SENATOR COOK: Thank you, Madam Chair, and thank you for coming this afternoon.
[CONFIRMATION]

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MARTHA PARKER: Thank you. [CONFIRMATION]

SENATOR COOK: We have talked in the last few weeks about children of impacted families, and how we might help the parents to make best decisions for themselves and for their families. Can you describe for me an example of the kind of training you offered in your ministry to the parents, the abusing parents or abusing families? Can you give me an example of some of that work? I'm just curious. [CONFIRMATION]

MARTHA PARKER: Well, most of the individuals that I've come in contact with have been children, children that have been abused and have entered into foster care... [CONFIRMATION]

SENATOR COOK: Okay. [CONFIRMATION]

MARTHA PARKER: ...and parents that...where their children have been taken away and trying to get their children back... [CONFIRMATION]

SENATOR COOK: Okay. [CONFIRMATION]

MARTHA PARKER: ...and working with them to help them to move to that place where they would be capable of getting those children back, and sometimes it's difficult... [CONFIRMATION]

SENATOR COOK: Um-hum. [CONFIRMATION]

MARTHA PARKER: ...because they feel that they're ready and they're not. So... [CONFIRMATION]

SENATOR COOK: Okay. What are typical reasons why they are not? Is it related to substance abuse or just emotional issues or what would...lack of employment or all of the above? What would you say is the top reason that they're having that...? [CONFIRMATION]

MARTHA PARKER: Well, it depends on the individuals. Some is that they've started in life very early. Sometimes their parents are substance abuse individuals... [CONFIRMATION]

SENATOR COOK: Um-hum. [CONFIRMATION]

MARTHA PARKER: ...and they have just kept off from that and they have copied that same situation... [CONFIRMATION]

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SENATOR COOK: Um-hum. [CONFIRMATION]

MARTHA PARKER: ...and they've just gotten caught up and down in it. You know, and sometimes it isn't the individual that have abused their children, but they have allowed those children to be in an atmosphere of abuse. So there's so many different... [CONFIRMATION]

SENATOR COOK: Okay. [CONFIRMATION]

MARTHA PARKER: ...so many different cases that I've come across or come across, but... [CONFIRMATION]

SENATOR COOK: Okay. [CONFIRMATION]

MARTHA PARKER: ...but we do what we can. [CONFIRMATION]

SENATOR COOK: All right, and when you...yes. [CONFIRMATION]

MARTHA PARKER: Training them to...because we find that a lot of the young women, they haven't had training of how to just be a mother; and the confusion comes when they're...they haven't finished school and then they don't have the education to find a job to encourage them to start a new beginning. [CONFIRMATION]

SENATOR COOK: Um-hum. [CONFIRMATION]

MARTHA PARKER: And these are some of the things we have for our children. We have classes where they can have in our church. If they're having problems with their math or reading or whatever, we've offered that to them. [CONFIRMATION]

SENATOR COOK: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: Any other questions, comments from the senators? Now, Ms. Parker, I have to tell you that I'm very admiring of anyone who is involved as Sunday school teacher for all the years that you have been involved. [CONFIRMATION]

MARTHA PARKER: Many years. [CONFIRMATION]

SENATOR CAMPBELL: I mean, that's impressive. And you work as a field representative, or did, for Nebraska Sunday school. [CONFIRMATION]

MARTHA PARKER: Yes, I did, before I became the supervisor of women which is over the whole...(laugh) which involves many groups of women from different ages. Yes, I did. I worked with the Sunday school as a Sunday school rep and organized the Sunday

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schools within those 24 churches, and they are represented on a national level. So we have another wonderful lady that's working with that. And so I represent all of the women of the Churches of God in Christ and work as a regional representative for our national church. [CONFIRMATION]

SENATOR CAMPBELL: Well, I'm going say this at the end, but I certainly appreciate all of the appointees being willing to step forward and volunteer. We have so many advisory boards in the state that would not do very well if people did not volunteer and offer their expertise. And so all of that experience in those Sunday schools probably comes in handy for you. [CONFIRMATION]

MARTHA PARKER: Yes. Thank you. [CONFIRMATION]

