

ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020
COMMITTEE STATEMENT
LB1144

Hearing Date: Tuesday February 04, 2020
Committee On: Executive Board
Introducer: Health and Human Services
One Liner: Change provisions affecting the Public Counsel and the Inspector General of Nebraska Child Welfare

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 9 Senators Bolz, Chambers, Hilgers, Hughes, Kolterman, Lowe, McCollister, Scheer, Vargas
Nay:
Absent:
Present Not Voting:

Oral Testimony:

Proponents:

Sara Howard
Julie Rogers
Juliet Summers

Representing:

Self
Office of Public Counsel
Voices for Children

Opponents:

Mark LaBouchardiere

Representing:

DHHS

Neutral:

Representing:

Summary of purpose and/or changes:

Summary of LB1144

The Office of Inspector General of Nebraska Child Welfare (IG) currently investigates allegations of misconduct by employees of the Department of Health & Human Services, the juvenile services division, contractors, and juvenile detention facilities. The IG also investigates death or serious injury to a child in which services are provided by the department or the juvenile services division.

LB1144 adds new language requiring the juvenile services division to report to the IG the following instances if they occur at a youth rehabilitation and treatment center: assault, escape, attempted suicide; self-harm by a juvenile, property damage, use of mechanical restraints, a significant medial event for the juvenile, or internally substantiated violation of 34 U.S.C. 30301 et seq. (Prison Rape Elimination).

The department would also be required to notify the IG of any leadership changes within the juvenile services division or the youth rehabilitation and treatment centers.

LB1144 would also require the department to submit a report four times a year on the number of grievances files at each youth center, to include a categorization of the issues related to each grievance, the process for addressing grievances, and any actions or changes made as a result of grievances.

Additionally, the IG would be required to conduct an annual review and physical inspection of six state institutions and report to the Legislature on the condition of the institutions, staffing information and systemic issues identified.

Explanation of amendments:

The committee amendment incorporates two other bills (LR298 and LB1085).

Changes specific to LB1144:

Allows the Office of Juvenile Services and the IG to work in collaboration to clarify the specific parameters of a report when there is an assault, escape, attempted suicide, self-harm by a juvenile, property damage, use of mechanical restraints, a significant medial event for the juvenile, or internally substantiated Prison Rape Elimination Act violations at a youth rehabilitation and treatment center.

Clarifies language regarding facility reviews.

LR298

The committee amendment incorporates the provisions of LR298, which creates the Youth Rehabilitation and Treatment Special Oversight Committee of the Legislature to study the quality of care and related issues at the youth rehabilitation and treatment centers. The need for a special committee came about after the Health and Human Services Committee found that the center in Geneva did not provide a safe, healthy environment.

The committee would provide oversight of the administration and operations of the centers, including funding, capacity, and staffing patterns.

The Executive Board would appoint no more than 11 members of the Legislature to the committee, to include: three members of the Health and Human Services Committee (including the chair); one member from the Appropriations Committee; two members from the Education Committee; two members from the Judiciary Committee (including the chair); one at-large member of the Legislature; and one member from each legislative district in which a youth rehabilitation and treatment center is located.

The Executive Board would be authorized to provide the committee with a legal counsel, committee clerk, and other staff from existing legislation. As an oversight committee, the special committee would be authorized to hold hearings, request and receive reports from DHHS.

A report is due with findings and recommendations on or before December 15, 2020. The committee would terminate on December 31, 2020.

Testifiers:

Sara Howard; Self; Proponent

Julie Rogers; Office of Public Counsel; Proponent

Juliet Summers; Voices for Children; Proponent

Dannette Smith; CEO DHHS; Opponent

LB1085

The committee amendment also incorporates the provisions of LB1085 which changes references to the Public Counsel in several sections of statute so that they are gender-neutral.

Testifiers:
Sara Howard; Self; Proponent

Mike Hilgers, Chairperson