

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

August 31, 2018

Patrick O'Donnell, Clerk of the Legislature
State Capitol, Room 2018
P.O. Box 94604
Lincoln, NE 68509

Dear Mr. O'Donnell,

Nebraska Statute 43-405 (5) & (6) requires the Department of Health and Human Services, Office of Juvenile Services to submit an annual report to the Legislature and to the Legislature's Health and Human Services Committee describing an assessment of the administrative costs of operating the facilities, the cost of programming, the savings realized through reductions in commitments, placements, evaluations and information regarding collaborations.

I am submitting this report to fulfill these requirements for SFY 2018. Please note that there is included within the Office of Juvenile Services Report an Executive Summary of the Annual Youth Rehabilitation and Treatment Center annual reports. Included within the Office of Juvenile Services report is a link that can be accessed to review the YRTCs' full annual report.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark LaBouchardiere", with a long horizontal line extending to the right.

Mark LaBouchardiere, Director
DHHS Facilities
Department of Health and Human Services

Attachment

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES

Department of Health and Human Services
Office of Juvenile Services
Annual Legislative Report
SFY 2018

September 15, 2018

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HISTORY AND STRUCTURE OF OJS

The Nebraska Legislature created the Office of Juvenile Services (OJS) effective July 1, 1994, for the purpose of providing individualized supervision, care, accountability and treatment to juveniles adjudicated delinquent by Nebraska courts. The YRTCs and Juvenile Parole had been under the direction of the Department of Correctional Services (DCS) since the early 1980s. Following the creation of OJS in 1994, OJS remained connected to the Department of Correctional Services (DCS) for the next three years primarily to access support services. The OJS Administrator was a Governor-appointed position. On July 1, 1997, the Legislature, pursuant to the Health and Human Services, Office of Juvenile Services Act, placed the Office of Juvenile Services under a newly formed Health and Human Services System within DHHS, Office of Protection and Safety.

In 2007, the Health and Human Services System was re-organized into what is currently known as the Department of Health and Human Services (DHHS). OJS is located within the Division of Children and Family Services. In 2007, legislation passed that changed the appointment of the OJS Administrator from the Governor to the Department's Chief Executive Officer.

In 2013, the Legislature passed LB 561, which was signed into law by the Governor with an effective date of May 30, 2013. LB 561 made major revisions to DHHS-OJS statutes and provisions. A transition period of July 1, 2013 through June 30, 2014 required many different portions of the new legislation be implemented in incremental phases. DHHS-OJS community-based budget and approximately 1,500 court adjudicated delinquent and status offender juveniles were to be transferred to the Administrative Office of Probation by July 1, 2014.

In 2014, the Legislature passed LB 464, which made additional clarifications and modifications to the juvenile justice system in Nebraska.

While the full intent of the previously mentioned laws was to transition youth from within DHHS and/or OJS who were before the courts on either a Status Offense or Delinquency docket to Probation, some youth for varying reasons remained with DHHS and/or OJS until permanency could be achieved. **This report does not include information on youth in Status Offense cases, as those youth are with the protection and safety system within child welfare and not the Office of Juvenile Services.** The Youth Rehabilitation and Treatment Centers continue to be operated by DHHS-OJS.

For additional information about the Office of Juvenile Services, Youth Rehabilitation and Treatment Centers, and transition work with Probation, Director of Facilities Mark LaBouchardiere can be reached at: mark.labouchardiere@nebraska.gov or 402-471-8403.

MISSION

The Nebraska Office of Juvenile Services' mission is to provide individualized supervision, care, accountability, and treatment, in a manner consistent with public safety, to those youth committed to the Youth Rehabilitation and Treatment Centers.

PURPOSE AND TOPICS

Pursuant to Neb. Rev. Stat. Section 43-405 (5) & (6) this OJS annual report is to provide a comprehensive report on the Office of Juvenile Services (OJS) from July 1, 2017 through June 30, 2018. The report includes data on juvenile populations served by OJS in the Service Areas and at the YRTCs as well as information regarding programming and operation costs as follows:

- OJS Juvenile Definitions
- OJS Program 250 Budget and Expenditures
- OJS Community-based Programming and Costs
- OJS Evaluations and Assessments
- Community Collaborations with OJS and the Department of Correctional Services
- Youth Rehabilitation and Treatment Centers (YRTC)

DATA SOURCE

Data provided have been extracted from information that is entered into the Children and Family Services information system known as N-FOCUS (Nebraska Family Online Client User System). Data also have been obtained directly from the Youth Rehabilitation and Treatment Center data systems.