SENATOR CAMPBELL: Any other comments? Thank you, Ms. Parker, for coming today. [CONFIRMATION]

MARTHA PARKER: Thank you, again, for having me. [CONFIRMATION]

SENATOR CAMPBELL: Is there anyone in the hearing room who wishes to make comment on the appointment to the Nebraska Child Abuse Prevention Board? Yes, sir. Please come forward. Good afternoon...absolutely. We want you to be comfortable while you're there. [CONFIRMATION]

PRESTON LOVE, JR.: Good. Could I get some coffee? No, I'm just kidding. (Laughter) [CONFIRMATION]

SENATOR CAMPBELL: We have that. [CONFIRMATION]

PRESTON LOVE, JR.: No, I'm just kidding. [CONFIRMATION]

SENATOR CAMPBELL: Welcome and please feel free to share your comments. [CONFIRMATION]

PRESTON LOVE, JR.: My name is Preston Love, Jr., spelled P-r-e-s-t-o-n--do you know how to spell love--yeah, and I'm from Omaha, Nebraska. And I'm here to speak as an advocate for your potential appointee to the board, Mrs. Martha Parker. I have...I'm going to be 70 years old next year. And I have travelled this country and quite frankly part of the world, have interfaced and worked with some of the best that this country can offer from both in the corporate and in the public sector. I've even have graduated from Norfolk Junior College. (Laughter) I have a B.A. from there back before you were born. [CONFIRMATION]

SENATOR CAMPBELL: I don't know about that. [CONFIRMATION]

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SENATOR BLOOMFIELD: You got out of there when you were about seven?
[CONFIRMATION]

PRESTON LOVE, JR.: Yeah. But I wanted to come forward only to say that Martha Parker is the greatest person that I've ever known. [CONFIRMATION]

SENATOR CAMPBELL: That's high praise. Thank you. [CONFIRMATION]

PRESTON LOVE, JR.: Yes. [CONFIRMATION]

SENATOR CAMPBELL: Thank you very much for coming and bringing your testimony today, Mr. Love. [CONFIRMATION]

PRESTON LOVE, JR.: Yeah. Thank you. [CONFIRMATION]

SENATOR CAMPBELL: All right. We will move on to our last appointee of the day, nominee Debra Pasow? Parsow? Parsow, who is a nominee for the State Board of Health. Good afternoon. [CONFIRMATION]

DEBRA PARSOW: Good afternoon. How are you? [CONFIRMATION]

SENATOR CAMPBELL: I'm very well, thank you. [CONFIRMATION]

DEBRA PARSOW: I unfortunately do not have a Norfolk connection. (Laughter) I apologize up front. [CONFIRMATION]

SENATOR BLOOMFIELD: You ought to. [CONFIRMATION]

DEBRA PARSOW: Everyone should. [CONFIRMATION]

SENATOR CAMPBELL: Well, welcome and would you share a little bit about your background and what brought you to the appointment for the State Board of Health?
[CONFIRMATION]

DEBRA PARSOW: Well, thank you for having me. My background is in health promotion and in exercise science, and I graduated from the university in Omaha and did graduate work here in Lincoln. And I worked for ConAgra Foods for 21 years doing value-based benefit design, designing benefit plans that would best work for our company and our population so that they would use the healthcare system as fluidly as possible and as appropriate and productive as possible. And I left that to join the Wellness Council of the Midlands, which is a nonprofit, to do value-based benefit design for their members. And I currently still work for them. [CONFIRMATION]

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SENATOR CAMPBELL: Before we start into the questions, Ms. Parsow, I was very impressed with the fact that you did an ABA technical review committee.
[CONFIRMATION]

DEBRA PARSOW: Yes. I sat on that credentialing committee for... [CONFIRMATION]

SENATOR CAMPBELL: Yes. [CONFIRMATION]

DEBRA PARSOW: ...about six years, the credentialing pool for six years, and I did the ABA. And so... [CONFIRMATION]

SENATOR CAMPBELL: And the ABA is? [CONFIRMATION]

DEBRA PARSOW: The analytic behavior analysis. So... [CONFIRMATION]

