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DEPT. OF HEALTH AND HUMAN SERVICES

Division of Children & Family Services

Department of Health and Human Services
Office of Juvenile Services
Annual Legislative Report
SFY 2021

September 15, 2021



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HISTORY AND STRUCTURE OF OJS

The Nebraska Legislature created the Office of Juvenile Services (OJS) on July 1, 1994, for the purpose of providing individualized supervision, care, accountability, and treatment to juveniles adjudicated delinquent by Nebraska courts. The YRTPs 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 LB561, which was signed into law by the Governor with an effective date of May 30, 2013. LB561 made major revisions to DHHS-OJS statutes and provisions. 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. A transition period of July 1, 2013 through June 30, 2014 allowed incremental implementation of different portions of the new legislation.

In 2014, the Legislature passed LB464, 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) the OJS annual report will provide a comprehensive report on the Office of Juvenile Services (OJS) from July 1, 2020 through June 30, 2021. 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

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).

- Commitment to a YRTC:** Juveniles who have been court ordered to the Office of Juvenile Services for placement at a YRTC.
- 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.
- Both OJS and DHHS Wards:** Juveniles that are dually adjudicated by the court.



OJS Program Budget and Expenditures for SFY2021

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, Hastings, and Lincoln (YRTC);
 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 or Director of Facilities;
 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/Hastings, 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 juvenile offenders committed to the facility by the court.



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.

Office of Juvenile Services													
YTD Expenditures													
June 30, 2020													
											Percent of Year Elapsed	100.00%	
											Biweekly Percent	100.00%	
Program	Program Title	Total Budgeted PSL	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	296,418	219,972	74.21%	109,332	105,320	96.33%	76,083	88,156	115.87%	481,833	413,448	85.81%
371	Geneva YRTC	4,874,112	2,466,945	50.61%	1,886,876	937,719	49.70%	2,105,265	2,184,834	103.78%	8,866,253	5,589,498	63.04%
	Lincoln YRTC		693,447			184,147			617,409			1,495,003	
	Total Prog 371	4,874,112	3,160,392	64.84%	1,886,876	1,121,866	59.46%	2,105,265	2,802,243	133.11%	8,866,253	7,084,501	79.90%
374	Kearney YRTC	8,966,214	7,754,669	86.49%	3,135,353	2,702,610	86.20%	3,607,678	4,798,312	133.00%	15,709,245	15,255,591	97.11%
250	Total OJS	\$ 19,010,856	\$ 14,295,425	75.20%	\$ 7,018,437	\$ 5,051,662	71.98%	\$ 7,894,291	\$ 10,490,955	132.89%	\$ 33,923,584	\$ 29,838,041	87.96%

Services fall under two main categories: a) Supervision Services; b) Out-of-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 overall cost of community-based services for OJS juveniles, by funding source and 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. Note, Medicaid dollars are not included.



Expenditures by Service Area SFY 21

CENTRAL	\$23,340
EASTERN	\$28,045
NORTHERN	\$4,938
SOUTHEAST	\$4,516
WESTERN	\$8,018
Total	\$68,857

Expenditures for OJS Juveniles SFY 21

Supervision Services	\$917
Out of Home Services	\$35,093
Other Services	\$32,847
Total	\$68,857

Expenditures by Funding Source SFY 21

	Alternative Response	Child Welfare	IV-E	Office of Juvenile Services	Total
Supervision Services	\$0	\$917	\$0	\$0	\$917
Out of Home Services	\$0	\$14,549	\$0	\$20,545	\$35,093
Other Services	\$0	\$32,756	\$0	\$90	\$32,847
Total	\$0	\$47,305	\$0	\$21,551	\$68,857



Expenditures by Service Area and Funding Source SFY 21

	Alternative Response	Child Welfare	IV-E	Office of Juvenile Services	Grand Total
CENTRAL	\$0	\$12,352	\$0	\$10,988	\$23,340
Supervision Services	\$0	\$0	\$0	\$0	\$0
Out of Home Services	\$0	\$1,241	\$0	\$10,938	\$12,179
Other Services	\$0	\$11,111	\$0	\$50	\$11,161
EASTERN	\$0	\$28,045	\$0	\$0	\$28,045
Supervision Services	\$0	\$0	\$0	\$0	\$0
Out of Home Services	\$0	\$9,150	\$0	\$0	\$9,150
Other Services	\$0	\$18,895	\$0	\$0	\$18,895
NORTHERN	\$0	\$2,566	\$0	\$2,372	\$4,938
Supervision Services	\$0	\$0	\$0	\$0	\$0
Out of Home Services	\$0	\$1,702	\$0	\$2,343	\$4,046
Other Services	\$0	\$864	\$0	\$28	\$892
SOUTHEAST	\$0	\$1,995	\$0	\$2,521	\$4,516
Supervision Services	\$0	\$917	\$0	\$8	\$8,264
Out of Home Services	\$0	\$1,533	\$0	\$1,604	\$3,137
Other Services	\$0	\$462	\$0	\$0	\$462
WESTERN	\$0	\$2,347	\$0	\$5,672	\$8,018
Supervision Services	\$0	\$0	\$0	\$0	\$0
Out of Home Services	\$0	\$923	\$0	\$5,659	\$6,582
Other Services	\$0	\$1,424	\$0	\$12	\$1,436
Total	\$0	\$47,305	\$0	\$21,552	\$68,857