OJS Juvenile Definitions

To assist in understanding this report the following definitions describe the OJS juvenile population of state wards committed to the Department of Health and Human Services-Office of Juvenile Services (DHHS-OJS).

- A. **Commitment to a YRTC**: Juveniles who have been court ordered to the Office of Juvenile Services for placement at a YRTC.
- B. **Recommitment to a YRTC**: When a juvenile has previously been committed by the court to the YRTC, is back in the community and commits a new law violation or violates the terms and conditions of their probation and is then recommitted by the court to the YRTC on the new law violation and/or the technical violation.
- C. **Both OJS and DHHS Wards**: Juveniles that are dual adjudicated by the court.

OJS Program 250 Budget and Expenditures for SFY2018

NOTE: Funding for Program budgets 345 and 364 transferred from DHHS-OJS to Probation Administration on July 1, 2013. Youth who remained with DHHS-OJS beyond July 2013 had some of their expenses incurred into Program 354 in the Child Welfare program.

- A. **Program 250:** The overall budget of the Office of Juvenile Services (OJS) is identified as Program 250. Appropriations made by the Nebraska Legislature for Program 250 are allocated to specific programs for OJS as follows.

- B. **Program 315:** Provides salaries and benefits for DHHS-OJS central office staff. Program 315 supports operating costs that include, but not limited to the following:
 - 1. Administration of the Interstate Compact for Juveniles (ICJ) and Annual Dues;
 - 2. Oversight of the Youth Rehabilitation and Treatment Centers at Kearney and Geneva (YRTCs);
 - 3. Development of Administrative Regulations and Operational Memorandum for the YRTCs for American Correctional Association Accreditation;
 - 4. Council of Juvenile Correctional Administrators, Performance-Based Standards fee for data collection and evaluation of the YRTCs;
 - 5. Development of and defining regulations and procedures for OJS;
 - 6. Special projects as requested by the Director of Children and Family Services;
 - 7. Continuing education, training and travel expenses for Central Office Staff; and
 - 8. Monitoring OJS budget

- C. **Program 371:** Supports the operation of the YRTC at Geneva, Nebraska. Provides for the supervision, care and treatment of female juvenile offenders committed to the facility by the court.

- D. **Program 374:** Supports the operation of the YRTC at Kearney, Nebraska. Provides for the supervision, care and treatment of male juvenile offenders committed to the facility by the court.

| Office of Juvenile Services | | | | | | | | | | | | | |
|-----------------------------|------------------|----------------------|----------------------|------------------|---------------------|---------------------|------------------------------|---------------------|-----------------------------|-----------------------------|-------------------------|------------------------|----------------|
| YTD Expenditures | | | | | | | | | | | | | |
| June 30, 2018 | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | Percent of Year Elapsed | 100.00% | |
| | | | | | | | | | | | Biweekly Percent | 100.00% | |
| Program | Program Title | Total Budgeted | PSL YTD Expenditures | Percent Expended | Benefits | YTD Benefits | Percent of Benefits Expended | Operations Budget | YTD Operations Expenditures | Percent Operations Expended | Total Budgeted | Total YTD Expenditures | YTD % Expended |
| 315 | OJS Admin | 285,566 | 243,862 | 85.40% | 105,303 | 99,446 | 94.44% | 76,000 | 63,393 | 83.41% | 466,869 | 406,701 | 87.11% |
| 371 | Geneva YRTC | 4,400,280 | 3,724,269 | 84.64% | 1,801,825 | 1,489,531 | 82.67% | 2,103,094 | 1,758,536 | 83.62% | 8,305,199 | 6,972,336 | 83.95% |
| 374 | Kearney YRTC | 8,360,636 | 7,416,103 | 88.70% | 3,310,580 | 2,752,781 | 83.15% | 3,285,392 | 2,725,505 | 82.96% | 14,956,608 | 12,894,389 | 86.21% |
| 250 | Total OJS | \$ 13,046,482 | \$ 11,384,234 | 87.26% | \$ 5,217,708 | \$ 4,341,758 | 83.21% | \$ 5,464,486 | \$ 4,547,434 | 83.22% | \$ 23,728,676 | \$ 20,273,426 | 85.44% |

