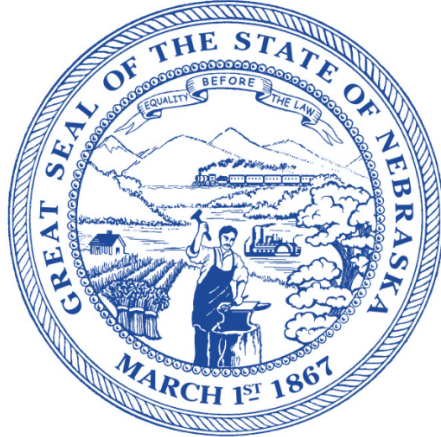


# The Nebraska Foster Care Review Office Quarterly Report



Submitted pursuant to Neb. Rev. Stat. §43-1303(4)

**Issued: March 1, 2020**

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## Executive Summary

The Foster Care Review Office (FCRO) provides this Quarterly Report on identified conditions and outcomes for Nebraska's children in out-of-home care [aka foster care] through child welfare or juvenile justice, including at a Youth Rehabilitation and Treatment Center (YRTC); and, per mandate, also recommends needed changes.<sup>1</sup>

In order to improve conditions for system-involved children FCRO reports are provided to the Nebraska Legislature, child welfare system stakeholders, juvenile justice system stakeholders, other policymakers, the press, and the public. The following summarizes some of the findings described in this edition.

### Study on Youth at the Youth Rehabilitation and Treatment Centers

Background. A judge can order a youth to be placed at a YRTC only if the youth is involved in juvenile justice, has not been successful in a less restrictive placement, and is age 14-18.<sup>2</sup> The DHHS Office of Juvenile Services (DHHS/OJS) is responsible for the care of youth at the YRTCs. Each quarter the FCRO releases up-to-date data on the average daily population of youth placed at a YRTC, and a snapshot of demographic data on those youth. Additionally, the FCRO's annual report (issued each September) includes review data specific to youth placed at the YRTCs.

Given the current situation with the YRTCs (described in further detail on **page 7**), the FCRO is providing additional analysis on youth at the YRTCs in this report. Important points from the additional data analysis include:

- Due to significant differences in the past and current experiences for boys and girls who have been placed at a YRTC, most data in this special study is presented by gender. Racial disparities, which are on-going challenges, also continue to exist. **(page 10-11)**
- During 2019, 64 girls and 174 boys resided in a YRTC for one or more days. **(page 9)**
- Most youth at a YRTC have a history that still impacts them. To be successfully returned to their communities, each youth's history must be addressed as part of the planning/programming.
  - More than two-thirds of the girls and nearly half of the boys had prior formal abuse/neglect related removals from the home in Nebraska. **(page 11)**
  - Every move between foster homes or facilities can compound past traumas. Girls with previous abuse/neglect removals averaged 17.3 lifetime placements, while those without averaged 12.8. Boys with previous abuse/neglect removals averaged 11.4 lifetime placements, while those without averaged 8.2. **(page 12)**

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<sup>1</sup> See Appendix A for more information about the FCRO. Contact information is on the last page.

<sup>2</sup> Nebraska Legislature, Neb. Rev. Stat. §43-251.01

- With the above level of trauma history, it is not surprising that for the 65 youth reviewed by the FCRO while placed at a YRTC, 100% of the girls had a mental health diagnosis, as did 84.4% of the boys. **(pages 15-16)**
- Committing offense data was available for youth that had no DHHS involvement at time of review. Only 6 of 23 youth (26.1%) had a felony as the most serious offense, the rest had misdemeanors. **(page 15)**
- Youth may spend a considerable part of their lifetime at a YRTC, with an average of 336 lifetime days at a YRTC, which has programming and education implications. **(pages 13-14)**
- For youth reviewed while at a YRTC, only 36.4% of the girls and 37.5% of the boys were on target in core classes (language, history, math). For 15.2% of the girls and 34.4% of the boys, documentation of this critical dynamic was not available so their proficiency at core classes could not be determined. **(page 17)**

### **Other findings from this Quarterly Report**

As in past reports, the FCRO shares average daily populations and point-in-time data for Nebraska's children in out-of-home or trial home visit care, both through child welfare and through juvenile justice. The following are some other main points.

- There were 4,088 Nebraska children in out-of-home or trial home visit placements under DHHS/CFS, DHHS/OJS, and/or the Office of Courts and Probation, Juvenile Division on 12/31/19, a 2.7% decrease from the 4,200 children on 12/31/18.<sup>3</sup> By itself, this statistic does not describe system health and must be considered in tandem with other measures found throughout the Report.
  - The most significant decrease (9.7%) was in youth supervised by Probation but not simultaneously involved with DHHS/CFS or at a YRTC. **(page 21)**
- DHHS/CFS wards continue to be placed in the least restrictive, most family-like settings at very high rates (96.2%), with about half placed with relatives or kin. Family-like settings are the most advantageous type of placement for children who do not need higher-level services. **(pages 27-29)**
- Rates of re-entry into care remained about the same for DHHS/CFS wards (22.8% of those in care 12/31/19 had prior removals). Child abuse prevention efforts need to include reducing or eliminating premature or ill-planned returns home that result in further abuse or neglect, and increasing access to services that could help to keep reunified families, post-adoptive families, and post-guardianship families safely intact. **(pages 32-33)**
- 27.1% of DHHS/CFS wards have had more than four placements (moves between foster caregivers), including 129 children under age 6. Moves between caregivers can

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<sup>3</sup> See Appendix B for definitions and explanations of acronyms.

be hard on children who have already experienced abuse or neglect and removal from the care of their parent(s). (**page 31**)

- 28.1% of the DHHS/CFS wards in the Eastern Service Area have had more than 4 caseworkers since the most recent removal.<sup>4</sup> While no system will ever have a zero turnover rate, the number of caseworker transfers needs to be kept to a minimum since each means families must establish re-establish rapport with the new worker and transfers can result in information gaps and permanency delays. (**pages 31-32**)
- Compared to a year ago, the number of dually-involved youth increased by 30.8%. This is similar to data from the FCRO December 2019 Quarterly Report. (**pages 40-41**)
- In every population examined in this report, minority children and youth continue to be overrepresented. This continues to be an on-going challenge. (**pages 10, 27, 37, 42, 50**)

## **Recommendations**

1. Many youth committed to a YRTC have an abuse/neglect history and most have a mental health diagnosis. Group and individual planning and programming must be trauma-informed and address specific needs so youth can be successful when returned to their communities.
2. YRTCs need to be clear as to who is to document educational progress and needs and within what timeframes. This will improve external and internal oversight and ensure sufficient attention is paid to education.
3. Caseworker transfers need to be minimized and rates continually monitored.
4. Child abuse prevention efforts need to include planning and services to maintain safety after a child returns home from foster care or achieves permanency through adoption or guardianship.
5. The unique needs of dually-involved children need to be identified so that DHHS/CFS and Probation can ensure those children's needs are met.

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<sup>4</sup> In 2019 the lead agency in the Eastern Service Area changed from PromiseShip to St. Francis Ministries, with case transfers occurring 9/30/19-12/31/19. FCRO staff made efforts to ensure if a worker transferred agencies but maintained case management for a family, they were not duplicated in caseworker counts. However, the FCRO is aware of technological issues that may be causing underreporting of total caseworkers and is working to address this issue.

*The special study on youth at the YRTC's begins on page 7.*

## Special Study on Youth at the YRTCs (Youth Rehabilitation and Treatment Centers)

The FCRO has statutory authority to track and review cases of all children who are placed in out-of-home care or trial home visit. This includes children whose placement is a result of abuse/neglect and youth who are placed out-of-home through the juvenile justice system.<sup>5</sup>

Placement at a Youth Rehabilitation and Treatment Center (YRTC) is the most restrictive type of placement utilized for youth in the juvenile justice system. By statute, a judge can order a youth to be placed at a YRTC only if the youth has not been successful in a less restrictive placement. The DHHS Office of Juvenile Services (DHHS/OJS) is responsible for the care of youth at the YRTCs.

Prior to August 2019, boys were placed at the YRTC in Kearney and girls at the YRTC in Geneva. In the aftermath of an August incident at YRTC-Geneva, some girls were moved to the Lancaster County Youth Services Center in Lincoln and then to YRTC-Kearney, with additional girls transferred to the YRTC-Kearney thereafter.<sup>6</sup> On 10/21/19 DHHS-OJS announced the development of a modified YRTC system with 3 facilities.<sup>7</sup> As of the writing of this report, 3 male youth were transferred to YRTC-Lincoln, 3 female youth close to transitioning back to their communities were relocated back to YRTC-Geneva, and all other YRTC youth – both males and females – remain at YRTC-Kearney.<sup>8</sup>

The crisis at YRTC-Geneva and subsequent series of high profile incidents at YRTC-Kearney<sup>9,10</sup> has brought renewed attention to the entire YRTC system and how the state responds to youth with the highest risk, and often, the highest needs. The Legislature's Health and Human Services Committee compiled a comprehensive report<sup>11</sup> on the

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<sup>5</sup> Nebraska Legislature. "Foster Care Review Act." §43-1301-43-1321.

<sup>6</sup> Nebraska Department of Health and Human Services. August 19, 2019. "Youth from Rehabilitation and Treatment Center in Geneva Relocating to Kearney." Press Release. <http://dhhs.ne.gov/Pages/Youth-from-Rehabilitation-and-Treatment-Center-in-Geneva-Relocating-to-Kearney.aspx>

<sup>7</sup> Nebraska Department of Health and Human Services. October 21, 2019. "DHHS Announces Development of Youth Rehabilitation and Treatment Center System." Press Release. <http://dhhs.ne.gov/Pages/DHHS-Announces-Development-of-Youth-Rehabilitation-and-Treatment-Center-System.aspx>

<sup>8</sup> Nebraska Department of Health and Human Services. February 20, 2020. "YRTC-Kearney Male Youth Transfer to Lincoln Facility." Press Release. <http://dhhs.ne.gov/Pages/YRTC-Kearney-Male-Youth-Transfer-to-Lincoln-Facility.aspx>

<sup>9</sup> Schmidt, Kim. February 1, 2020. "YRTC escapees travel to Seward County, escape again while being transported back to Kearney." Kearney Hub. [https://www.kearneyhub.com/news/local/yrtc-escapees-travel-to-seward-county-escape-again-while-being/article\\_53766f58-44a7-11ea-a9ed-8bec8429d619.html](https://www.kearneyhub.com/news/local/yrtc-escapees-travel-to-seward-county-escape-again-while-being/article_53766f58-44a7-11ea-a9ed-8bec8429d619.html)

<sup>10</sup> Schmidt, Kim. February 8, 2020. "3 agencies respond to staffer assaults, disturbance at YRTC Friday morning." Kearney Hub. [https://www.kearneyhub.com/news/local/agencies-respond-to-staffer-assaults-disturbance-at-yrtc-friday-morning/article\\_d3f5c678-4a1b-11ea-b318-43bdc9e3ce4b.html](https://www.kearneyhub.com/news/local/agencies-respond-to-staffer-assaults-disturbance-at-yrtc-friday-morning/article_d3f5c678-4a1b-11ea-b318-43bdc9e3ce4b.html)

<sup>11</sup> Health and Human Services Committee. January 22, 2020. "Report to the Nebraska Legislature on the Youth Rehabilitation and Treatment Centers." Nebraska Legislature. [https://nebraskalegislature.gov/pdf/reports/committee/health/yrtc\\_2020.pdf](https://nebraskalegislature.gov/pdf/reports/committee/health/yrtc_2020.pdf)

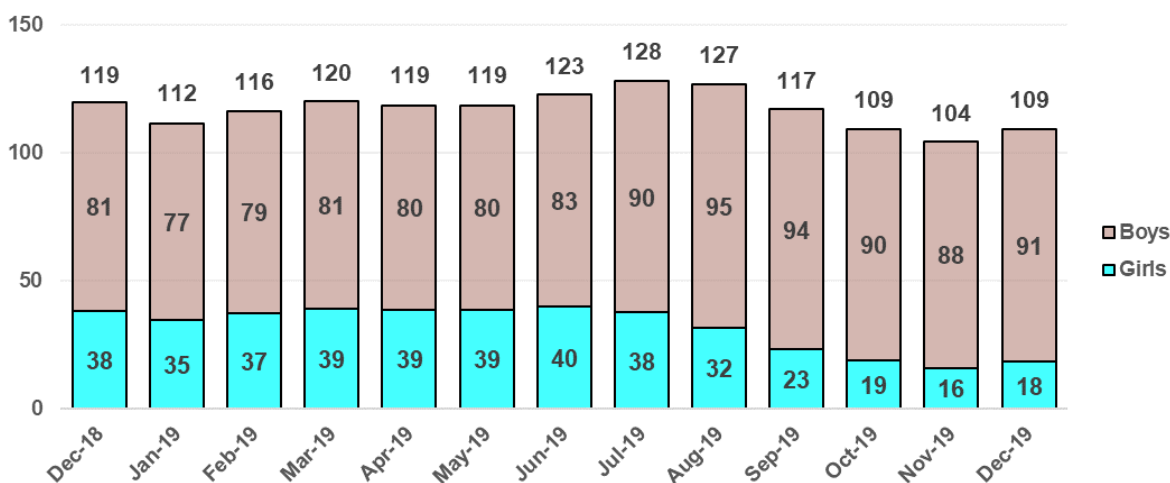
YRTCs including the history of the facilities, statutory framework, past reports, timelines, current conditions, and recommendations. There are a number of bills regarding the YRTCs and DHHS-OJS currently pending in the Legislature,<sup>12</sup> and there has been a significant amount of media attention and scrutiny.<sup>13</sup>

The Foster Care Review Office releases up-to-date data on the average daily population of youth placed at a YRTC, and a snapshot of demographic data on those youth each quarter. Additionally, we release our review data on September 1<sup>st</sup> of each year, which includes reviews of youth placed at the YRTCs in the prior fiscal year.

Due to the current circumstances, we are providing additional analysis on youth at the YRTCs for this quarterly report special study. This includes demographic information and system involvement data for all youth placed at a YRTC during 2019 (n=238).<sup>14</sup> Additionally, data on youth reviewed while placed at a YRTC in 2019 (n=65) is presented. Our analysis revealed significant differences between the experiences and outcomes for boys and girls placed at the YRTC, and as a result, all data is presented by gender.

### Tracking Data.

**Figure 1: Average Daily Number of DHHS/OJS Wards Placed at a Youth Rehabilitation and Treatment Center**



<sup>12</sup> LB1140, LB1141, LB1142, LB1143, LB1144, LB1145, LB1146, LB1147, LB1148, LB1149, LB1150, LB1172, LB1188, LB1191, and LR298.

<sup>13</sup> Sanderford, Aaron. February 23, 2020. "Suicide attempts, assaults, escapes, an uprising: What's going on at the Kearney youth center?" [https://www.omaha.com/news/crime/suicide-attempts-assaults-escapes-an-uprising-what-s-going-on/article\\_aad48084-1403-5fe6-919f-d3c06514aa6b.html](https://www.omaha.com/news/crime/suicide-attempts-assaults-escapes-an-uprising-what-s-going-on/article_aad48084-1403-5fe6-919f-d3c06514aa6b.html)

<sup>14</sup> The Foster Care Tracking System (FCTS) is a data set maintained by the FCRO which contains current and historical information on children in out-of-home care or trial home visit. The FCRO receives specific data points provided by the Department of Health and Human Services, the Administrative Office of the Courts and Probation Juvenile Division, and JUSTICE. FCTS also stores data originated by the FCRO during reviews.



