



National Association of Public  
Child Welfare Administrators

an affiliate of the American Public Human Services Association

## **How States are implementing the Fostering Connections Act**

### **Nebraska's At-Risk Children**

Nebraska Department of Health and Human Services (DHHS), Division of Children and Family Services (DCFS) is a multi-service agency responsible for the state's children and families with safety, permanency and well being needs. In addition to the areas of child abuse, foster care, and adoption, DCFS offers many other programs and services in a variety of areas, including domestic violence, Employment First, Temporary Assistance to Needy Families (TANF), Medicaid eligibility, refugee resettlement, energy assistance, childcare subsidy, child support enforcement, Supplemental Nutrition Assistance Program (SNAP), Homelessness Programs, Refugee Programs, resource development, quality assurance, Youth Rehabilitation and Treatment Centers, juvenile parole and community-based services.

By offering the services of these different but collaborative program areas within one division, duplication of effort is avoided and access to a vast array of services is available to a very diverse population of children and families, with one portal of entry. Children entering the system are provided services for which they are eligible. They may also be involved in the Child Welfare and Office of Juvenile Services systems with either court or non-court involvement. Non-Court involved cases are voluntary in nature. Court involved cases require children to be in the custody of the State. Children in court involved cases may or may not be in an out of home placement. All juvenile services cases require court intervention.

Nebraska is currently involved in two major initiatives that will impact how Economic Assistance, Child Welfare and Office of Juvenile Services are accessed and provided. The Economic Assistance initiative is called ACCESSNebraska and will use the benefits of electronic application, customer service centers and electronic document storage to provide quick, accurate, and confidential services to individuals and families.

In the fall of 2008, Child Welfare and Office of Juvenile Services developed a framework building on the Safety and In-Home Services concept that combined all Safety, In-Home, and Out-of-Home non-treatment services into a continuum of services provided directly to each child and family. Implementation contracts signed June 1, 2009 began the training and start-up activities with services contracts being signed November 1, 2009 for cases to begin transitioning with full transition occurring by April 1, 2010. Contractors will provide the entire continuum of in-home and out-of-home services. Contractors will assume the day-to-day functions of 'service coordination' including service planning, acquisition, coordination and delivery. Child Welfare and Office of Juvenile Services will continue to provide case management oversight and retain placement and critical case decisions. Such decisions include, but are not limited to, assessments of child safety; assessments of community safety; removal of a child from the home; changing the placement of a child; permanency plan recommendations including return home, adoption, or guardianship; detaining of youth committed to the Office of Juvenile Services; and critical health care decisions for the child. Developing a system of care and moving the day-to-day functions to a contractor is part of Nebraska's vision to be able to focus on child and community safety and to oversee on-going case management decisions that will lead to timely permanency for children and families.

DHSS-DCFS data show that outcomes for children and families are improving. During calendar year 2008, 13,460 reports of Child Abuse and Neglect were assessed to determine if children were safe. Of the 13,460 reports assessed, 3,260 reports involving 4,902 children were substantiated for abuse and/or neglect.<sup>1</sup> That year (2008) also marked the third consecutive year more children safely exited the state's foster care system than entered it.<sup>2</sup> The number of children in the state's care went down from an all-time high of 7,803 in April 2006 to 6,239 in December 2009. From April 2006 to December 2009, there was a 20 percent reduction in the number of children in the custody of the state. As of December 31, 2009 there were 6,239 youth in the state's legal custody. Of these 1,916 remained with their parents, 39 were in pre-adoptive homes, 932 were in relative foster homes, 2,043 were in non relative foster homes, 478 were in group homes, 346 were in institutions, 439 were in treatment, 49 were on independent living, and 106 were in runaway status. The

number of finalized adoptions increased 92.6 percent from 297 adoptions in 2003 to a record high<sup>3</sup> of 572 adoptions in 2008, resulting in Nebraska receiving Adoption Incentive Bonus for the fifth straight year.<sup>4</sup> The final numbers have not yet run for CY2009, but as of January 4, 2010, the data system noted 464 finalized adoptions.

Nebraska attributes the continuing reduction in the number of children in the child welfare foster care system, which includes youth committed to the Office of Juvenile Services, primarily to two strategies: 1) Its Safety Intervention System which requires a thorough analysis of safety threats to determine if a child is safe or unsafe, and then, whenever possible, provides services to allow the child to remain in his or her own home. This program required training staff over a period of time and was fully implemented in the Spring of 2008. 2) A five-year plan was put in place in January 2008 to improve the collaboration of the Divisions of Children and Family Services, Behavioral Health, and Medicaid and Long-term Care. The services of these agencies were aligned to focus on prevention, early intervention and wrap-around services for families in crisis.<sup>5</sup>

### **Nebraska's Budget Landscape**

Nebraska is in much better financial shape than most other states. The unemployment rate is the second lowest in the nation. Nebraska budget officials face challenges as the nationwide economic downturn that began in 2008 continues to cause fiscal problems.<sup>6</sup> Revenues are projected to be significantly lower than what is needed to fund the current state budget. The 2010 budget shortfall was \$334 million in spite of the fact that state agencies saved \$244 million.