SENATOR CAMPBELL: We could have used you a couple of weeks ago. (Laughter)
[CONFIRMATION]

DEBRA PARSOW: Yes. Yeah, that was a very interesting committee. It was great.
[CONFIRMATION]

SENATOR CAMPBELL: And we had a very interesting public hearing on it, but...
[CONFIRMATION]

DEBRA PARSOW: Yes, as did we. [CONFIRMATION]

SENATOR CAMPBELL: Can you tell us just a little bit about...we are going to engage in a study probably this next summer on the LB407 process, so I'd be interested in any comments you have about that process. [CONFIRMATION]

DEBRA PARSOW: The process is really wonderful in its foundation. It just needs to be expanded to be more flexible. It doesn't allow for gray whatsoever. It's completely black and white. And the actual process brings to light so many different dichotomies within whomever it is that's asking for some sort of credentialing change. And those are really not allowed to be moved forward. They are in some instances, but not in others. So that wealth of knowledge kind of then just stagnates there. It doesn't actually get passed on. And so I think if it were allowed to be more flexible and allowed to have additional information brought forth at the same time with either a yes or a no vote, I think you'd find that you'd benefit from the information that was actually bubbled up from those actual committees. [CONFIRMATION]

SENATOR CAMPBELL: Thank you for your comments. We may... [CONFIRMATION]

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DEBRA PARSOW: It's fun though. It's very fun. [CONFIRMATION]

SENATOR CAMPBELL: ...call upon you this summer to become more involved.
[CONFIRMATION]

DEBRA PARSOW: I would be happy to help. [CONFIRMATION]

SENATOR CAMPBELL: Thank you. Questions or comments from the senators that you'd like to ask? Senator Gloor. [CONFIRMATION]

SENATOR GLOOR: Thank you, Senator Campbell. Thank you for taking the time to come down here. [CONFIRMATION]

DEBRA PARSOW: Thank you. [CONFIRMATION]

SENATOR GLOOR: Do you think increasing the price of tobacco is an effective way to reduce its use? (Laughter) [CONFIRMATION]

SENATOR HOWARD: Why would you ask that? [CONFIRMATION]

DEBRA PARSOW: Let's see, yes, that's very... [CONFIRMATION]

SENATOR CAMPBELL: This is a pointed question. [CONFIRMATION]

DEBRA PARSOW: Yeah. I think any time you involve a financial disincentive or incentive, you do have some reaction--good, bad, or indifferent. Whether or not it will actually help, I don't know. I certainly think it will be a significant disincentive as we move into more difficult economic times. Will it stop people from doing that? No, probably not. But I think you'll see people not start. The people who are actually smoking right now are pretty committed to that. [CONFIRMATION]

SENATOR GLOOR: That's a pretty common reaction; and if we get to that point, I'd be glad to give you some research information that will show that it is surprising the number of people who will reach a price point and beyond which they don't go. [CONFIRMATION]

DEBRA PARSOW: Absolutely. And that I do agree with. How high we get is where you're going to... [CONFIRMATION]

SENATOR GLOOR: Yeah, always a price range. [CONFIRMATION]

DEBRA PARSOW: ...you're going to bear fruit. [CONFIRMATION]

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SENATOR GLOOR: Thank you. [CONFIRMATION]

DEBRA PARSOW: And if you want to raise it to \$10 or \$20, I'm all for that. (Laughter)
You'll have a disincentive there. [CONFIRMATION]

SENATOR GLOOR: I probably won't. [CONFIRMATION]

SENATOR CAMPBELL: Senator Bloomfield. [CONFIRMATION]

SENATOR BLOOMFIELD: This was a roundabout way back. Would raising the price to
\$10 or \$20 do you think encourage more people to steal them? (Laugh)
[CONFIRMATION]

DEBRA PARSOW: Wow. I'm not sure I'd be able to comment on... [CONFIRMATION]

SENATOR BLOOMFIELD: You don't need to answer that. That was just an
around-the-corner to Senator Gloor. [CONFIRMATION]

DEBRA PARSOW: Yeah. Not people from Norfolk. (Laughter) [CONFIRMATION]