The average daily population of girls placed at a YRTC was largely unchanged through August 2019 (**Figure 1**). Following the incident at YRTC-Geneva, several girls transitioned out of YRTC, as evident by the sharp decline in average daily population. As shown in **Figure 2**, when compared to December of 2018, there are 52.3% fewer girls placed at a YRTC in December 2019.

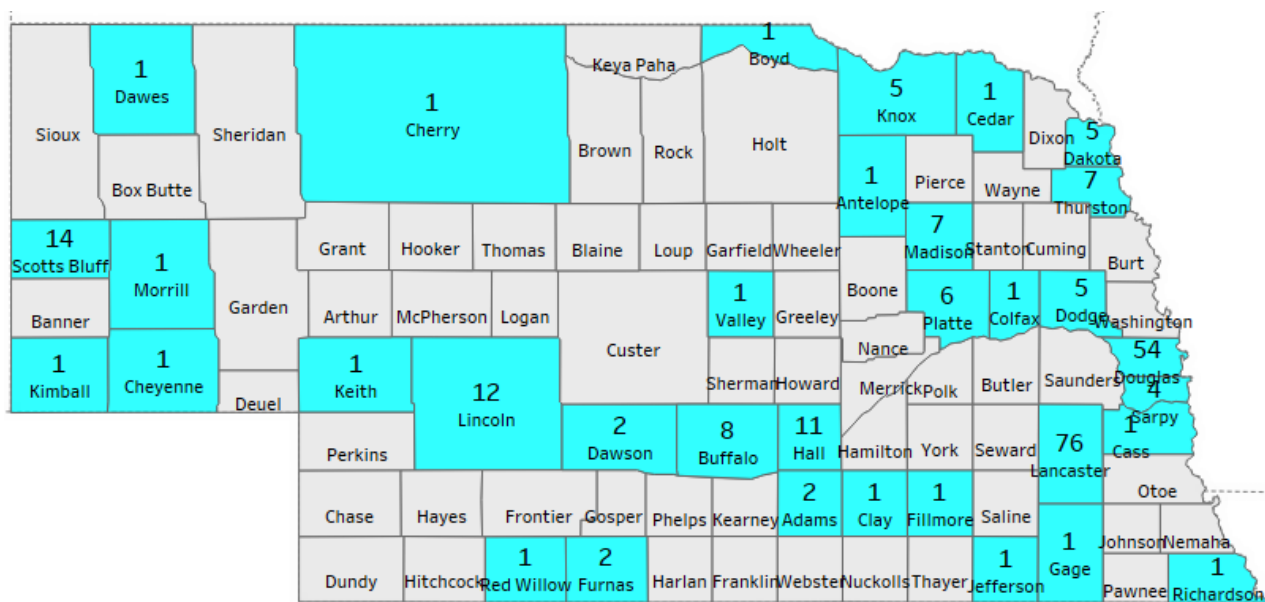
**Figure 2: Percent Change in Youth Placed at the YRTC**

	Dec-18	Dec-19	% Change
Girls	38	18	-52.3%
Boys	81	91	11.8%
<b>State</b>	<b>120</b>	<b>109</b>	<b>-8.7%</b>

At the same time that the population of girls decreased, the population of boys placed at a YRTC increased. This increase overlaps with the timeframe in which boys and girls were both housed at YRTC-Kearney. In December 2019, there were 11.8% more boys placed at a YRTC than December of 2018 (**Figure 2**).

**County.** In total, 238 youth were placed at a YRTC during 2019. **Figure 3** illustrates the county of court for these youth.

**Figure 3: County of Court for Youth Placed at YRTC during 2019, n=238\***



\*County data is derived from current court cases. Some youth may have court cases in more than one county. The FCRO determines a primary county using the following ranking of court cases: 1) child welfare court case, 2) felony juvenile court case, 3) misdemeanor juvenile court case, 4) status offense juvenile court case.

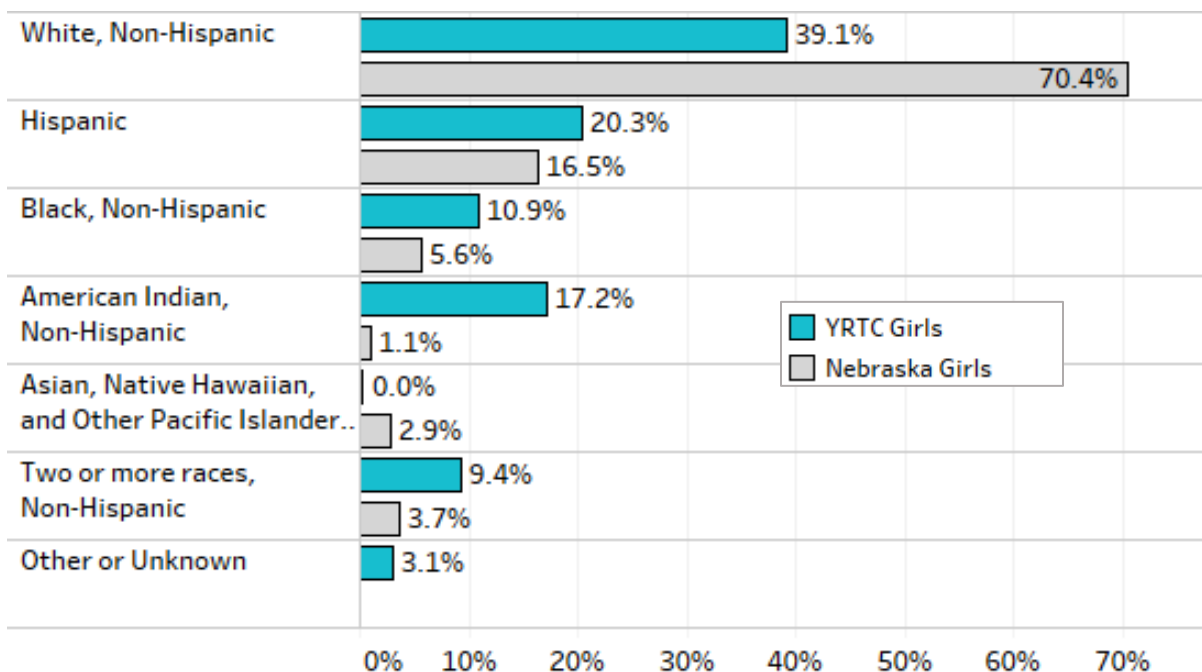
**Gender.** During 2019, 64 girls and 174 boys resided in a YRTC. Due to significant differences in the past and current experiences for boys and girls who have been placed at a YRTC, most data in this special study is presented by gender.

**Age.** By law, youth placed at a YRTC range in age from 14 to 18. On 12/31/19, the median age of the girls was 16 and the median age of the boys was 17.

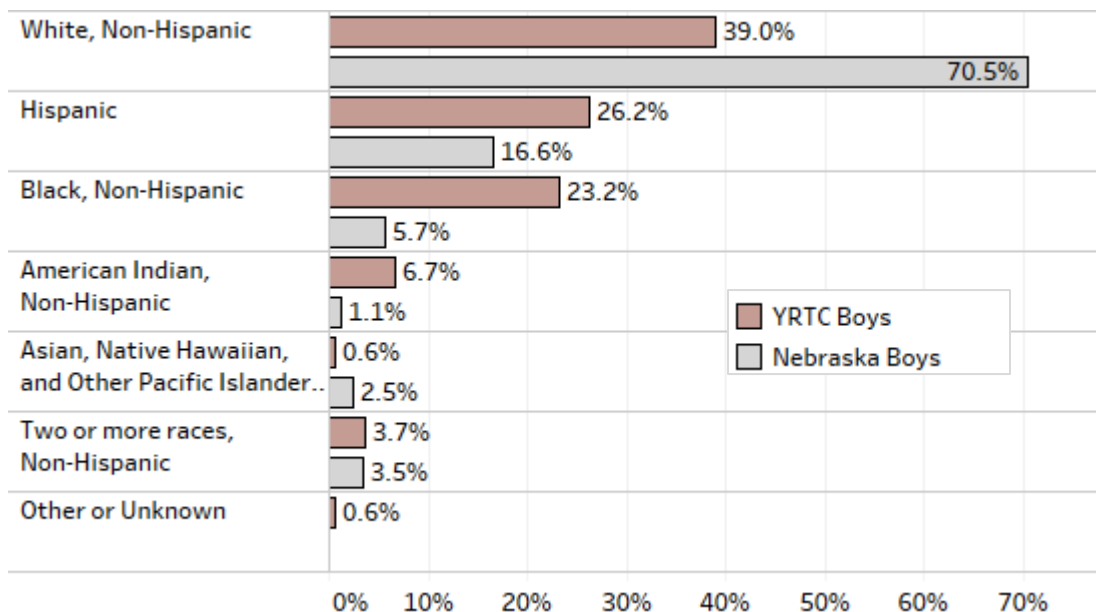
**Race and Ethnicity.** Minority youth are disproportionately represented at the YRTCs. As shown in **Figure 4** and **Figure 5**, this is true for both boys and girls. In particular:

- 1.1% of Nebraska girls are American Indian, non-Hispanic, but 17.2% of the girls placed at YRTC in 2019 are American Indian, non-Hispanic. Additionally, multi-racial girls are overrepresented (9.4% of the YRTC girls, compared to 3.7% of Nebraska girls).
- For boys, Black, non-Hispanics are 5.7% of the population, but 23.2% of the YRTC population in 2019.
- Regardless of gender, Hispanic, Black, non-Hispanic, and American Indian youth are overrepresented.

**Figure 4: Racial and Ethnic Background of Girls Placed at YRTCs during 2019, n=64**

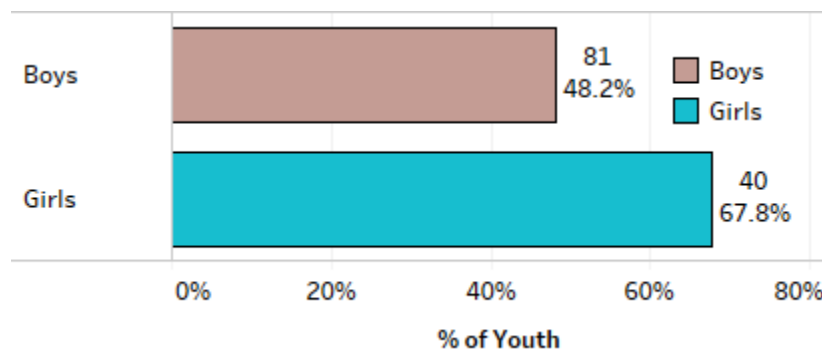


**Figure 5: Racial and Ethnic Background of Boys Placed at YRTCs during 2019, n=174**



**Abuse/Neglect Removals.** For more than 2/3 of the girls and nearly 1/2 of the boys at YRTC during 2019, entering the juvenile justice system was not their first encounter with the Nebraska foster care system. These youth had previous or current abuse/neglect related removal from the home (**Figure 6**).

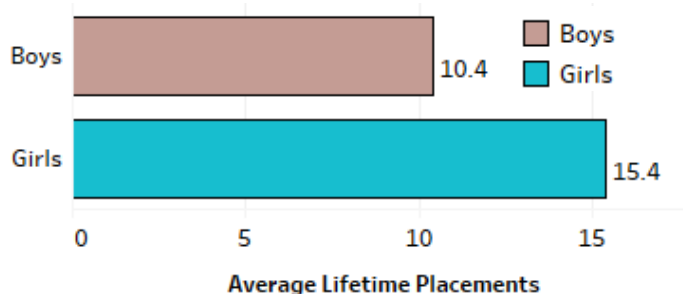
**Figure 6: Youth with Abuse/Neglect Removals by Gender, n=227\***



\*For 11 of the youth placed at the YRTC through Tribal Courts, the FCRO would not be able to assess if they ever had an abuse/neglect removal. They are excluded from this analysis. The percentages are calculated out of 59 girls and 168 boys.

**Lifetime placements.** Over the course of their time in out-of-home care, girls averaged more foster placements than boys (**Figure 7**).<sup>15</sup>

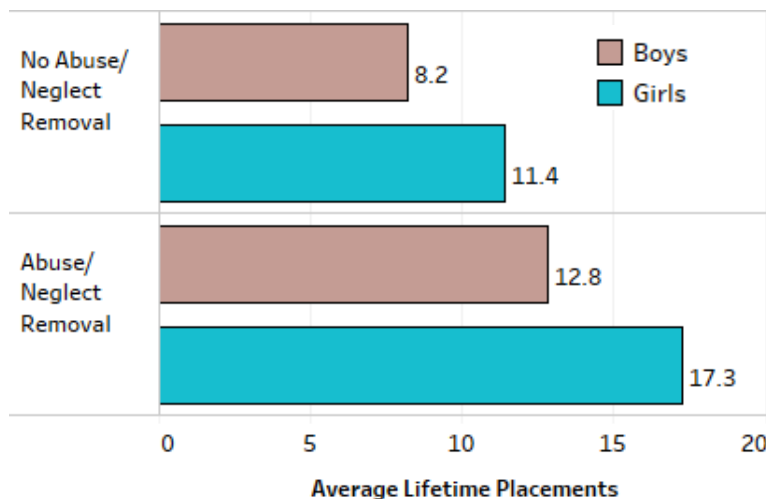
**Figure 7: Average Lifetime Placements by Gender, n=227\***



\*For 11 of the youth placed at the YRTC through Tribal Courts, the FCRO would not be able to assess if they ever had an abuse/neglect removal. They are excluded from this analysis. The averages are calculated for 59 girls and 168 boys.

These differences are even more striking when abuse/neglect removals are taken into consideration. Girls with abuse/neglect removals averaged 17.3 different foster care placements during their lifetime (**Figure 8**).

**Figure 8: Average Lifetime Placements by Gender and Abuse/Neglect Removal(s), n=227\***



\* For 11 of the youth placed at the YRTC through Tribal Courts, the FCRO would not be able to assess if they ever had an abuse/neglect removal. They are excluded from this analysis. The averages are calculated for 59 girls and 168 boys.

<sup>15</sup> Lifetime placements excludes hospitalizations of three days or less, episodes of missing from care, and trial home visits. Because the Foster Care Tracking System is a live data set, the data presented here is the current information on the 239 youth as of 2/20/2020.

There are a variety of reasons that a youth may change placements while in foster care. For children with abuse/neglect removals, a placement change may reflect a move to live with a relative or kin, or a move to a home that plans to provide permanency. For a youth in foster care through the juvenile justice system, a placement change could reflect a completion of a treatment program, or a reduction in the youth's risk levels, and therefore a reduction in placement restrictiveness.

While some placement changes are overall positive moves towards finding a permanent home or completion of treatment goals, others occur because of provider requests, needs not being met in the current placement, a higher level of restrictiveness needed, or even allegations of abuse or neglect in the placement.