Demographics of Youth Served

The tables below show the number and types of state wards served in SFY 2021 by category, age, race/ethnicity and gender.

Dual Adjudicated Youth Served During SFY 21	
Delinquency Only	145
Delinquency & Abuse/Neglect	27
Delinquency & Dependency	3
Delinquency & Mentally Ill and Dangerous	1
Total	176

Dual Adjudicated Youth Served During SFY 21 by Age						
Adjudications	14 Years Old	15 Years Old	16 Years Old	17 Years Old	18 Years Old	Total
Delinquency Only	8	18	28	48	43	145
Delinquency & Abuse/Neglect	1	3	3	8	12	27
Delinquency & Dependency	0	0	1	1	1	3
Delinquency & Mentally Ill and Dangerous	0	0	0	0	1	1
Total	9	21	32	57	57	176

Dual Adjudicated Youth Served During SFY 21 by Race/Ethnicity

	American Indian or Alaska Native (Non-Hispanic)	Asian (Non-Hispanic)	Black or African American (Non-Hispanic)	Declined	Hispanic	Multi-Racial	Unknown	White (Non-Hispanic)	Grand Total
Delinquency Only	10	1	38	2	44	5	2	43	145
Delinquency & Abuse/Neglect	3	0	6	1	6	0	1	10	27
Delinquency & Dependency	0	0	2	0	0	0	0	1	3
Delinquency & Mentally Ill and Dangerous	0	0	0	0	1	0	0	0	1
Total	13	1	46	3	51	5	3	54	176



Dual Adjudicated Youth Served During SFY 21 by Gender			
	Female	Male	Total
Delinquency Only	32	113	145
Delinquency & Abuse/Neglect	10	17	27
Delinquency & Dependency	1	3	4
Delinquency & Mentally Ill and Dangerous	0	0	0
Total	43	133	176

OJS Data

OJS supervised 176 juveniles between July 1, 2020 and June 30, 2021. None of the youth resided in their natural (in-home) placement while receiving services. The following table provides the total number of juveniles supervised by OJS between July 1, 2020 and June 30, 2021 who resided in foster homes, group homes, treatment facilities, Youth Rehabilitation and Treatment Centers or other placements away from the natural home.

Placement Types of OJS Juveniles in Out of Home Care During SFY 2021	
Relative/Kinship Foster Care	3
Non-Relative Foster Care	0
Detention	81
Treatment Congregate Care	11
Other Congregate Non-Treatment Care	1
YRTC	159
Missing Youth	5
Hospital	0
Independent Living	4

***A juvenile may have had more than one placement type during the year so these are duplicated numbers.*



OJS & Department of Correctional Services Collaborations

OJS and the Department of Correctional Services (DCS) have primarily collaborated on 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 Federal Regulations as they apply to PREA and standards related to their accreditations through the American Correctional Association (ACA). Compliance Managers from both YRTC facilities and DCS collaborate on issues related to standards implementation and compliance for both PREA and ACA. OJS has established a Statewide Compliance Coordinator as well as local Compliance Managers within each YRTC facility.

OJS underwent our second PREA audit as required in October 2018. Both facilities were audited by an independent auditor certified by the Department of Justice. Both YRTCs were found to be in compliance and no corrective action was required. The YRTCs will undergo PREA audits again in October of 2021.

OJS and DCS have also continued to assist each other with accreditation through ACA. YRTC-Kearney was audited with a 99.7% successful accreditation score. YRTC-Hastings and the Lincoln Facility will undergo their ACA audit in 2022.

Department of Correctional Services employees also assisted in providing coverage at the new YRTC-Lincoln facility as they increased staffing. This assistance was utilized from March to May in 2020.