Community-Based Programming and Costs

In SFY 2014, funding for community-based services was transferred to Probation Administration from DHHS. Probation Administration, in collaboration with DHHS-OJS, is now responsible for the development and application of services for delinquent juveniles and status offenders. In previous years, the services listed below were routinely offered to juvenile delinquents committed to DHHS-OJS. Services fall under three main categories: a) Supervision Services; b) Out-of-Home Services; and c) Other Services which include In-Home Services. The services listed below are not reflective of all services offered by the Department of Health and Human Services.

- A. **Supervision Services**: Services designed to hold juveniles accountable for their unlawful conduct, manage their problem behaviors and provide the assistance/services needed to meet the goals in his/her case plan while maintaining community safety.

- B. **Out-of-Home Services**: These services are designed to meet the placement and treatment needs of delinquent juveniles. In some cases, juveniles are unable to return home due to the absence of family or home conditions which are not conducive to the success of the youth. At other times, juveniles may need temporary removal from the home due to behavioral issues, family crisis, violations of law or probation conditions, or the need for mental health or substance abuse in-patient treatment.

The following charts show the over-all cost of community-based services for OJS juveniles, by funding source and costs by Service Area. Note the data below is not intended to illustrate the data for all youth that have an open Probation and simultaneous abuse/neglect case. This data does include the remaining carry-over dually adjudicated youth prior to LB561 as well as youth placed at the YRTC that will likely exit to Probation.

Medicaid dollars are not included

| Expenditures for OJS Juveniles SFY 2018 | |
|--|---------------------|
| Supervision Services | \$109,591.23 |
| Out of Home Services | \$86,818.85 |
| Other Services | \$560,503.57 |
| Total | \$756,913.65 |

| Expenditures by Service Area SFY 2018 | |
|--|---------------------|
| CENTRAL | \$47,223.17 |
| EASTERN | \$90,663.63 |
| NORTHERN | \$11,843.00 |
| SOUTHEAST | \$563,964.65 |
| WESTERN | \$43,219.20 |
| Total | \$756,913.65 |

| Expenditures by Funding Source SFY 2018 | | | | |
|--|----------------------|-------------------|--|---------------------|
| | Child Welfare | IV-E | Office of Juvenile Services | Total |
| Supervision Services | \$13,696.92 | \$0.00 | \$95,894.31 | \$109,591.23 |
| Out of Home Services | \$84,518.85 | \$2,300.00 | \$0.00 | \$86,818.85 |
| Other Services | \$526,496.86 | \$0.00 | \$34,006.71 | \$560,503.57 |
| Total | \$624,712.63 | \$2,300.00 | \$129,901.02 | \$756,913.65 |