The number of placement moves experienced by the YRTC population – from a low of 8.2 for boys with no abuse/neglect removals to a high of 17.3 for girls with abuse/neglect removals – indicates that the population of youth at the YRTC have experienced several moves related to instability as opposed to permanency, treatment progress, or reduction of risk. As stated earlier, placement at a YRTC is contingent upon a lack of success in less restrictive placements.

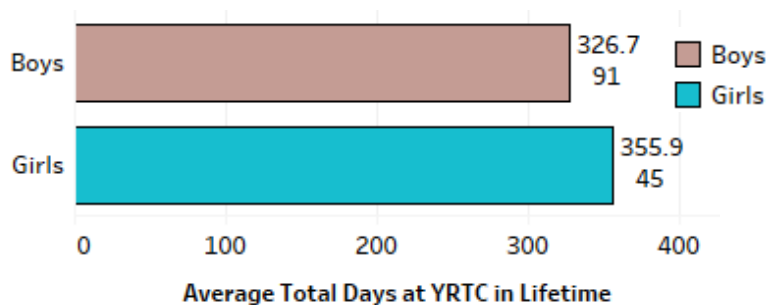
A change in placement – even when it is necessary for the overall well-being of the youth – can have negative effects. Positive attachments to adults may be broken, and new relationships must be built. This process has the potential to lead to challenging behaviors from the youth, which may then become a threat to the current placement stability. Placement changes can result in educational disruptions, and research shows that youth with juvenile justice system involvement typically have poorer educational outcomes than their peers.<sup>16</sup> The FCRO is concerned that the current YRTC plan – which allows for moves between three campuses for girls and two for boys – may result in disruptions that would stymie the progress the youth have made.

Of the 238 youth placed at a YRTC during 2019, 136 have exited as of the writing of this report. These youth averaged 336 total days at a YRTC.<sup>17</sup> As **Figure 9** shows, the girls average almost 30 days longer at a YRTC than the boys. If youth are averaging 11 months in a YRTC, the importance of the educational program at the facilities cannot be understated. Educational implications will be discussed further in the next section.

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<sup>16</sup> Development Services Group, Inc. 2019. "Education for Youth Under Formal Supervision of the Juvenile Justice System." Literature Review. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention. <https://www.ojjdp.gov/mpg/litreviews/Education-for-Youth-in-the-Juvenile-Justice-System.pdf>

<sup>17</sup> This is based on total days at a YRTC during their lifetime. This may have been through multiple juvenile court commitments to the YRTC, or a single commitment. It also excludes days where a youth may have been missing from the YRTC or placed in a short-term treatment center for acute needs.

**Figure 9: Average Lifetime Days at YRTC by Gender, n=136****Review Data.**

In addition to the tracking data on all youth placed at the YRTC, the FCRO conducted 65 reviews of youth placed at a YRTC during 2019. During the review process, FCRO System Oversight Specialists conduct a case file audit on the case, including review of available documentation and direct contact with relevant parties. During the review, the System Oversight Specialists enter relevant indicators and outcomes onto the FCRO's FCTS database and complete a case summary. This information is presented to trained local citizen review boards and the relevant parties are invited to participate in the citizen reviews. The boards then make required findings and recommendations which are coded and entered on FCTS.

The FCRO conducts two distinct types of reviews. All reviewed children with an active abuse/neglect court case – even those that are simultaneously involved in the juvenile justice system - receive an abuse/neglect review. This type of review examines the safety, permanency, and well-being of the child. Permanency can include reunification, adoption, or guardianship.

If a youth is in foster care through the juvenile justice system and does not have an active abuse/neglect court case, they receive a juvenile justice review. Juvenile justice reviews still focus on safety and well-being, but instead of permanency as defined in abuse/neglect cases, the reviews focus on community safety and overall rehabilitation for a successful transition back to the family and community.

The type of review determines which data points are collected. Many well-being indicators – such as current educational status and mental health diagnosis – are gathered in both review types. However, information such as type of law violation is only gathered for juvenile justice reviews. As discussed in the previous section, a significant portion of the youth placed at the YRTC have experienced abuse/neglect removals. Of the 65 youth placed at the YRTC and reviewed by the FCRO in 2019, 42 received abuse/neglect review, and 23 received a juvenile justice review.<sup>18</sup>

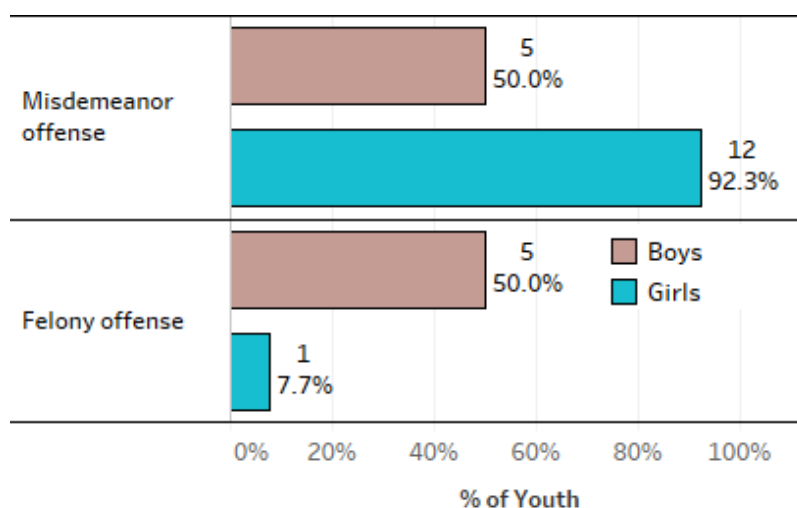
<sup>18</sup> The FCRO is currently working on a revision to the process of conducting reviews when a youth is dually involved in both the abuse/neglect and juvenile justice systems. The fact that nearly 2/3 of the reviews of youth at the YRTC were conducted as abuse/neglect reviews, and therefore data is not available on relevant juvenile justice indicators like offense type, reflects an internal process that we plan to improve.

The three important issues from the review data discussed in this report are:

- the types of offenses committed by youth at the YRTCs,
- the mental health of youth at the YRTCs, and
- the educational status of the youth.

**Offenses.** Many people are surprised to learn that youth can be committed to the YRTC for other than felony charges. **Figure 10** represents the most serious offense for the youth placed at the YRTC (data is only available for the youth who received juvenile justice reviews). For over 90% of the girls and half of the boys, the most serious offense is a misdemeanor.

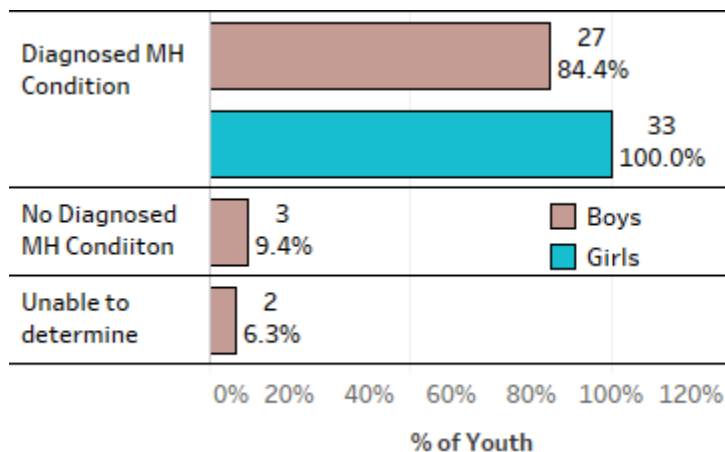
**Figure 10: Most Serious Offense of Juvenile Justice Reviewed Youth Placed at a YRTC in 2019 by Gender, n=23**



**Mental health.** According to the Office of Juvenile Justice and Delinquency Prevention, 70% of youth in the juvenile justice system have a diagnosable mental health problem.<sup>19</sup> There is a complex relationship between mental health and juvenile justice involvement. Certain mental health problems may increase a youth's risk for juvenile justice involvement, and involvement in the juvenile justice system can intensify existing mental health issues. **Figure 11** shows 100% of the girls and 84.4% of the boys reviewed while at the YRTC had a mental health diagnosis. Treatment for mental health disorders must be a central part of the YRTC programming.

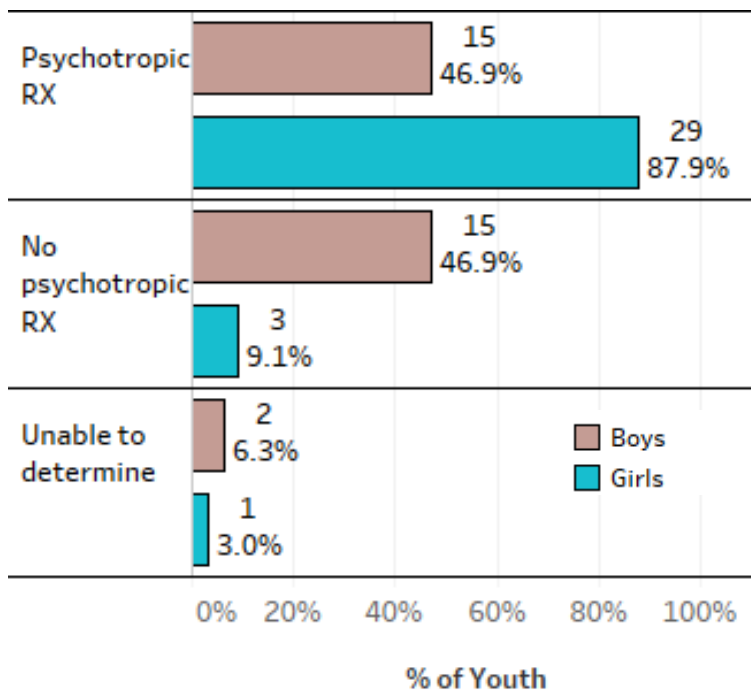
<sup>19</sup> Development Services Group, Inc. 2017. "Intersection between Mental Health and the Juvenile Justice System." Literature review. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention. <https://www.ojjdp.gov/mpg/litreviews/Intersection-Mental-Health-Juvenile-Justice.pdf>

**Figure 11: Mental Health Diagnoses for All Reviewed Youth Placed at a YRTC in 2019 by Gender, n=65**



Many, though not all, mental health diagnoses may respond to a prescription for a psychotropic medication. **Figure 12** shows that boys and girls are prescribed at very different frequencies. One hypothesis is that there may be differences in the mental health conditions between the boys and girls, further research will be needed to determine if this is true and, if so, how it impacts the youth’s service needs.

**Figure 12: Current Psychotropic Prescription for All Reviewed Youth Placed at a YRTC in 2019 by Gender, n=65**



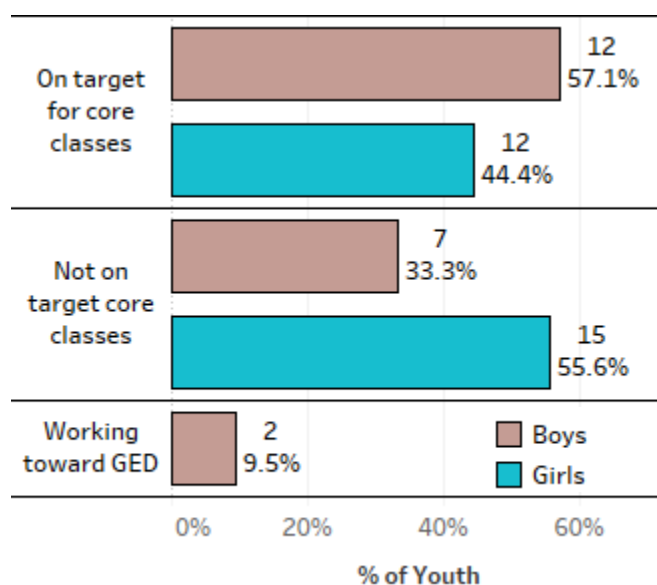


**Education.** Previously in this special section we described how many of the youth at a YRTC have experienced abuse/neglect and multiple placements, all of which may contribute to academic struggles and potential educational disruptions.

**Figure 13** shows that, while at the YRTC, many of the youth were not on target with their core classes at time of review. More girls were struggling than were boys. This may reflect earlier data that girls were more likely to have a child welfare removal, averaged more lifetime placements, and were more likely to have a mental health diagnosis than boys.

It is also very important to note that for 11 boys and 5 girls, the FCRO was not able to ascertain their current academic performance during the review process – highlighting a lack of documentation available. Those 16 youth, plus one girl who had already graduated, are not included in the percentages.

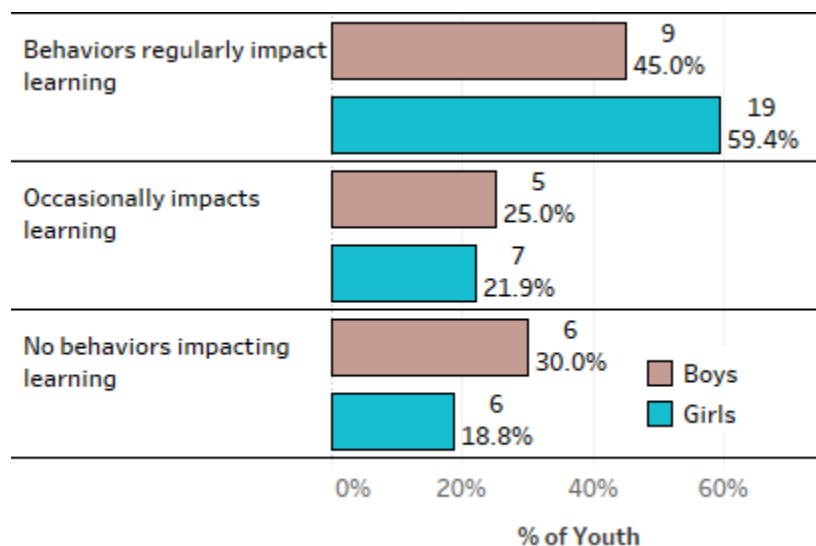
**Figure 13: Performance in Core Classes (Language, History, Math) for All Reviewed Youth Placed at a YRTC in 2019 by Gender, n=48**



As shown in **Figure 14**, the girls were also more likely than the boys to have behavioral concerns that regularly impacted learning. Once again, these behaviors cannot be untangled from mental health diagnoses and trauma resulting from abuse/neglect removals and multiple placement changes.

The FCRO was unable to assess behaviors impacting learning for 12 boys, and 1 girl had already graduated. These youth are excluded from the figure.

**Figure 14: Whether Youth was Exhibiting Behaviors Disruptive to Learning for All Reviewed Youth Placed at a YRTC in 2019 by Gender, n=52**



### Summary.

The preceding data and analysis, along with data in Appendix C and conversations with FCRO staff conducting reviews of youth at a YRTC, confirm that thoughtful consideration needs to be given to the following:

- Gender differences in youth's histories and past traumas that can result in different treatment needs.
- Gender disparities regarding which youth get moved between campuses and under what conditions.
- On-going racial and ethnic disparities.
- The need for purposeful initial and on-going assessments to help tailor individual plans that maximize the benefits youth experience from a YRTC commitment.
- The need for clarity on expectations regarding class attendance and documentation of school performance or educational needs that remain to be addressed.
- Adequacy of behavioral and mental health services and treatment, and ability to continue aftercare services (if necessary) when moved back into the youth's community.
- Ensuring the safety of every youth placed at a YRTC.