SENATOR BLOOMFIELD: It needs to be pointed out that I'm really not from Norfolk.
[CONFIRMATION]

DEBRA PARSOW: Oh, okay. [CONFIRMATION]

SENATOR BLOOMFIELD: Just close. [CONFIRMATION]

DEBRA PARSOW: Okay. [CONFIRMATION]

SENATOR CAMPBELL: He lives in Hoskins. [CONFIRMATION]

DEBRA PARSOW: Oh. [CONFIRMATION]

SENATOR CAMPBELL: Outside of Hoskins. [CONFIRMATION]

SENATOR BLOOMFIELD: Metropolitan city of Hoskins. [CONFIRMATION]

SENATOR CAMPBELL: And how many people live in Hoskins? [CONFIRMATION]

SENATOR BLOOMFIELD: Two hundred and thirty-four I think was the last number that
I saw. [CONFIRMATION]

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DEBRA PARSOW: Was that recent or since you left? (Laughter) [CONFIRMATION]

SENATOR BLOOMFIELD: I don't live in town. I live five miles out of town to avoid the heavy traffic in rush hour. (Laughter) [CONFIRMATION]

SENATOR CAMPBELL: And another little known fact here...can you tell it's the...of the afternoon before a four-day weekend? (Laughter) We're all kind of...my aunt and uncle used to live in Hoskins, so. [CONFIRMATION]

SENATOR BLOOMFIELD: Is that right? [CONFIRMATION]

SENATOR HOWARD: You have a big family. [CONFIRMATION]

SENATOR CAMPBELL: I have connections with Senator Bloomfield a long way back. Other questions or comments from the senators? I have one other question that I was intrigued about in your...in the information that you have that you were a founding member of the parks foundation board for the mayor. And then you served on the Nebraska State Board of Health Credentialing Review Board, that was the same LB407. But you were a founding member of the parks board? [CONFIRMATION]

DEBRA PARSOW: Yes. Mayor Suttle actually just started the Omaha Parks Foundation which has \$100 million endowment that it is seeking. So we're working very diligently. It will benefit all Omaha parks. So not infrastructure by any means. We're not looking for gravel underneath swing sets. We're looking to actually build playgrounds. We're looking to actually build, you know, more robust opportunities for trees, more robust opportunities for children. So getting people to donate larger parcels of land, getting people to donate significant monies to build pavilions, you know, real significant items, so. [CONFIRMATION]

SENATOR CAMPBELL: Interesting. Well, good luck to you. [CONFIRMATION]

DEBRA PARSOW: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: And one last comment that this committee is very, very dependent upon the recommendations and assistance of the State Board of Health. Cannot emphasize enough the importance of the service of...certainly and all the boards, but our particular work probably is touched by the State Board of Health more than any other advisory committee that comes before us. So we are very grateful for that service. [CONFIRMATION]

SENATOR GLOOR: Thank you, Senator Campbell. I would just make one request of you, and that is take that great attitude about parks to the Board of Health with you because I think green space, healthy lifestyle component, is an important part of good

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health; including hiking, biking trails, which I see as long, sinewy, snaking parks...
[CONFIRMATION]

DEBRA PARSOW: Correct. [CONFIRMATION]

SENATOR GLOOR: ...and quite frequently are seen as disruptions to any number of things. But take...be an advocate for that because I think it is an important part of what the Board of Health ought to be bringing to our attention. [CONFIRMATION]

DEBRA PARSOW: Absolutely. Thank you. I will. [CONFIRMATION]

SENATOR CAMPBELL: Thank you. [CONFIRMATION]

DEBRA PARSOW: Thank you. [CONFIRMATION]

SENATOR CAMPBELL: Thank you for coming this afternoon. To all the nominees, thank you so much for making the effort to be with us this afternoon. We know your schedules are extremely busy; but it helps the senators to always meet the nominees, and for your willingness to serve the state of Nebraska and step forward and do that. Next week...the committee will most likely Exec on all of the appointments, and then they go...all appointments then go to the floor of the Legislature and are voted on by the full body. So it should be a couple of weeks, and you will be notified I'm sure by the Clerk of the Legislature. [CONFIRMATION]