| Expenditures by Service Area and Funding Source SFY 2018 | | | | |
|---|----------------------|-------------------|--|---------------------|
| | Child Welfare | IV-E | Office of Juvenile Services | Grand Total |
| CENTRAL | \$21,889.06 | \$0.00 | \$25,334.11 | \$47,223.17 |
| Supervision Services | \$3,778.06 | \$0.00 | \$25,160.88 | \$28,938.94 |
| Out of Home Services | \$18,099.00 | \$0.00 | \$0.00 | \$18,099.00 |
| Other Services | \$12.00 | \$0.00 | \$173.23 | \$185.23 |
| EASTERN | \$53,171.67 | \$2,300.00 | \$35,191.96 | \$90,663.63 |
| Supervision Services | \$1,845.86 | \$0.00 | \$1,460.48 | \$3,306.34 |
| Out of Home Services | \$51,325.81 | \$2,300.00 | \$0.00 | \$53,625.81 |
| Other Services | \$0.00 | \$0.00 | \$33,731.48 | \$33,731.48 |
| NORTHERN | \$1,519.91 | \$0.00 | \$10,323.09 | \$11,843.00 |
| Supervision Services | \$1,106.36 | \$0.00 | \$10,317.09 | \$11,423.45 |
| Out of Home Services | \$90.00 | \$0.00 | \$0.00 | \$90.00 |
| Other Services | \$323.55 | \$0.00 | \$6.00 | \$329.55 |
| SOUTHEAST | \$542,522.24 | \$0.00 | \$21,442.41 | \$563,964.65 |
| Supervision Services | \$2,084.93 | \$0.00 | \$21,412.41 | \$23,497.34 |
| Out of Home Services | \$14,276.00 | \$0.00 | \$0.00 | \$14,276.00 |
| Other Services | \$526,161.31 | \$0.00 | \$30.00 | \$526,191.31 |
| WESTERN | \$5,609.75 | \$0.00 | \$37,609.45 | \$43,219.20 |
| Supervision Services | \$4,881.71 | \$0.00 | \$37,543.45 | \$42,425.16 |
| Out of Home Services | \$728.04 | \$0.00 | \$0.00 | \$728.04 |
| Other Services | \$0.00 | \$0.00 | \$66.00 | \$66.00 |
| Total | \$624,712.63 | \$2,300.00 | \$129,901.02 | \$756,913.65 |

Demographics of Youth Served

The tables below show the number and types of state wards served in SFY 2017 by category, age, race/ethnicity and gender. There have been 59 fewer juveniles served by DHHS-OJS in these categories from SFY 2016 to SFY2017.

| Dual Adjudicated Youth Served During SFY 2018 | |
|--|-----|
| Delinquency Only | 263 |
| Delinquency & Abuse/Neglect | 31 |
| Delinquency & Dependency | 3 |
| Total | 297 |

| Dual Adjudicated Youth Served During SFY 2018 by Age | | | | | | |
|---|--------------|--------------|--------------|--------------|--------------|------------|
| Adjudications | 14 Years Old | 15 Years Old | 16 Years Old | 17 Years Old | 18 Years Old | Total |
| Delinquency Only | 13 | 23 | 58 | 91 | 78 | 263 |
| Delinquency & Abuse/Neglect | 1 | 2 | 8 | 5 | 15 | 31 |
| Delinquency & Dependency | 0 | 3 | 0 | 0 | 0 | 3 |
| Total | 14 | 28 | 66 | 96 | 93 | 297 |

| Dual Adjudicated Youth Served During SFY 2018 by Race/Ethnicity | | | | | | | | | |
|--|---|----------------------|--|----------|--------------|-------|---------|----------------------|------------|
| | American Indian or Alaska Native (Non-Hispanic) | Asian (Non-Hispanic) | Black or African American (Non-Hispanic) | Hispanic | Multi-Racial | Other | Unknown | White (Non-Hispanic) | Total |
| Delinquency Only | 22 | 0 | 69 | 57 | 13 | 1 | 3 | 98 | 263 |
| Delinquency & Abuse/Neglect | 5 | 0 | 8 | 3 | 2 | 0 | 0 | 13 | 31 |
| Delinquency & Dependency | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 3 |
| Total | 28 | 0 | 77 | 60 | 16 | 1 | 3 | 112 | 297 |

| Dual Adjudicated Youth Served During SFY 2018 by Gender | | | |
|--|---------------|-------------|--------------|
| | Female | Male | Total |
| Delinquency Only | 57 | 206 | 263 |
| Delinquency & Abuse/Neglect | 9 | 22 | 31 |
| Delinquency & Dependency | 1 | 2 | 3 |
| Total | 67 | 230 | 297 |

OJS Data

Table #1 provides the total number of juveniles supervised by OJS between July 1, 2017 and June 30, 2018 who resided in their natural home (in-home), compared to the number of those living in foster homes, group homes, treatment facilities, Youth Rehabilitation and Treatment Centers or other placements away from the natural home.