Given that youth average 11 months at the YRTCs, it is critical the academic program is responsive to the behavioral and mental health needs of the youth. That being said, if past traumas and current diagnoses are not properly addressed through programming and treatment, educational outcomes will continue to suffer for this population.

These are heavily intertwined and difficult issues, yet necessary to address if youth are to have successful lives after leaving a YRTC. There are some hopeful signs. Bills before the Nebraska Legislature this session propose many changes related to the YRTCs, and system stakeholders and advocates are supporting a variety of proposals. These ideas would:

- Ensure all assessments and individualized treatment plans appropriately account for past traumas due to abuse, neglect, and current mental health diagnoses.
- Ensure programs are age- and developmentally-appropriate, using the best research- or evidence-based approaches.
- Make or restore buildings to appropriate safety standards.
- Enable programming that ensures the safety of youth and the staff that care for them.
- Increase oversight and resources available for the education of the youth.

The FCRO will continue to monitor and report on YRTCs, including any positive changes that may occur as new proposals move forward.

***The next page starts the FCRO's routine reporting as normally included in each Quarterly Report.***



The 4,088 children in out-of-home or trial home visit care on 12/31/19 included the following groups:

- 3,255 (79.6%) children that were DHHS/CFS wards in out-of-home care or trial home visits with no simultaneous involvement with the Office the Courts and Probation, Juvenile Division (hereafter referred to simply as Probation).
  - This is a 2.5% decrease compared to the 3,340 children on 12/31/18.
- 560 (13.7%) youth in out-of-home care while supervised by Probation, but not simultaneously involved with DHHS/CFS or at the YRTCs.
  - This is a 9.7% decrease compared to the 620 such youth on 12/31/18.
- 153 (3.7%) youth in out-of-home care involved with DHHS/CFS and Probation simultaneously.
  - This is a 30.8% increase compared to the 117 children on 12/31/18.
- 112 (2.7%) youth in out-of-home care involved with both DHHS/OJS and Probation, including 106 at the YRTCs and 6 in other placements.
  - This is the about the same (1.8% increase) compared to the 110 such youth on 12/31/18.
- 8 (0.2%) children in out-of-home care served by DHHS/OJS only.

***Informal Living Arrangements (AILA).*** In addition to the 4,088 children described above, there are 138 children in [approved] informal living arrangements (AILAs). As discussed in the December 2019 FCRO Quarterly Report,<sup>22</sup> AILAs occur when a family is involved in a non-court voluntary case with DHHS/CFS due to an active safety threat, and as part of the safety plan the parent places their child(ren) with a relative or friend. Children in AILAs are demographically similar to children court ordered into out-of-home care through DHHS/CFS in terms of age and gender distributions (**page 26**). Their racial and ethnic make-up is different, however, as more children in AILAs are White, non-Hispanic than their court-system involved peers, 62.3% compared to 47.1%, respectively (**page 27**).

DHHS/CFS and the FCRO continue to work on ways to improve the data on children in informal living arrangements. The FCRO is developing standard reporting measures for informal living arrangements that, once implemented, will be reported in future quarterly reports.

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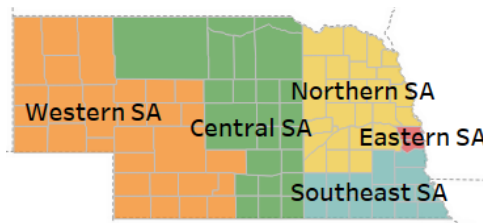
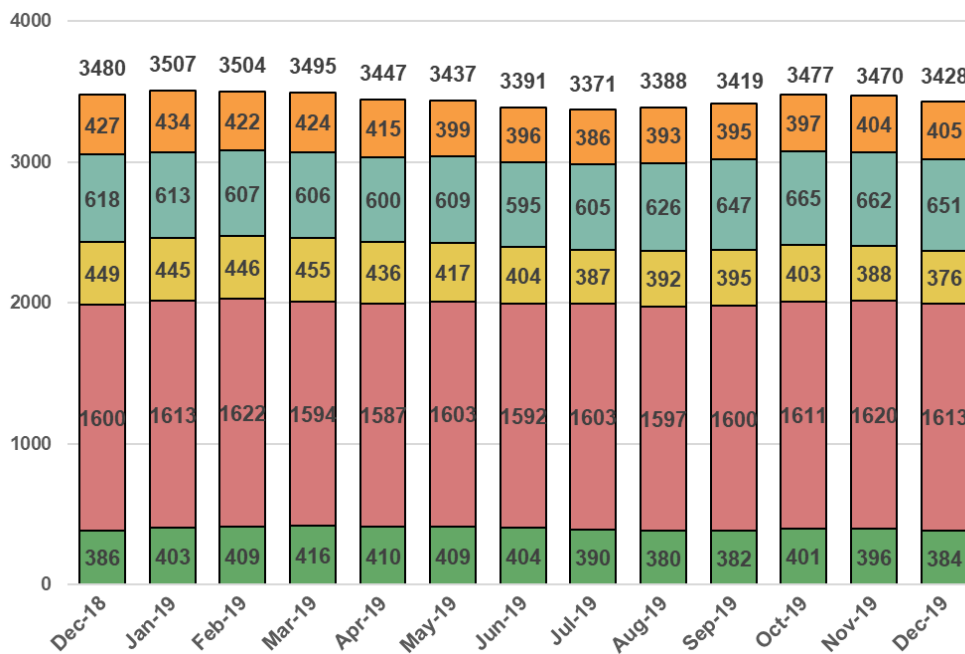
<sup>22</sup> <https://fcro.nebraska.gov/pdf/FCRO-Reports/2019-q3-quarterly-report.pdf>

## Average Daily Population of Children with any DHHS/CFS Involvement

### Daily population

**Figure 16** shows the average daily population per month of DHHS/CFS involved children in out-of-home or trial home visit placements (including those simultaneously serviced by Probation) from December 2018 to December 2019.

**Figure 16: Average Daily Population of All DHHS/CFS Involved Children in Out-of-Home or Trial Home Visit Placements – (includes children with simultaneous involvement with Probation)<sup>23</sup>**



<sup>23</sup> The FCRO's FCTS data system is a dynamic computer system that occasionally receives reports on children's entries, changes, or exits long after the event took place. The FCRO also has a robust internal CQI (continuous quality improvement) process that can catch and reverse many errors in children's records regardless of the cause and that works to create the most accurate data possible. Therefore, due to delayed reporting and internal CQI, some of the numbers on this rolling year chart will not exactly match that of previous reports.

**Figure 17** compares the average daily populations from December 2018 to December 2019 by service area (SA). In December 2019, there were 1.5% fewer DHHS/CFS wards in out-of-home care or trial home visit than at the same time last year. The decrease in the number of children in out-of-home care varies by service area, with the Northern service area seeing the largest rolling year drop (-16.4%).

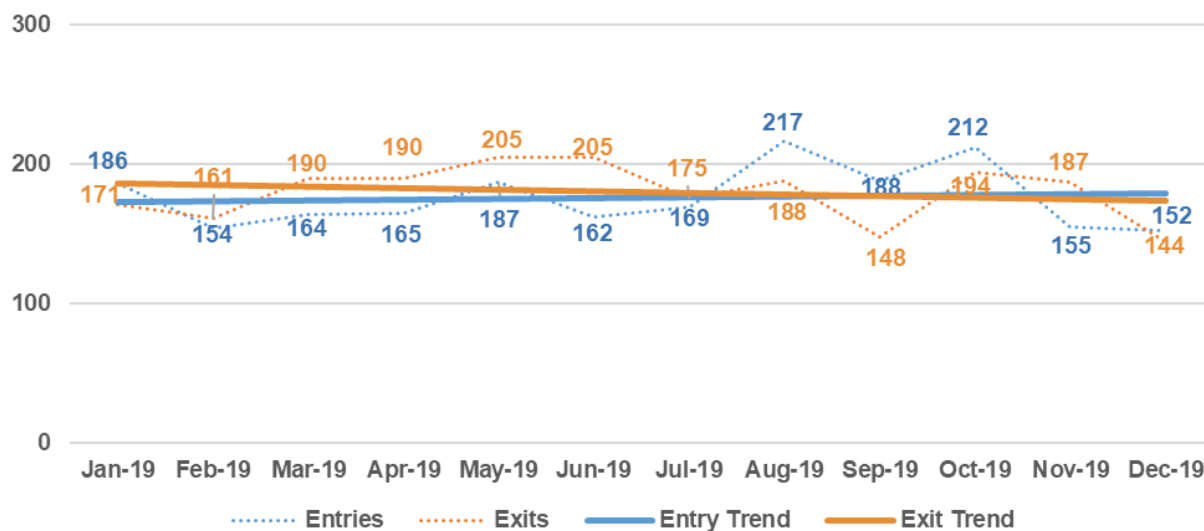
**Figure 17: Percent Change in All DHHS/CFS Involved Children in Out-of-Home or Trial Home Visit Placements**

	Dec-18	Dec 19	% Change
Central SA	386	384	-0.6%
Eastern SA	1600	1613	0.9%
Northern SA	449	376	-16.4%
Southeast SA	618	651	5.4%
Western SA	427	405	-5.2%
<b>State</b>	<b>3480</b>	<b>3428</b>	<b>-1.5%</b>

### Entries and Exits

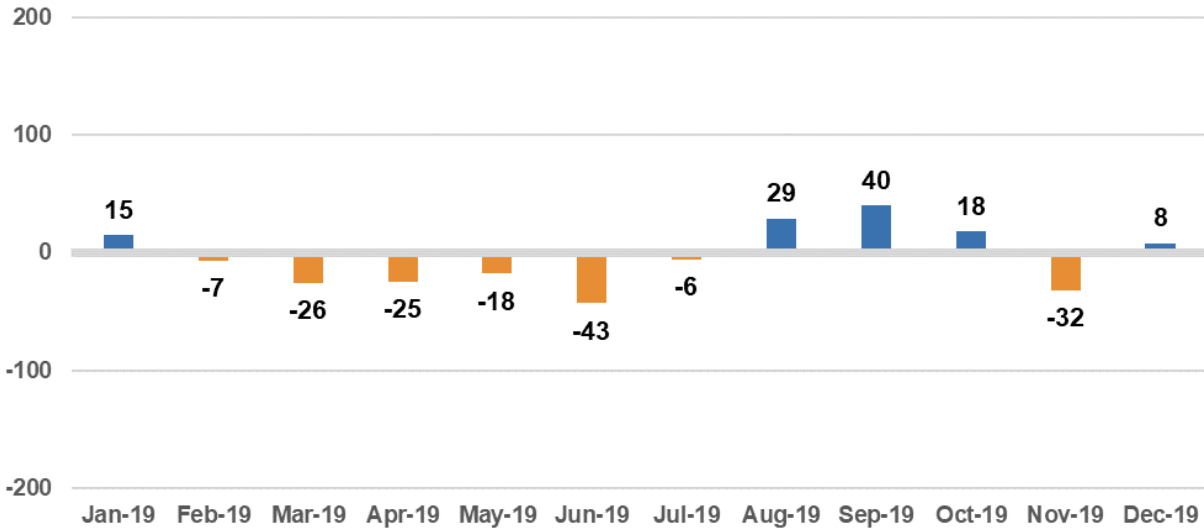
**Figure 18** shows that for 8 of the last 12 months, more children exited the foster care system than entered, which led to net decreases in the overall population of children in out-of-home and trial home visit placements. As expected, the number of children exiting foster care increases in November, when many jurisdictions participate in Adoption Day, and at the end of the school year during May and June.

**Figure 18: Statewide Entrances and Exits of DHHS/CFS Involved Children**



**Figure 19** below simplifies the previous figure to only show the net differences between the entries and exits for each month of the last rolling year.

**Figure 19: Net Changes of DHHS/CFS Involved Children**







As expected, most of the children are from the two largest urban areas (Omaha and Lincoln, in the Eastern and Southeast Service Areas, respectively). Perhaps more importantly, though, is the number of state wards from counties with relatively few children in the population (**Figure 21**).

When comparing the number of children in out-of-home care and trial home visit to the number of children in the population for the county, the counties with the highest rates of children in out-of-home or trial home visit placement are Garden, Sioux, Lincoln, Cheyenne, Richardson, Pawnee, Harlan, Custer, Polk, and Dawson.

**Figure 21. Top 10 Counties by Rate of NDHHS Wards in Care on 12/31/2019**

County	Children in Care	Total Age 0-19 <sup>25</sup>	Rate per 1,000
Garden	11	404	27.2
Sioux	4	243	16.5
Lincoln	123	9062	13.6
Cheyenne	31	2387	13.0
Richardson	21	1849	11.4
Pawnee	7	617	11.3
Harlan	9	797	11.3
Custer	29	2803	10.3
Polk	12	1324	9.1
Dawson	61	7027	8.7

**Gender.** Girls and boys are equally represented in the population of children in care on 12/31/19, as has been true for several years.

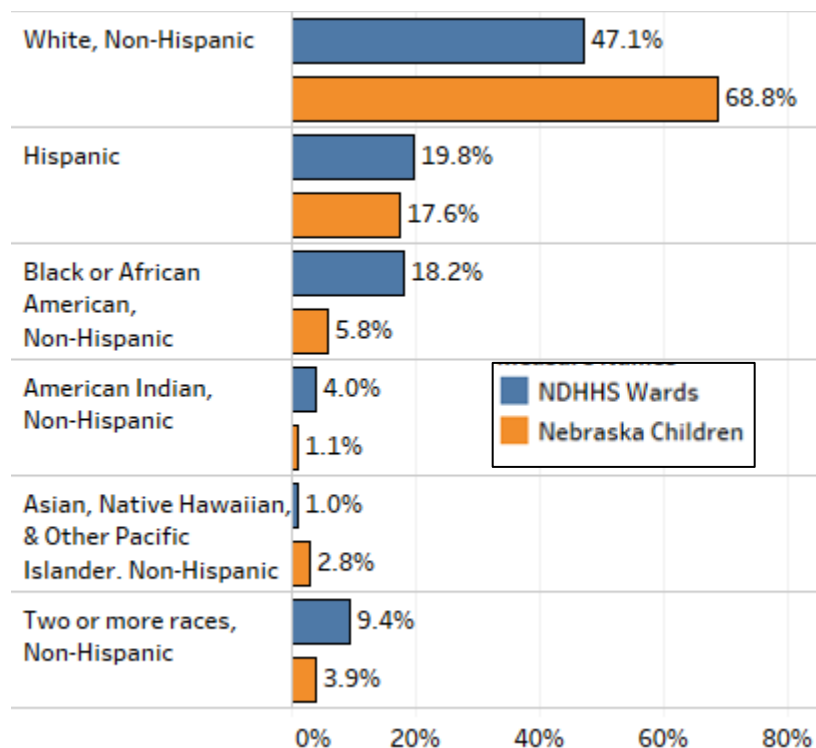
**Age.** Consistent with past reports, approximately:

- 39.3% of children in care are 5 and under,
- 33.8% are between 6 and 12, and
- 26.9% are teenagers.

<sup>25</sup> U.S. Census Bureau, Population Division, County Characteristics Datasets: Annual County Resident Population Estimates by Age, Sex, Race, and Hispanic Origin: July 1, 2018.