Other Community Collaborations

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)	Interstate Commission for Juveniles (ICJ)
Juvenile Detention Alternative Initiative (JDAI)	Justice Behavioral Health Committee (JBHC)
Nebraska Children's Commission	Department of Correctional Services (DCS)
Nebraska Children's Commission – Juvenile Services Subcommittee	Prison Rape and Elimination Act (PREA)
Nebraska Coalition for Juvenile Justice (NCJJ)	Nebraska Department of Education (NDE)
Nebraska Juvenile Justice Association (NJJA)	Nebraska Department of Labor (NDOL)
Council of Juvenile Correctional Administrators (CJCA)	Nebraska Vocational Rehabilitation (VR)

Office of Probation Administration



Youth Rehabilitation and Treatment Centers (YRTC)

The mission of the YRTC is to provide 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 response to each juvenile's unique needs.

During this fiscal year, the YRTC modified its system of facilities in Kearney, Lincoln, and Geneva/Hastings to provide a three-pronged approach to the treatment of juveniles committed to the YRTCs. During this fiscal year, the Geneva facility was closed, and female youth were moved to the Kearney facility before moving to Hastings. The transition of female youth from YRTC-Kearney to YRTC-Hastings was complete in May 2021.

YRTC-Kearney serves as a hub and is responsible for all intake, assessment, and programming for the core group of male youth committed to the YRTCs. The YRTC-Hastings serves as a hub and is responsible for all intake, assessment, and programming for the core group of female youth committed to the YRTCs. Youth progress through the program to their eventual discharge. Services available to youth are evidence-based programming including Moral Reconciliation Therapy (MRT) and Aggression Replacement Training (ART), as well as individual and family therapy.

The Lincoln Facility began operations in February of 2020 and is comprised of two pods, one for male and one for female youth. Youth who arrive at the YRTC-Kearney or YRTC-Hastings and are assessed to have high-acuity behavioral or mental health needs and/or are otherwise deemed to be more appropriate for the programming offered in Lincoln are transferred to the Lincoln facility. The decision to transfer a youth is made in collaboration with the treatment team at both the YRTC-Kearney, YRTC-Hastings, and Lincoln facilities. While at the Lincoln facility, the youth will receive intensive behaviors modification programming, individual and family therapy, and family support services.

The YRTC-Geneva ceased operation in August 2019 and female youth were relocated to the YRTC-Kearney due to facility damage and a staffing shortage. The YRTC-Geneva was reopened in February of 2020 as a re-entry program for female youth. However, the facility subsequently closed again in the spring of 2021. While at the YRTC-Geneva, youth worked with a case manager, family navigator, and community liaison in collaboration with the Administrative Office of Probation re-entry probation offices to prepare the youth to re-enter the community and establish needed aftercare services. Youth were transitioned to the YRTC-Geneva program 60 days before their transition back to the community.



YRTC-GENEVA FACT SHEET SFY 2016, 2017, 2018, 2019, 2020 & 2021 Comparison

	SFY2017	SFY2018	SFY2019	SFY2020*	SFY2020	SFY2021- Geneva **	SFY2021- Hastings ***
Rated Capacity	82	82	82	82	6	6	24
Average Length of Stay	260 days 8.67 months	286 days 9.54 months	234 days 7.80 months	*included in YRTC-Kearney data	46 days 1.53 months	36 days	3 days
Average Daily Population	33 youth	26 youth	35 youth	37 youth	4 youth	1.2 months	
Total Admissions	40 youth	38 youth	43 youth	4 youth	12 youth	3 youth (56 days open)	9 youth (80 days open)
Average Age at Admission	16 years	16 years	16 years	18 years	17 years	1 youth	14 total youth 13 transfers & 1 admission
Recidivism Rate (return to facility within 12 mo.)	9.80%	15.79%	33.33%	*included in the YRTC-Kearney data	0%	17 years	16 years

* Reflects data from July 1, 2019 through August 19, 2019 when female youth were relocated from YRTC-Geneva to YRTC-Kearney

** Reflects data from July 1, 2020 through August 25, 2020 - the period that female youth were located at YRTC-Geneva

*** Reflects data from April 12, 2021 through June 30, 2021 - the period that female youth were located at YRTC-Hastings

The Hastings Total Admissions for SFY 2021 includes both those youth admitted directly to the facility and those that transferred from YRTC-Kearney.



YRTC-Geneva Per Diem Costs

2017:	Per Diem Costs: \$598.75
2018:	Per Diem Costs: \$734.70
2019:	Per Diem Costs: \$511.58
2020:	Per Diem Costs: \$962.76

Per Diem Costs could not be computed for 2021 for YRTC-Geneva and YRTC-Hastings. Salaries for YRTC-Geneva staff extended beyond August 25, 2020, as those staff commuted to the Kearney facility or worked to clean out the Geneva facility. DAS maintenance/depreciation charges, TSB charges, and other fixed costs, continued to be expensed to the Geneva facility although youth were no longer housed there.