| Table #1 | | |
|---|--------------------|--------------|
| OJS Juveniles Served During SFY 2018 | | |
| In Home | Out of Home | Total |
| 3 | 294 | 297 |
| | | |

| Table #2 | |
|---|-----|
| Placement Types of OJS Juveniles in Out of Home Care During SFY 2018 | |
| Relative/Kinship Foster Care | 3 |
| Non-Relative Foster Care | 3 |
| Detention | 137 |
| Treatment Congregate Care | 25 |
| Other Congregate Non-Treatment Care | 4 |
| YRTC | 282 |
| Missing Youth | 18 |
| Hospital | 5 |

| | |
|--|----------|
| Independent Living | 2 |
| A juvenile may have had more than one placement type during the year so these are duplicated numbers. | |

OJS & Department of Correctional Services Collaborations

The primary collaboration occurring over the last several years between OJS and the Department of Correctional Services (DCS) has involved the Prison Rape and Elimination Act (PREA). PREA was established at the Federal level under 28 C.F.R. Part 115.

OJS and DCS have continued to work together on implementing these Federal Regulations. OJS has established a Statewide PREA Compliance Coordinator as well as local PREA Managers within each YRTC facility.

OJS underwent our first PREA audit as required in October 2015. Both facilities were audited by an independent auditor certified by the Department of Justice. Both YRTCs passed the PREA audits and were found to be in compliance. The YRTCs will undergo PREA audits in October of 2018. OJS and DCS PREA compliance managers and coordinators participated in a joint training for PREA investigations that was given by representatives from the PREA Resources Center.

OJS and DCS have also continued to assist each other with accreditation through the American Correctional Association (ACA). On October 3, 2016, accreditation managers from DCS assisted with an internal audit of ACA standards at the YRTC-Kearney. Both YRTCs participated in their respective ACA audits this summer. Each facility passed their ACA audits and were found to be in compliance.

Other Community Collaborations

Today, it is imperative that juvenile justice agencies and the community work together to meet the supervision, placement and treatment needs of court adjudicated delinquent juveniles. Below is a description of the collaborative work that DHHS-OJS has been involved in over the last fiscal year with public and private agencies:

Additional community collaboration that engaged DHHS/OJS during this fiscal year included:

- Cross-Over Youth Practice Model (CYPM)
- Juvenile Detention Alternative Initiative (JDAI)
- Nebraska Children's Commission
- Nebraska Children's Commission – Juvenile Services Subcommittee
- Nebraska Coalition for Juvenile Justice (NCJJ)
- Nebraska Juvenile Justice Association (NJJA)
- Council of Juvenile Correctional Administrators (CJCA)
- Interstate Commission for Juveniles (ICJ)
- Justice Behavioral Health Committee (JBHC)
- Department of Correctional Services (DCS)
- Prison Rape and Elimination Act (PREA)
- Department of Education (DOE)
- Nebraska Department of Labor (NDOL)
- Nebraska Vocational Rehabilitation (VR)
- Office of Probation Administration

Youth Rehabilitation and Treatment Centers (YRTC)

Executive Summary

The mission of the YRTC is to protect society by providing a safe, secure, and nurturing environment in which the juveniles who come to the facility may learn, develop a sense of self, and return to the community as productive and law-abiding citizens. To accomplish this, the YRTC provides diverse programming that responds to each juvenile's unique needs.

On arrival at an YRTC, juveniles enter an orientation program. Juveniles attend orientation classes, complete various assessments and screenings, and are familiarized with the YRTC program and facility rules. After orientation, juveniles are assigned a living unit. The daily routine generally includes, participation in school, involvement in therapeutic group and individual counseling, and recreation/volunteer activities. Youth progress through their programming by meeting goals on their individualized treatment plans and demonstrating positive behavior. Release from the YRTCs are coordinated with the Administrative Office of Probation for re-entry services.