**Race and Ethnicity.** As the FCRO and others have consistently reported, minority children continue to be overrepresented in the out-of-home population (**Figure 22**). The Census estimates that 5.8% of Nebraska's children are Black or African American, 1.1% are American Indian or Alaska Native, and 3.9% are multiracial. Yet, for all three groups, their percent of total DHHS/CFS wards is substantially more than their representation in the general population of children.

**Figure 22: DHHS/CFS Wards in Out-of-Home or Trial Home Visit Placement on 12/31/19 by Race or Ethnicity, n=3,255**

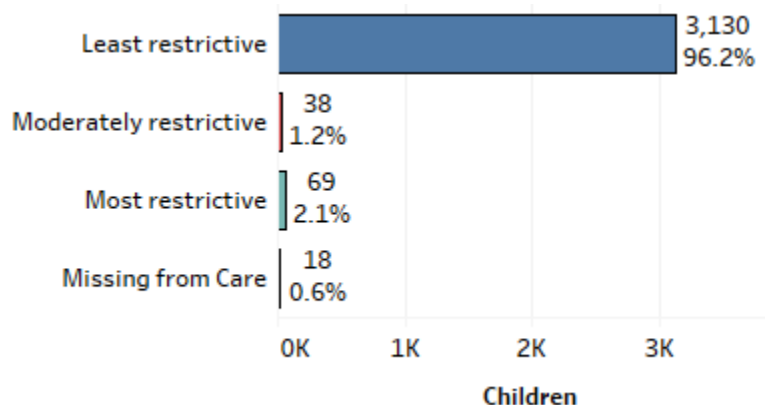


## Placements

**Placement Restrictiveness.** Children in foster care need to live in the least restrictive, most home-like temporary placement possible in order for them to grow and thrive. Some children need congregate care, which could be moderately or most restrictive. A more moderate restrictiveness level includes non-treatment group facilities, and the most restrictive are the facilities that specialize in psychiatric, medical, or juvenile justice-related issues and group emergency placements.

**Figure 23** shows that most (3,130 or 96.2%) DHHS/CFS wards in out-of-home placements or trial home visits were placed in a family-like, least restrictive setting. The proportion of children in the least restrictive setting has remained above 95% for over the past two years. DHHS/CFS is to be commended for maintaining focus on providing children the least restrictive placement possible.

**Figure 23: Placement Restrictiveness for DHSS/CFS Wards in Out-of-home or Trial Home Placements on 12/31/19, n=3,255**



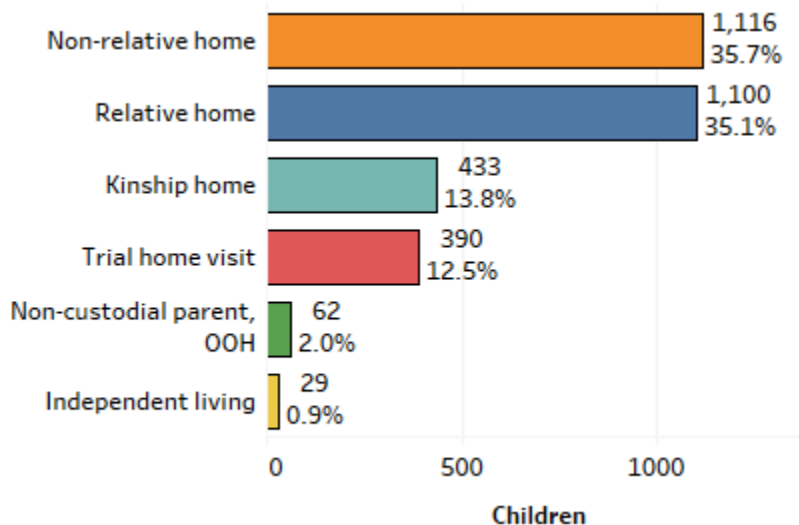
Children missing from care must always be a top priority as their safety cannot be assured. There were 18 children missing on 12/31/19.

***Least Restrictive Placements.*** There are several different types of least restrictive placements, which provide care to children in home-like settings. Nebraska defines some of these placements differently than other states:

- “Relative” is defined in statute as a blood relationship, while “kin” in Nebraska is defined as fictive relatives, such as a coach or teacher, who by statute are to have had a prior positive relationship with the child.
- “Non-custodial parent out-of-home” refers to instances where children were removed from one parent and placed with the other but legal issues around custody have yet to be resolved.
- “Independent living” is for teens nearing adulthood, such as those in a college dorm or apartment.
- “Trial home visit” (THV) by statute is a temporary placement with the parent from which the child was removed and during which the Court and DHHS/CFS remain involved.

The majority (48.9%) of children in a foster home are placed with relatives or kin (**Figure 24**). These percentages are very similar to 50.1% on 12/31/18.

**Figure 24: Specific Placement Type for DHHS/CFS Wards in the Least Restrictive Placement Category on 12/31/19 (see Figure 23), n=3,130**



#### ***Licensing of relative and kinship foster homes.***

Under current Nebraska law, DHHS can waive some of the licensing standards and requirements for relative (not kin) placements. Even though this option is statutorily available, DHHS is instead approving many of these relative placements rather than licensing them. That practice creates a twofold problem:

- 1) approved caregivers do not receive the valuable training that licensed caregivers get on helping children who have experienced abuse, neglect, and removal from the parents, and
- 2) in order to receive Federal Title IV-E funds, otherwise eligible children must reside in a licensed placement, so Nebraska fails to recoup a significant amount of federal funds.

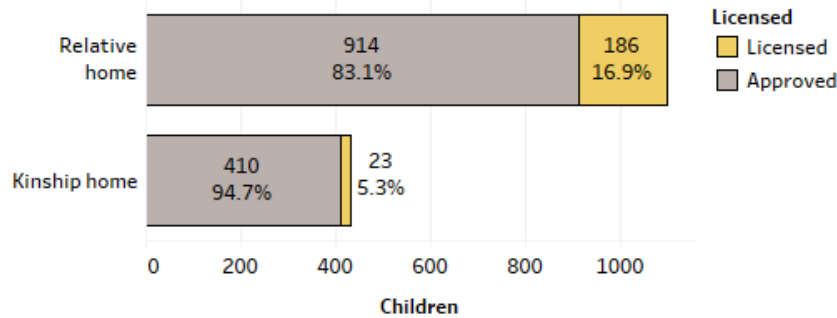
Kinship homes cannot receive a license waiver, but a relative can be granted a waiver of one or more of the following requirements:

- That the three required references come from no more than one relative.
- The maximum number of persons for whom care can be provided.
- The minimum square feet per child occupying a bedroom and minimum square footage per individual for areas excluding bedrooms, bathrooms, and kitchen.
- That a home has at least two exits on grade level.
- Training.

Due to the fiscal impact and training issues described, the FCRO looked at the licensing status for these specific types of placement. The data in **Figure 25** shows the number of children in licensed and non-licensed relative and kinship foster homes. This is different

from the number of foster homes, as one home may provide foster care to several children. Few children in relative or kinship homes are in a licensed placement.

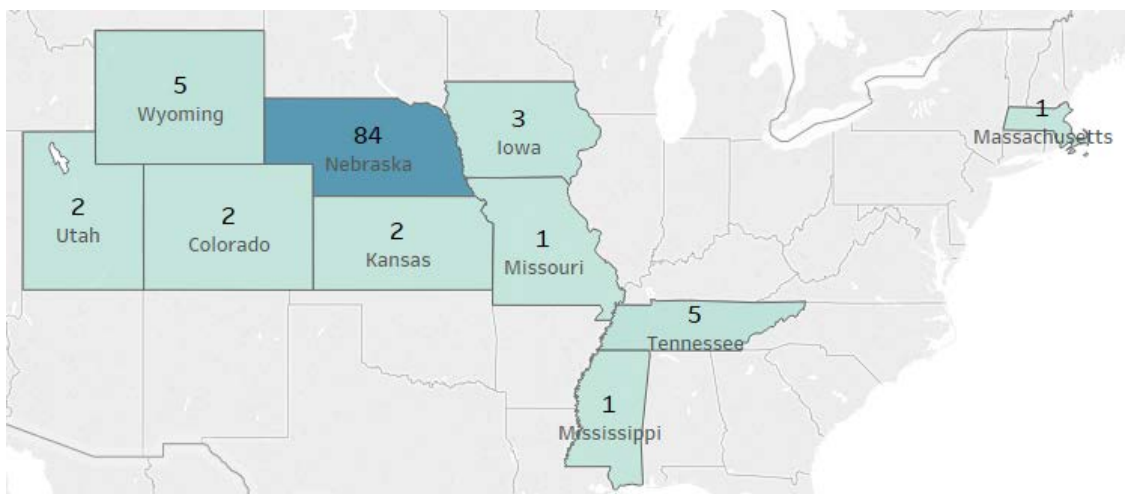
**Figure 25: Licensing for DHHS/CFS Wards in Relative or Kinship Foster Homes on 12/31/19, n=1,100 (relatives) and n=433 (kinship)**



The FCRO has repeatedly advocated for licensing for relative and kinship foster homes, both for accessing federal funding and for the important training needed for caregivers. It is a positive step that DHHS/CFS recently made online foster parent training available for relative and kinship foster care providers.

**Congregate Care.** On 12/31/19, 3.3% of DHHS/CFS wards were placed in moderately or most restrictive congregate care facilities. **Figure 26** shows that of the 106 DHHS/CFS wards in congregate care, most (84, 79.2%) are in Nebraska. Congregate care facilities should be utilized only for children with significant mental or behavioral health needs, and it is best when those needs can be met by in-state facilities in order to keep children connected to their communities.

**Figure 26: State of Placement for DHHS/CFS Wards in Congregate Care on 12/31/19, n=106**

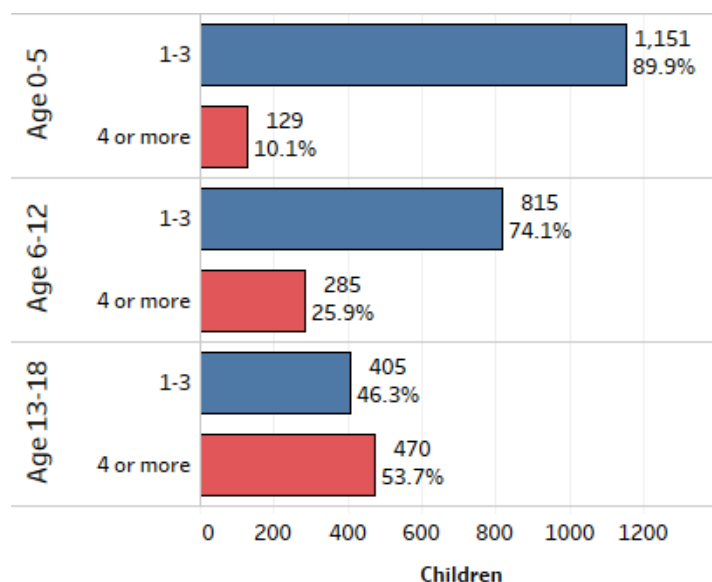


## Multiple placements

Of the 3,255 children in care on 12/31/19, 884 children (27.1%) had experienced four or more placements over their lifetime (**Figure 27**).<sup>26</sup> That compares to 27.7% of wards on 12/31/18.

It is very concerning that 10.1% of young children have experienced a high level of placement change while simultaneously coping with removal from the parent(s).<sup>27</sup>

**Figure 27: Lifetime Placements for DHHS/CFS wards in Out-of-Home or Trial Home Visit on 12/31/19, n=3,255**



## Number of Workers during Current Episode of Care

**Figure 28** shows the number of workers during the current episode of care for 3,255 children in out-of-home or trial home visit placement on 12/31/19 as reported by DHHS. Workers here include Lead Agency Permanency Specialists in the Eastern Service Area where DHHS/CFS contracts for such services, and DHHS/CFS case managers elsewhere.<sup>28</sup>

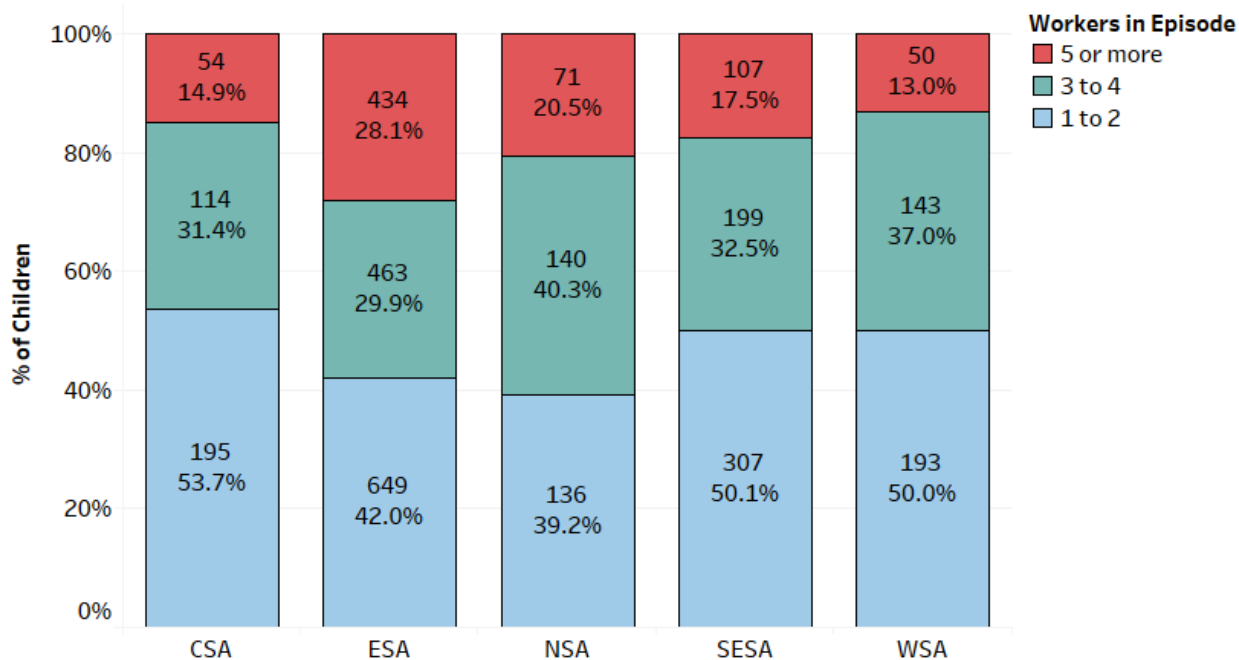
<sup>26</sup> This does not include placements with parents, respite short-term placements (such as to allow foster parents to jointly attend a training) or episodes of being missing from care.

<sup>27</sup> The [FCRO 2017 Annual Report](#) included information on the effects of placement changes on children, and is still valid today. For further information on trauma, see the special study on children in care for five years or more that was part of the March 2019 Quarterly Report.

<sup>28</sup> In 2019 the lead agency in the Eastern Service Area changed from PromiseShip to St. Francis Ministries, with case transfers occurring 9/30/19-12/31/19. FCRO staff made efforts to ensure if a worker transferred agencies but maintained case management for a family, they were not duplicated in caseworker counts. However, the FCRO is aware of technological issues that may be causing underreporting of total caseworkers and is working to address this issue.