Hastings staff continued to be paid from the Hastings Regional Center budget until approximately May 24, 2021 when salaries were transferred to YRTC-Hastings. Hastings staff also came to Kearney for several months prior to the move, and vehicles lease/rental charges were incurred to TSB during that time.

	Total Expenditures 2017	Total Expenditures 2018	Total Expenditures 2019	Total Expenditures 2020	Total Expenditures 2021 - Geneva	Total Expenditures 2021 - Hastings
General Funds	\$6,980,330.92	\$6,775,687.07	\$6,263,293.12	\$5,457,314	\$2,094,044	\$1,103,758
Federal Funds	\$131,469.02	\$117,688.18	\$153,883.39	\$104,495	\$67,722	\$0
Cash Funds	\$100,143.35	\$78,960.44	\$118,253.91	\$27,937	\$173	\$0
TOTAL	\$7,211,943.29	\$6,972,335.69	\$6,535,430.42	\$5,589,746.00	\$2,161,939	\$1,103,758

¹ Historically, YRTC-Geneva/Hastings 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: <https://www.nebraskalegislature.gov/agencies/view.php> for the full SFY 2021 annual report for detailed information about the Geneva Youth Rehabilitation and Treatment Center.



YRTC-KEARNEY FACT SHEET SFY 2016, 2017, 2018, 2020 & 2021 Comparison

	SFY2017	SFY2018	SFY2019	SFY2020	SFY2021
Rated Capacity	172	172	172	172	172
Average Length of Stay	283 days 9.4 months	266 days 8.9 months	299 days 10 months	319 days 11 months	296 days
Average Daily Population	97 youth	103 youth	87 youth	107 youth	9.7 months
Total Admissions	132 youth	132 youth	109 youth	126 youth	58 youth
Average Age at Admission	16 years	16 years	17 years	17 years	17 years
Recidivism Rate (return to facility within 12 mo.)	23%	17%	19%	8%	84 youth

	Total Expenditures 2017	Total Expenditures 2018	Total Expenditures 2019	Total Expenditures 2020	Total Expenditures 2021
General Funds	\$11,167,078	\$11,587,023	\$11,639,805	\$13,938,672	\$13,442,897
Federal Funds	\$305,214	\$345,523	\$283,915	\$369,143	\$266,588
Cash Funds	\$910,621	\$961,843	\$863,299	\$947,776	\$928,591
TOTAL	\$12,382,913	\$12,894,389	\$12,787,019	\$15,255,591	\$14,638,076

YRTC-Kearney Per Diem Costs

2017:	Per Diem Costs: \$348.55
2018:	Per Diem Costs: \$342.98
2019:	Per Diem Costs: \$402.68
2020:	Per Diem Costs: \$377.19
2021:	Per Diem Costs: \$691.45

² Historically, YRTC-Geneva/Hastings 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: <https://www.nebraskalegislature.gov/agencies/view.php> for the full SFY 2021 Annual Legislative Report for detailed information about the Kearney Youth Rehabilitation and Treatment Center.



LINCOLN FACILITY FACT SHEET SFY 2021

	SFY2020	SFY2021
Rated Capacity	20	20
Average Length of Stay	107.2 days	107.2 days
Average Daily Population	3.6 months	3.6 months
Total Admissions	6 youth	6 youth
Average Age at Admission	17 years	17 years
Recidivism Rate (return to facility Within 12 mo.)	0%	0%

	Total Expenditures 2020	Total Expenditures 2021
General Funds	\$1,205,321	\$3,727,117
Federal Funds	\$0	\$0
Cash Funds	\$0	\$0
TOTAL	\$1,205,321	\$3,727,117

** Lincoln facility opened in February 2020. SFY 2020 numbers reflect operations for that short year the facility was open.

Lincoln Facility Per Diem Costs

2020: Per Diem Costs: \$1,564.34
 2021: Per Diem Costs: \$1,276.41

The Average Length of Stay at the Lincoln Facility includes only the days a youth was physically located at the Lincoln Facility. It does not include any days the youth spent at YRTC-Kearney, those days are included in the YRTC-Kearney average length of stay. The Total Admissions includes both those youth admitted directly to the facility and those that transferred from YRTC-Kearney.

This concludes the Department of Health and Human Services' SFY 2021 annual report on the Office of Juvenile Services.