**YRTC-GENEVA FACT SHEET
SFY 2014, 2015, 2016, 2017 & 2018 Comparison**

| | SFY2014 | SFY2015 | SFY2016 | SFY2017 | SFY2018 |
|---|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| Rated Capacity | 82 | 82 | 82 | 82 | 82 |
| Average Length of Stay | 211 days 7.04 months | 234 days 7.81 months | 255 days 8.50 months | 260 days 8.67 months | 286 days 9.54 months |
| Average Daily Population | 59 youth | 42 youth | 49 youth | 33 youth | 26 youth |
| Total Admissions | 89 youth | 65 youth | 61 youth | 40 youth | 38 youth |
| Average Age at Admission | 15 years | 16 years | 17 years | 16 years | 16 years |
| Recidivism Rate (return to facility within 12 mo.) | 6.06% | 22.39% | 15.07% | 9.80% | 15.79% |

2014: Per Diem Costs: \$347.55
 2015: Per Diem Costs: \$452.95
 2016: Per Diem Costs: \$406.44
 2017: Per Diem Costs: \$598.75
 2018: Per Diem Costs: \$734.70

| | Total Expenditures 2014 | Total Expenditures 2015 | Total Expenditures 2016 | Total Expenditures 2017 | Total Expenditures 2018 |
|----------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| General Funds | \$7,177,133 | \$6,755,400 | \$7,074,754.83 | \$6,980,330.92 | \$6,775,687.07 |
| Federal Funds | \$149,103 | \$93,918 | \$127,349.48 | \$131,469.02 | \$117,688.18 |
| Cash Funds | \$90,550 | \$94,374 | \$87,059.20 | \$100,143.35 | \$78,960.44 |
| TOTAL | \$7,416,787 | \$6,943,692 | \$7,289,164 | \$7,211,943.29 | \$6,972,335.69 |

¹ Historically, YRTC-Geneva and YRTC-Kearney used different calculation methodologies to calculate per diem costs. In order to compare the facilities, the per diem costs are now calculated using a common methodology. Per Diem costs = total costs/ # of days in the year/average daily population.

Go to: http://dhhs.ne.gov/children_family_services/Pages/jus_yrtc_yrtcqindex.aspx for the full SFY 2017 annual report for detailed information about the Geneva Youth Rehabilitation and Treatment Center.

**YRTC-KEARNEY FACT SHEET
SFY 2014, 2015, 2016, 2017 & 2018 Comparison**

| | SFY2014 | SFY2015 | SFY2016 | SFY2017 | SFY2018 |
|---|------------------------|------------------------|------------------------|------------------------|------------------------|
| Rated Capacity | 172 | 172 | 172 | 172 | 172 |
| Average Length of Stay | 204 days 6.8 months | 240 days 8.0 months | 287 days 9.6 months | 283 days 9.4 months | 266 days 8.9 months |
| Average Daily Population | 116 youth | 102 youth | 108 youth | 97 youth | 103 youth |
| Total Admissions | 203 youth | 161 youth | 142 youth | 132 youth | 132 youth |
| Average Age at Admission | 16 years | 16 years | 16 years | 16 years | 16 years |
| Recidivism Rate (return to facility within 12 mo.) | 17% | 16% | 18% | 23% | 17% |

| | Total Expenditures 2014 | Total Expenditures 2015 | Total Expenditures 2016 | Total Expenditures 2017 | Total Expenditures 2018 |
|----------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| General Funds | \$9,737,070 | \$9,925,285 | \$10,153,840 | \$11,167,078 | \$11,587,023 |
| Federal Funds | \$394,521 | \$355,928 | \$326,011 | \$305,214 | \$345,523 |
| Cash Funds | \$917,360 | \$947,919 | \$1,199,313 | \$910,621 | \$961,843 |
| TOTAL | \$11,048,951 | \$11,229,132 | \$11,679,164 | \$12,382,913 | \$12,894,389 |

2014: Per Diem Costs: \$260.96
 2015: Per Diem Costs: \$301.62
 2016: Per Diem Costs: \$295.47
 2017: Per Diem Costs: \$348.55
 2018: Per Diem Costs: \$342.98

² Historically, YRTC-Geneva and YRTC-Kearney used different calculation methodologies to calculate per diem costs. In order to compare the facilities, the per diem costs are now calculated using a common methodology. Per Diem costs = total costs/ # of days in the year/average daily population.

Go to: http://dhhs.ne.gov/children_family_services/Pages/jus_yrtc_yrtckindex.aspx for the full SFY 2017 Annual Legislative Report for detailed information about the Kearney Youth Rehabilitation and Treatment Center.

This concludes the Department of Health and Human Services' SFY 2017 annual report on the Office of Juvenile Services.