More than four worker changes is considered an unacceptable number of worker transfers that likely significantly delays permanency.<sup>29</sup> Depending on the area, between 14.9% - 28.1% of the children have had five or more workers since most recently entering the child welfare system.

**Figure 28: Number of Workers in Current Episode by Service Area for DHHS/CFS Wards 12/31/2019, n=3,255**



**Lifetime episodes involving removal from the home**

Figure 29 shows that 743 (22.8%) of the DHHS wards in care on 12/31/19 had experienced more than one court-involved removal from the parental home. This is the same as the 22.8% in this category on 12/31/18. Each removal can be traumatic and increases the likelihood of additional moves between placements.

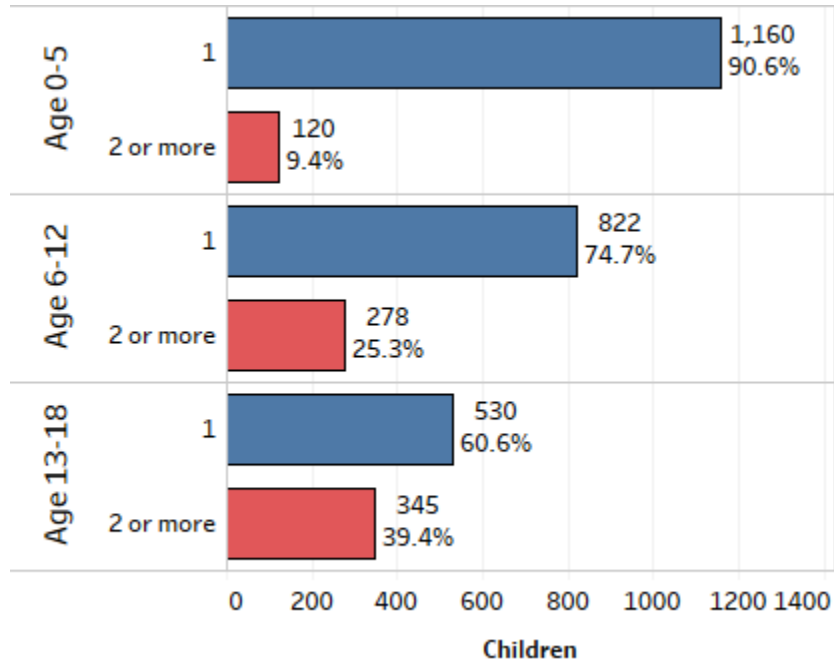
Child abuse prevention efforts need to include reducing or eliminating premature or ill-planned returns home that result in further abuse or neglect.

The State must do more to address why more than 1 in 5 children currently in the system had a prior removal, and why with so many fewer children in care this critical indicator has not improved.

<sup>29</sup> Review of Turnover in Milwaukee County Private Agency Child Welfare Ongoing Case Management Staff, January 2005.



**Figure 29: Lifetime Removals for DHHS/CFS Wards in Out-of-Home or Trial Home Visit Placements on 12/31/19, n=3,255**



## DHHS/OJS Youth Placed at a YRTC –

Statistics and analysis normally found in this section were moved to the Special Section on the YRTCs (**page 7**), or to Appendix C (**page 48**).

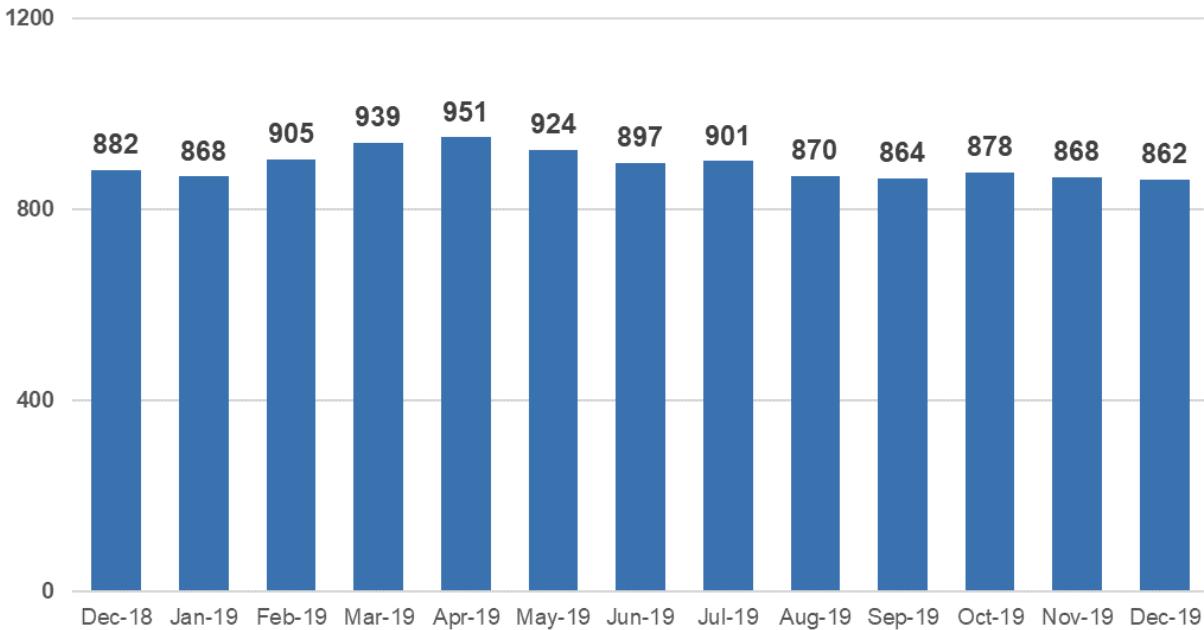
## Average Daily Population for Youth Out-of-Home With Any Probation Involvement

### Average daily population

**Figure 30** shows the average daily population (ADP) per month of all Probation-involved youth in out-of-home placements for the last 12 months (including those with simultaneous involvement with DHHS/CFS and DHHS/OJS). It shows a decrease of 2.3%.

**Figure 30: Average Daily Population of Youth in Out-of-Home Care Supervised by Probation**

(includes children with simultaneous involvement with DHHS/CFS and DHHS/OJS)



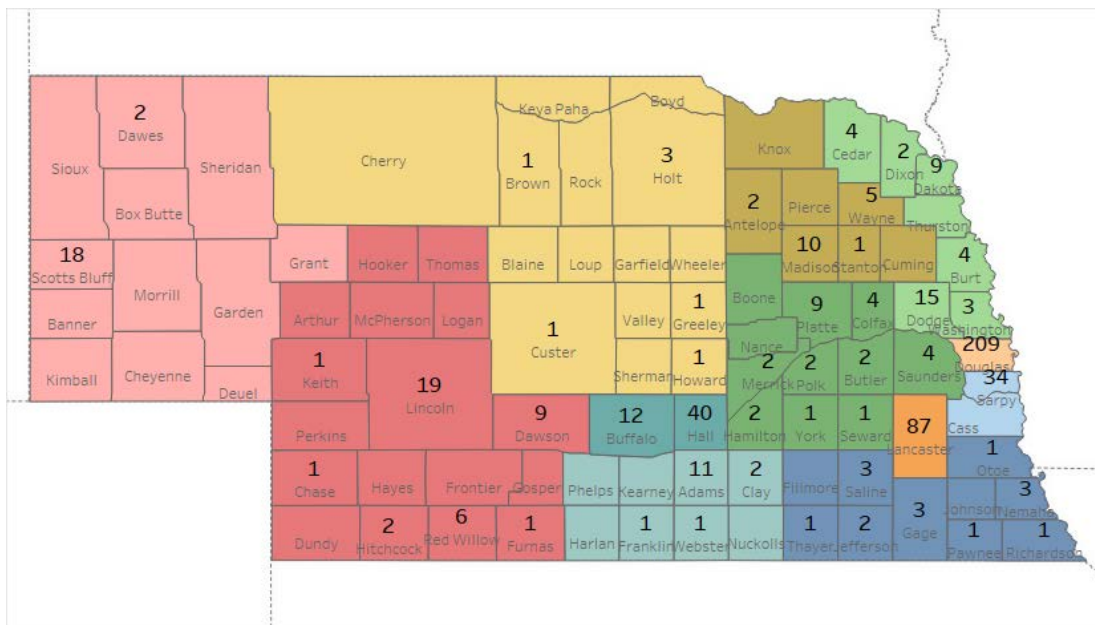
## Youth in Out-of-Home Care Supervised by the Office of the Courts and Probation, Juvenile Division - Point-in-time (Single Day) View

Single-day data here includes only Probation-involved youth in an out-of-home placement that are not simultaneously wards of the state through DHHS/CFS or DHHS/OJS (placed at YRTC).

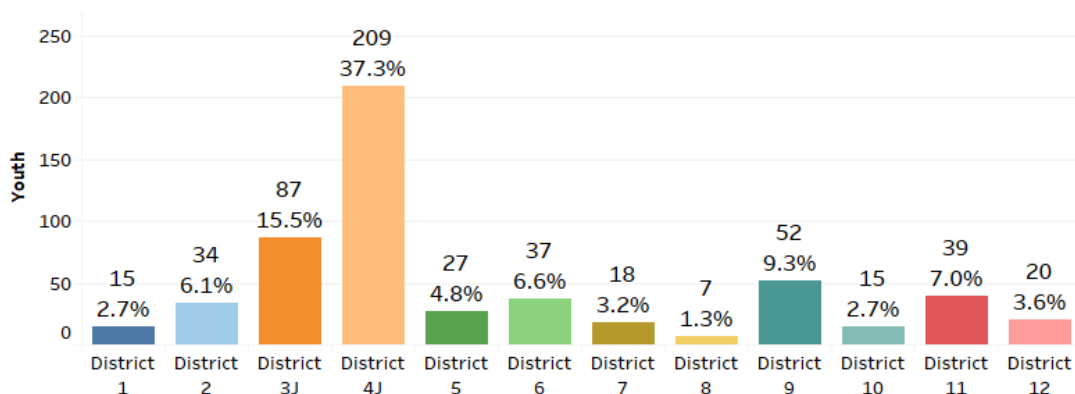
### Demographics

**County.** Figure 31 shows the Probation district and the county of court for the 560 Probation youth in out-of-home care on 12/31/19 that are not involved with either DHHS/CFS or DHHS/OJS.

**Figure 31: County of Origin for Probation Supervised Youth in Out-of-Home Care on 12/31/19, n=560\***

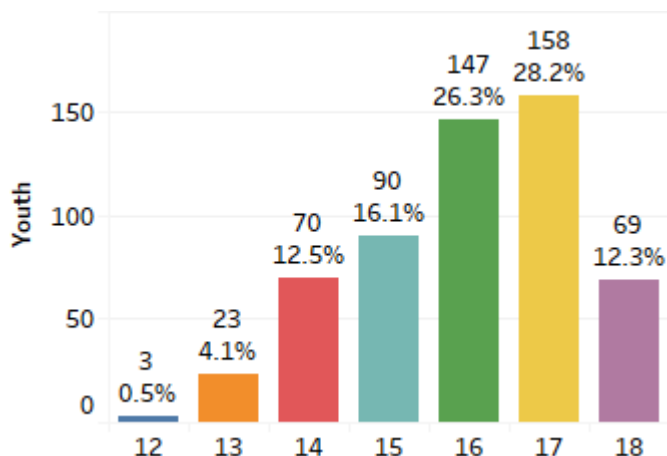


\*Counties without numbers have no youth in out-of-home care on 12/31/19.



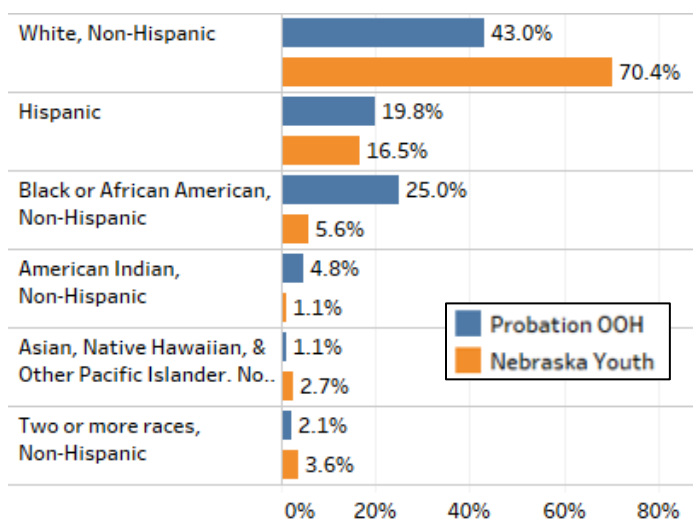
**Age.** **Figure 32** shows the ages of Probation youth in out-of-home care on 12/31/19. The average age was 15.9 for boys and 16.2 for girls, similar to the last quarter. For the past two years, between 27 and 31% of probation youth have been under the age of 16, and this pattern continues to hold true for the youth out-of-home on 12/31/19, where 31.4% were under age 16.

**Figure 32: Age of Probation Supervised Youth in Out-of-Home Care on 12/31/19, n=560**



**Race and Ethnicity.** Disproportionate representation of minority youth continues to be a problem (See **Figure 33**). Black youth make up 5.6% of the Nebraska youth population and 25.0% of the Probation youth out-of-home. Native youth are also represented at a rate of more than twice their proportion of the general population.

**Figure 33: Race and Ethnicity of Probation Supervised Youth in Out-of-Home Care on 12/31/19, n=560**



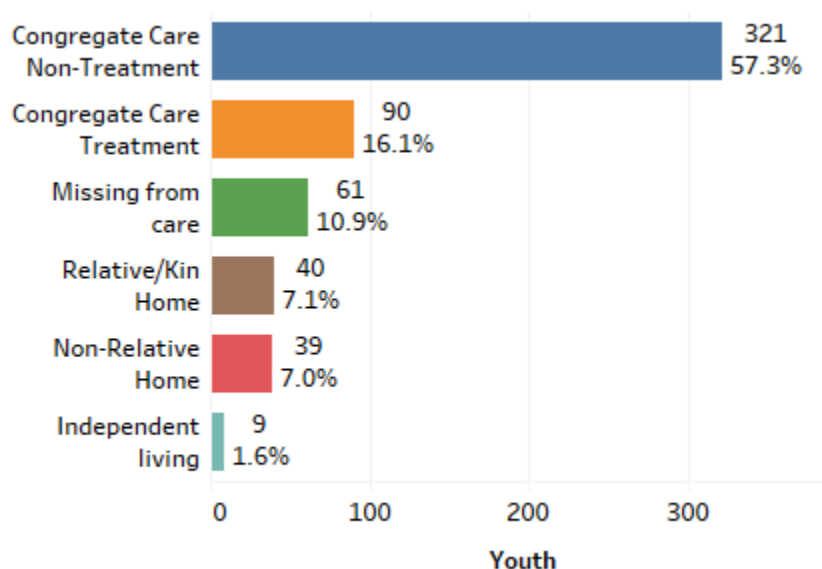
**Gender.** There are twice as many boys (68.6%) in out-of-home care served by Probation as there are girls (31.4%). That is similar to the numbers throughout 2017, 2018 and 2019.

## Placements

**Placement Type.** Figure 34 shows that 16.1% of Probation youth in out-of-home care on 12/31/19 are in congregate treatment placements, comparable to the 16.8% on 12/31/18. Congregate treatment placements include acute inpatient hospitalization, psychiatric residential treatment facilities, short term residential and treatment group home.

Non-treatment congregate care includes crisis stabilization, developmental disability group home, enhanced shelter, group home (A and B), maternity group home (parenting and non-parenting), independent living and shelter. Non-treatment congregate care is where 57.3% of the youth were placed, which compares to 59.5% of the youth on 12/31/18.

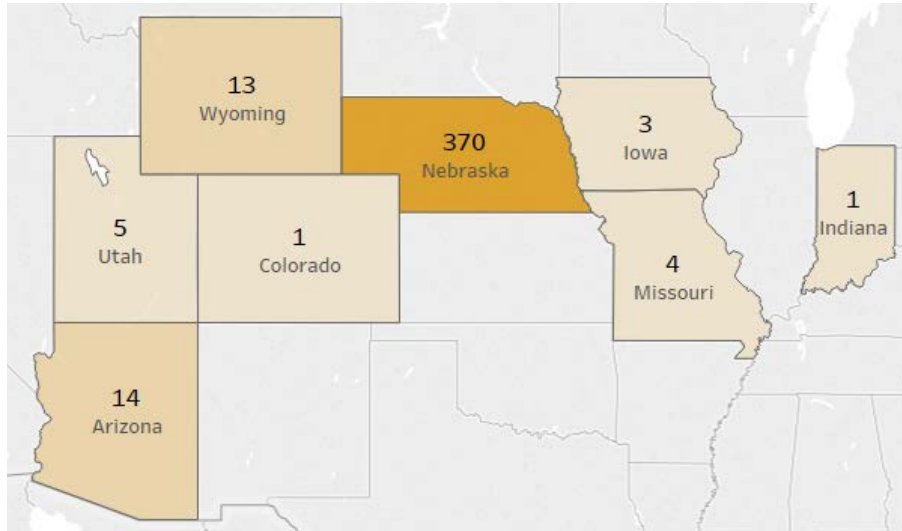
**Figure 34: Treatment or Non-Treatment Placements of Probation Supervised Youth in Out-of-Home Care on 12/31/19, n=560**



Youth missing from care must always be a top priority as their safety cannot be assured.

**Congregate Care.** When congregate care is needed, Probation most often utilizes in-state placements. Per **Figure 35**, 90.0% of youth in congregate care were placed in Nebraska, which is nearly the same as the 89.4% on 12/31/18.

**Figure 35: State Where Youth in Congregate Care Supervised by Probation were Placed on 12/31/19, n=411**



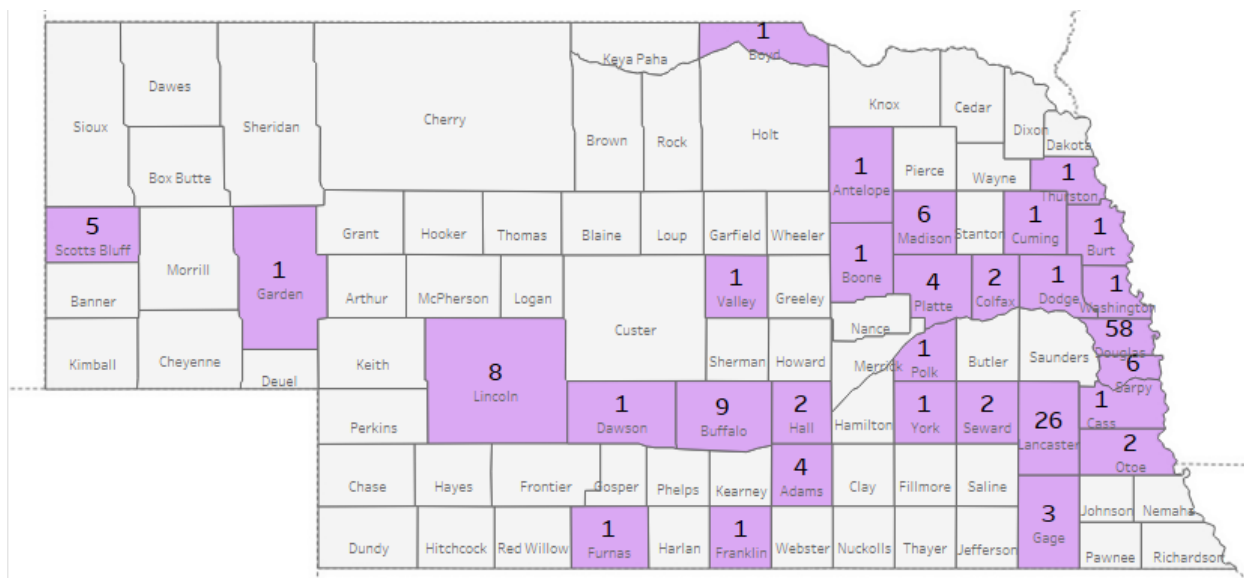
## Youth in Out-of-Home Care with Simultaneous DHHS/CFS and Probation Involvement – Point-in-time (Single Day) View

On 12/31/19 153 youth were involved with both DHHS/CFS and the Office of Juvenile Probation (dually-involved youth), which is 30.8% higher than the 117 such youth on 12/31/18. This is similar to the increase reported in the FCRO December 2019 Quarterly Report.<sup>30</sup>

### Demographics

**County.** Dually-involved youth come from all parts of the state, as illustrated in **Figure 36** below, with the majority from the most populous areas (Douglas and Lancaster counties) as would be expected.

**Figure 36: Dually-Involved Youth in Out-of-Home or Trial Home Visit Placement on 12/31/19, n=153\***



\*Counties without numbers have no dually-involved youth in out-of-home care on 12/31/19.

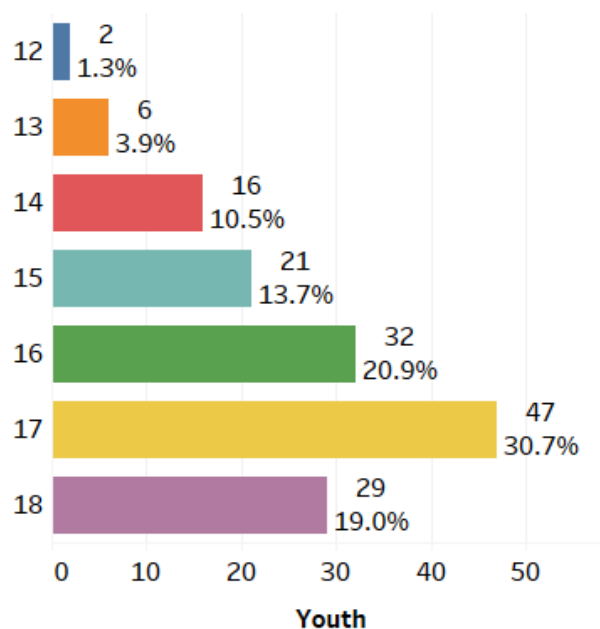
The increase in dually-involved youth is a statewide phenomenon. Compared to one year before (12/31/18), the number of dually involved youth in Douglas County increased from 47 to 58, Lancaster County from 22 to 26, Buffalo County from 4 to 9, Madison County from 3 to 6, Platte County from 3 to 4, and Lincoln County from 3 to 8.

<sup>30</sup> <https://fcro.nebraska.gov/pdf/FCRO-Reports/2019-q3-quarterly-report.pdf>



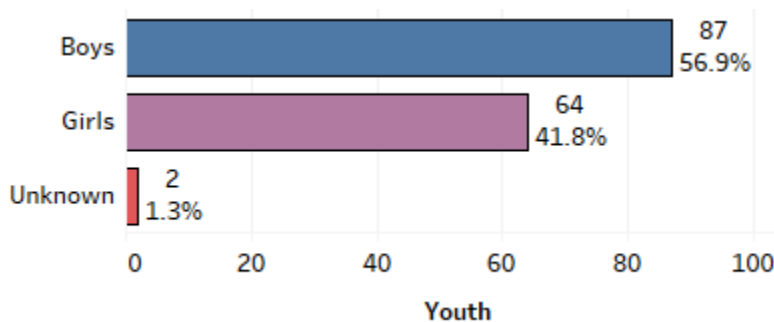
**Age.** Figure 37 indicates that most dual-agency youth are teenagers. As with Probation only youth, about 1/3 (29.4%) were under the age of 16. Of note, 39.3% of such youth on 12/31/18 were in that age group.

**Figure 37: Ages of Dually-Involved Youth in Out-of-Home or Trial Home Placement on 12/31/19, n=153**



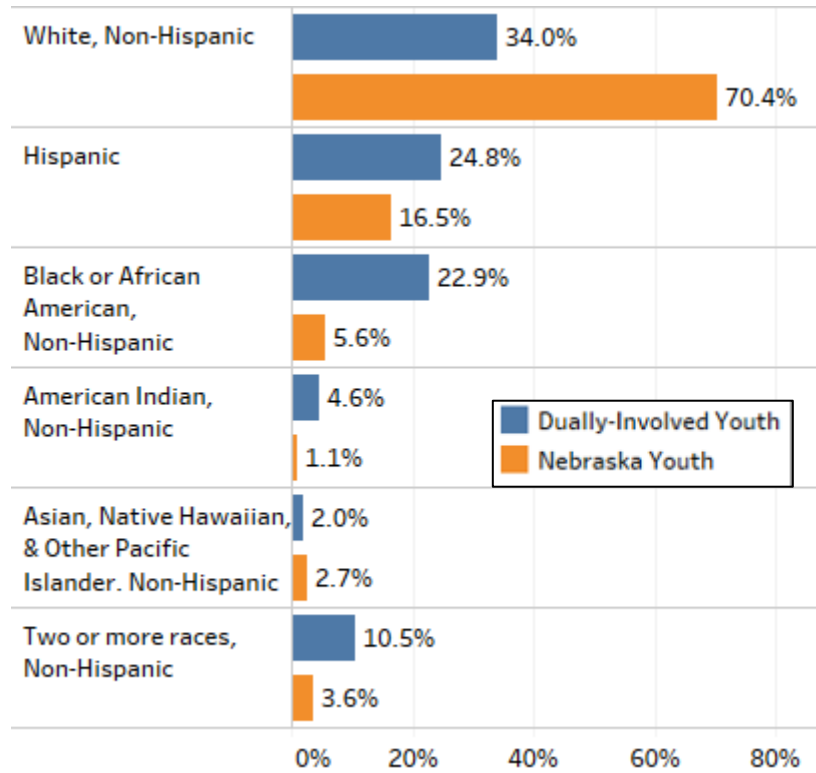
**Gender.** Figure 38 shows that, as is true with other juvenile justice populations, there are more boys in this group than girls. Compared to a year ago, the number of dually involved girls increased by 60.0% (40 on 12/31/18), and the number of boys increased by 13.0% (77 on 12/31/18).

**Figure 38: Gender of Dually-Involved Youth in Out-of-Home or Trial Home Placement on 12/31/19, n=153**



**Race and Ethnicity.** Black, American Indian, and multi-racial youth continue to be overrepresented in the dually-involved population (**Figure 39**). For example, 22.9% of dually-involved youth are black, compared to 5.6% in the general population of Nebraska’s children.

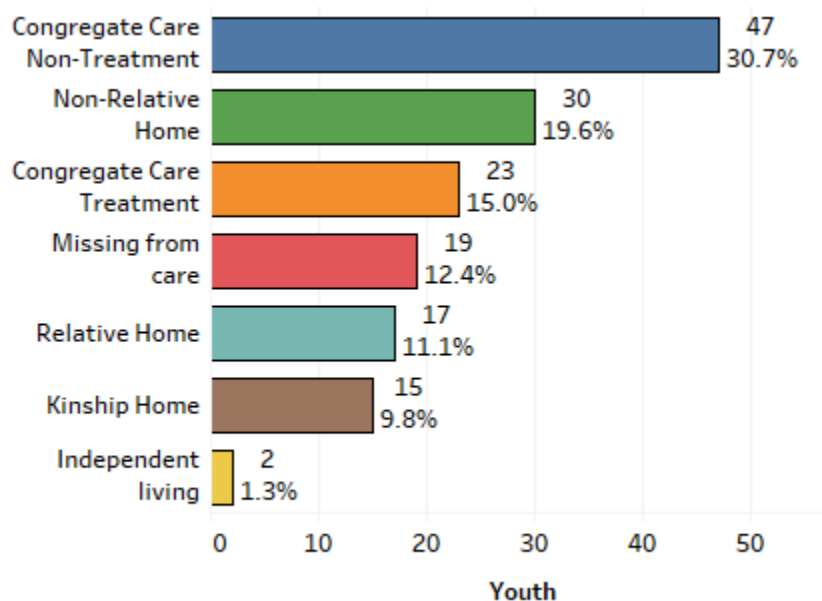
**Figure 39: Race and Ethnicity of Dually-Involved Youth in Out-of-Home or Trial Home Placement on 12/31/19, n=153**



## Placements

**Placement Type.** Figure 40 shows the placement types for youth with dual agency involvement, using Probation's definitions of treatment and non-treatment.

**Figure 40: Placement Types for Dually-Involved Youth in Out-of-Home or Trial Home Placement on 12/31/19, n=153**



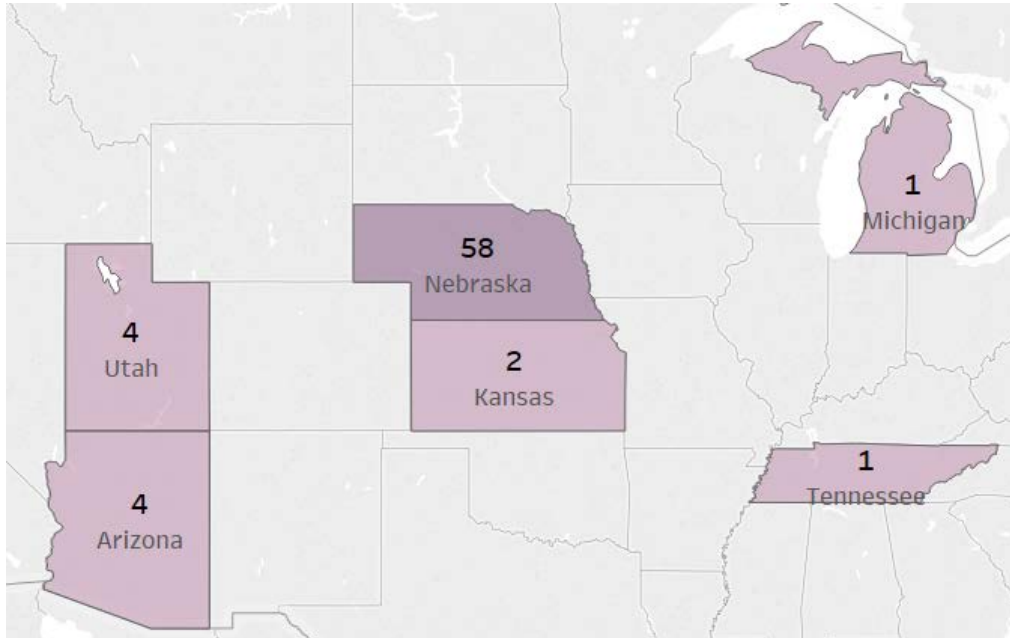
Youth missing from care must always be a top priority as their safety cannot be assured.

There are some substantial differences in the distribution of placement types comparing this year to last.

- The use of non-treatment congregate care decreased from 37.6% on 12/31/18 to 30.7% on 12/31/19.
- More youth are missing from care, 6.8% on 12/31/18 to 12.4% on 12/31/19.

**Congregate Care.** Figure 41 shows the states where dual served youth in congregate care are placed. The 82.9% placed in Nebraska is similar to the 83.6% on 12/31/18.

**Figure 41: Placement State for Youth in a Congregate Care Facility on 12/31/19 Served by both DHHS/CFS and Probation, n=70**



## **APPENDIX A: Background on the FCRO**

### **Role**

The FCRO's role under the Foster Care Review Act is to: 1) independently track children in out-of-home care, 2) review those children's cases, 3) collect and analyze data related to the children, 4) identify conditions and outcomes for Nebraska's children in out-of-home care, 5) make recommendations to the child welfare and juvenile justice systems on needed corrective actions, and 6) inform policymakers and the public on issues related to out-of-home care.

The FCRO is an independent state agency not affiliated with DHHS/CFS, DHHS/OJS, DHHS contractors, the Administrative Office of the Courts and Probation, the Office of Inspector General for Child Welfare, or any other entity.

### **Mission**

The FCRO's mission is to provide oversight of the child welfare and juvenile justice systems by tracking and reviewing children in out-of-home care, reporting on aggregate outcomes, and advocating on individual and systemic levels to ensure that children's best interests and safety needs are met.

### **Vision**

Every child involved in the child welfare or juvenile justice system becomes resilient, safe, healthy, and economically secure.

### **Purpose of FCRO Reviews**

The FCRO was established as an independent agency to review case plans of children in foster care. The purpose of reviews is to assure:

- that appropriate goals have been set for the child,
- that realistic time limits have been set for the accomplishment of these goals,
- that efforts are being made by all parties to achieve these goals,
- that appropriate services are being delivered to the child and/or his or her family, and
- that long-range planning has been done to ensure timely and appropriate permanency for the child, whether through a return to a home where conditions have changed, adoption, guardianship, or another plan.

### **Purpose for the FCRO Tracking/Data System**

The FCRO is mandated to maintain an independent tracking/data system of all children in out-of-home placement in the State. The tracking system is used to provide information about numbers of children entering and leaving care, children's needs, outcomes, and trends in foster care, including data collected as part of the review process, and for internal processes.

**About this Report**

Data quoted within this Report are from the FCRO's independent data tracking system and FCRO completed case file reviews unless otherwise noted.

Neb. Rev. Statute §43-1303 requires DHHS/CFS (whether by direct staff or contractors), courts, the Office of the Courts and Probation, Juvenile Division, and child-placing agencies to report to the FCRO any child's out-of-home placement, as well as changes in the child's status (e.g., placement changes and worker changes). By comparing information from multiple sources the FCRO is able to identify discrepancies. When case files of children are reviewed, previously received information is verified, updated, and additional information is gathered. Prior to individual case review reports being issued, additional quality control steps are taken.

Please feel free to contact us if there is a specific topic on which you would like more information, or check our website (<https://fcro.nebraska.gov/>) for past annual and quarterly reports and other topics of interest.

## APPENDIX B: Definitions

- **FCRO** is the Foster Care Review Office, author of this report.
- **DHHS/CFS** is the Department of Health and Human Services (**DHHS**) Division of Children and Family Services (**CFS**).
- **DHHS/OJS** is the Department of Health and Human Services (DHHS) Office of Juvenile Services. **OJS** oversees the **YRTCs**, which are the Youth Rehabilitation and Treatment Centers.
- **Probation** is a shortened reference to the Administrative Office of Juvenile Probation Administration.
- **Child** is defined by statute as being age birth through eighteen; in Nebraska, a child becomes a legal adult on their 19<sup>th</sup> birthday.
- **Youth** is a term used by the FCRO in deference to the developmental stage of those involved with the juvenile justice system, who are normally ages 14-18.
- **Out-of-home care** (OOH care) is 24-hour substitute care for children placed away from their parents or guardians and for whom the State agency has placement and care responsibility. This includes, but is not limited to, foster family homes, foster homes of relatives, group homes, emergency shelters, residential treatment facilities, child-care institutions, pre-adoptive homes, detention facilities, youth rehabilitation facilities, and runaways from any of those facility types. It includes court-ordered placements and non-court cases.

The FCRO uses the term “out-of-home care” to avoid confusion because some researchers and groups define “**foster care**” narrowly to be only care within foster family homes, while the term “**out-of-home care**” is broader.

- A **trial home visit** (THV) by statute is a temporary placement with the parent from which the child was removed and during which the Court and DHHS/CFS remain involved.
- Neb. Rev. Stat. 71-1901(9) defines “**relative placement**” as that where the foster caregiver has a blood, marriage, or adoption relationship, and for Indian children, they may also be an extended family member per **ICWA** (which is the Indian Child Welfare Act).
- Per Neb. Rev. Stat. 71-1901(7) “**kinship home**” means a home where a child or children receive foster care and at least one of the primary caretakers has previously lived with or is a trusted adult that has a preexisting, significant relationship with the child or children or a sibling of such child or children pursuant to section 43-1311.02.

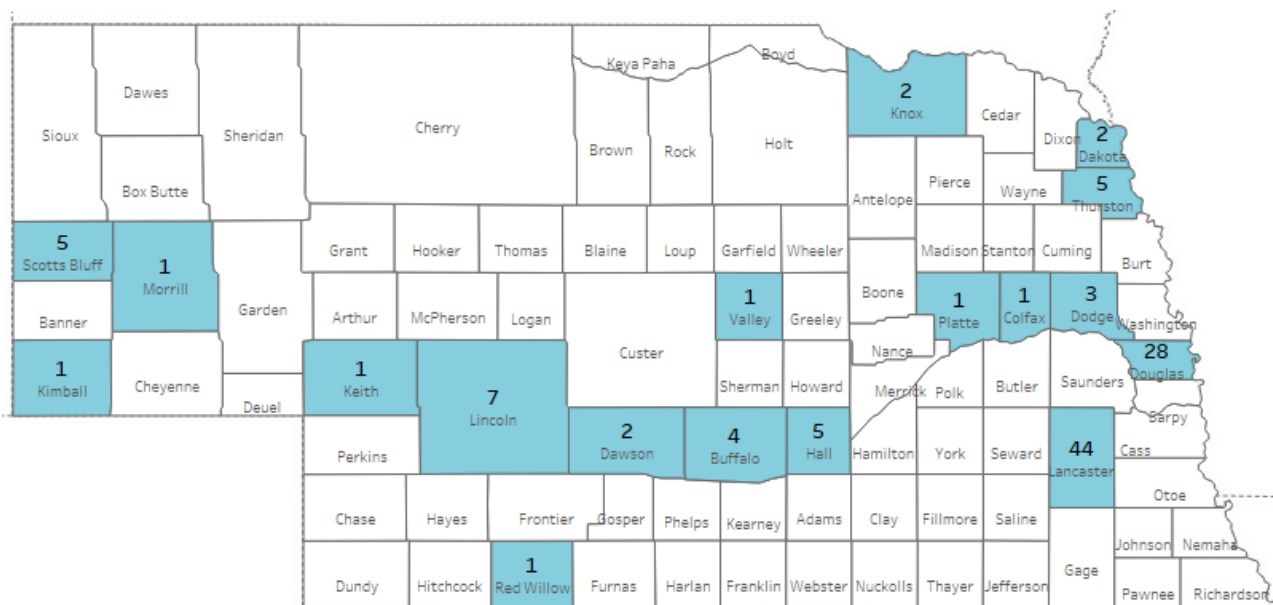
## APPENDIX C: DHHS/OJS Youth Placed at a YRTC – Point-in-time (Single Day) View

In order that we can compare this to previous data and have it accessible for future comparisons, in this Appendix we include data we normally present in every Quarterly Report.

### Demographics

**County.** Youth at the YRTCs come from every region of the state, as illustrated in **Figure 42**, with most coming from the more populous regions, as would be expected. On 12/31/19, there were 103 youth placed at a YRTC; there were 110 on 12/31/19.

**Figure 42: Boys and Girls Placed by Juvenile Court at a Youth Rehabilitation and Treatment Center under DHHS/OJS on 12/31/19, n=114\***



\*Counties with no shading had no youth at one of the YRTCs on 12/31/19.

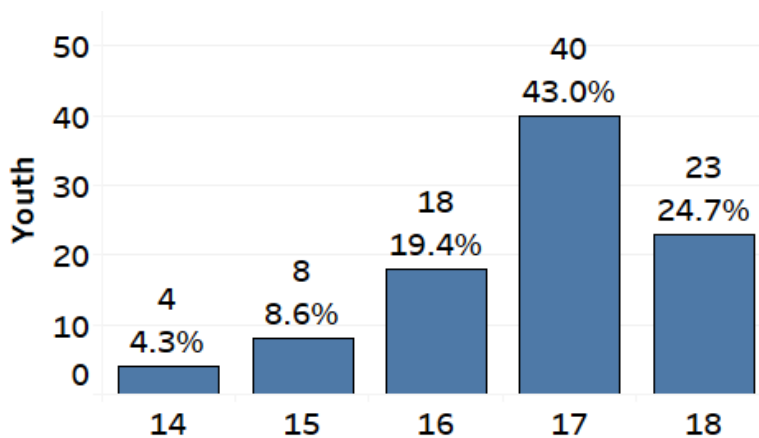
Per Neb. Rev. Stat. §43-251.01(4), boys and girls committed to a Youth Rehabilitation and Treatment Center must be at least 14 years of age. Children can be committed to a YRTC through age 18. There can be challenges when serving troubled boys and girls from such a wide age, and therefore, developmental range. Youth are committed to a YRTC for an indeterminate amount of time to allow them to work through the program.<sup>31</sup>

<sup>31</sup> See Nebr. Rev. Stat. §43-286 for more details on how a court can commit a youth to a YRTC, and §43-407(2) for details on the services available.



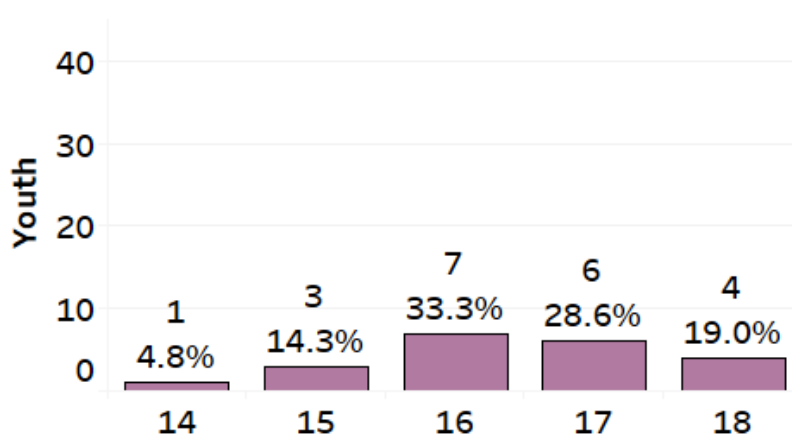
**Age and Gender.** On 12/31/19, 93 of the youth placed at a YRTC were boys (**Figure 43**).

**Figure 43: Ages of Boys Placed at a YRTC under DHHS/OJS on 12/31/19, n=93**



On 12/31/19, 21 of the youth placed at a YRTC were girls. National research indicates that girls are less likely to be a part of the juvenile justice population; the number of girls in **Figure 44** reflects this pattern when compared to the figure on boys above.

**Figure 44: Ages of Girls at a YRTC under DHHS/OJS on 12/31/19, n=21**

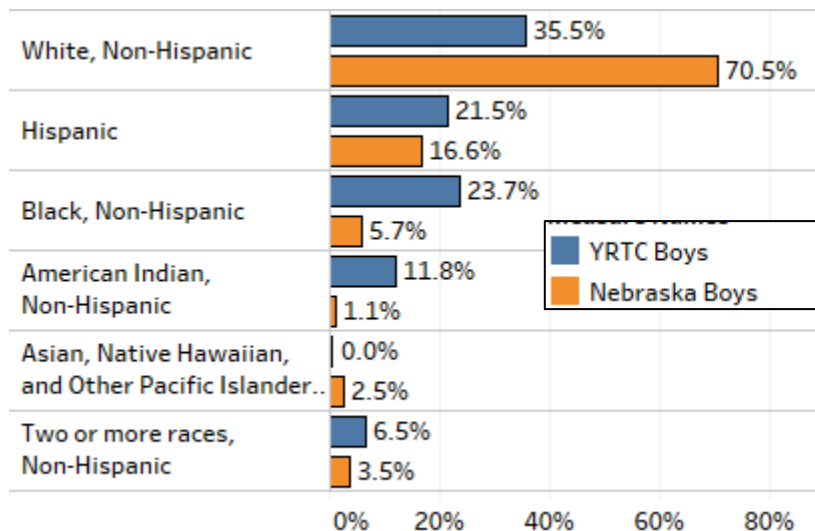


On average, the girls were slightly younger than the boys (16.4 years and 16.8 years, respectively). This is about the same as a year ago.

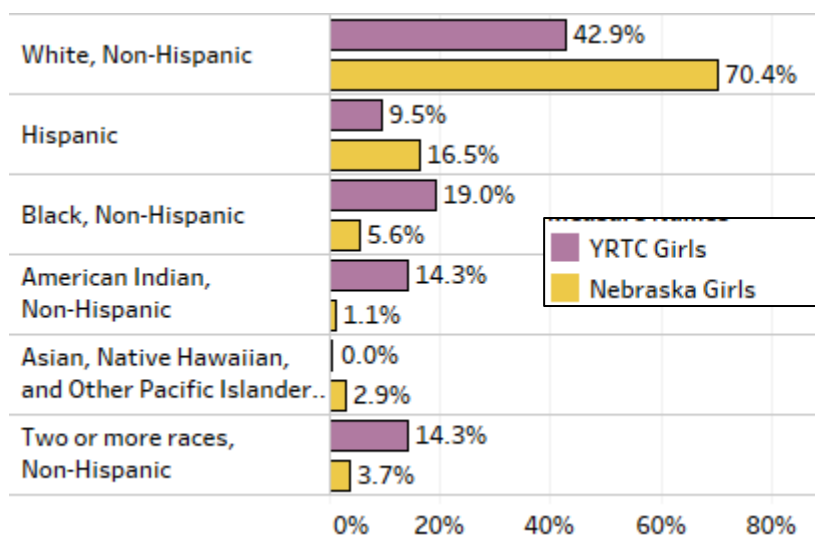
**Race and Ethnicity.** There is significant racial and ethnic disproportionality in the YRTC populations (**Figures 45 and 46**).

- Black and American Indian children are disproportionately placed at a YRTC.
- Multiracial girls are disproportionately placed at a YRTC.
- Hispanic boys are disproportionately placed at a YRTC.

**Figure 45: Race and Ethnicity of Boys placed at a YRTC under DHHS/OJS on 12/31/19, n=93**



**Figure 46: Race and Ethnicity of Girls placed at a YRTC under DHHS/OJS on 12/31/19, n=21**





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