A Special Session of the Nebraska Legislature was called in November of 2009 to address Nebraska's further economic downturn since Sine Die of the May 2009 session. In his November 2, 2009, state budget proposal, Governor Dave Heineman opined that any further attempt to use the approximately \$325 million left in reserve would make future budget decisions even more difficult. The Governor stood firm on the fact that he was not going to raise taxes. Instead he outlined a plan in agency savings, transfers from the general fund, and both across-the board reductions and specific cuts. In his proposal, the Governor continued to avoid cuts to safety-net services. Agencies exempt from the across-the board reductions include 24 hour care facilities, the Department of Health and Human Services' child protection and safety program, special education, the State Patrol and the Department of Corrections.<sup>7</sup> The Nebraska Legislature adopted the Governor's balanced budget proposal with minor changes and with unanimous consent all within only 12 days. The budget can be subject to revisions during the 2010 session and again during the 2011 session.

Despite the economic downturn, in 2009 the Nebraska Legislature committed time and resources to addressing and investing in children's issues. The 101<sup>st</sup> legislative session had a number of legislative bills (LB 191, 122, 456, 603 and 136) targeted to improve child well-being. In summary the 101<sup>st</sup> Legislature provided for a combined bill (LB 603) that provided greater access to health care through an expansion of Nebraska's Children's Health Insurance Program, (CHIP); creation of voluntary post-adoption and post-guardianship case management services; and expansion of behavioral health services through some increased funding to the Behavioral Health Regions for services. The behavioral health services in part included long term strategies for the creation of six Behavioral Health Education Centers. Through these centers the University of Nebraska Medical Center will train, educate and improve communication of interdisciplinary providers throughout the state. Effective January 1, 2010 a 24/7 statewide Help Line, for screening, assessment and referral for children and families and a Family Navigator Program for peer support are in place for children and families with behavioral health needs.<sup>8</sup> Post adoption and post guardianship services for children that were previously wards of the state were also funded and implemented effective January 01, 2010.

### **P.L. 110-351 State Options**

**Guardianship Assistance Program (GAP)** will be implemented. On the basis of Nebraska law and DHHS regulations, Nebraska already provides subsidized guardianship for eligible children when guardianship is the preferred permanency option. The Fostering Connections and Increasing Adoptions Act will reduce state expenditures by allowing the claiming of matching federal IV-E funds for eligible children. For eligible children, it also will provide the benefit of receiving Medicaid in the state of residence. The original federal interpretation of the Act allowed for claiming of federal funds only for "new" guardianship assistance cases, meaning only for those originating after the beginning of the quarter in which the state submitted an approvable IV-E plan revision. In February 2010, the Administration for Children, Youth and Families issued a new interpretation of the Act (ACF-CB-PI-10-01). This interpretation allows states to convert previously-existing subsidized guardianships to GAP, as long as all federal requirements can be met. For example, the relative must have been licensed and the child eligible for IV-E while the child resided in the relative's home for at least six months preceding the guardianship; and the case plan must include a number of specific items. The PI also allows for amendments to existing guardianship subsidy agreements to bring them into compliance with GAP requirements. Each state electing to claim GAP

for children in guardianships in effect prior to the state's IV-E plan amendment must submit a description to ACF that explains the process it will use to ensure that claims will be submitted on behalf of only those children who meet all GAP eligibility criteria. Nebraska's IV-E plan amendment was submitted in December, 2009. Based on ACF-CB-PI-10-01, Nebraska is developing its process for review of all existing subsidized guardianships and will be submitting the information to ACF. An estimate of savings and numbers is not available until this review is completed. Any funds generated will be used for child welfare services.

Nebraska will not expand the population of children eligible for a subsidized guardianship, but will continue its current program. If the child and guardian do not meet all the requirements for the federal program, then guardianship funded solely by the state can be explored.<sup>9</sup> The state guardianship program ensures that finances are not the deterrent when guardianship is the most appropriate permanency goal and includes appropriate relatives, foster parents, or other biologically unrelated persons. The legal guardianship is established through the court and enables the child to have the permanency and commitment of a family and, when appropriate, maintain contact with the child's biological family. Consideration for guardianship follows the Adoption and Safe Families Act (ASFA) exceptions to termination of parental rights (TPR) guidelines. Financial eligibility requires that the child be a ward of the state and that all other resources such as TANF, Supplemental Security Income (SSI), and child support be explored. Primary considerations for children under age 12 include membership in a large sibling group that can stay together only under a guardianship; attachment to the proposed guardian and adoption by that person is not feasible, despite reasonable efforts toward adoption; or exhaustive but unsuccessful efforts to locate an adoptive family. Children age 14 or older must consent to guardianship. Medicaid is not automatic, but is based on other resources, including the ability of the prospective guardian to provide coverage through the guardian's insurance.<sup>10</sup>

LB 91, passed in first session of the 101<sup>st</sup> Legislature allows persons with a NE State-subsidized guardianship to move into a State-subsidized adoption without the child re-entering custody of the State. Most children for whom this action is taken will be eligible for Federal Non-recurring Subsidy to assist with costs of the home study, filing fees, etc. DHHS estimates that there could be between 6 and 8 such adoptions per year.

**Support to eligible young adults aged 19, 20, or 21** is already in place. The age of majority in Nebraska is age 19 and foster care maintenance and adoption or guardianship subsidy maintenance payments terminate at age 19. As established in State Statute, Nebraska provides assistance to eligible youth under the Former Ward Program when the youth is ages 18 through 21. In order to qualify, a youth must be a ward of the Department at the time of discharge and must be attending school (post-secondary) or training (such as vocational training). Under this Program, a youth can receive assistance with living expenses and may be eligible for Medicaid. In addition, in January 2004, DHHS received its first allotment of funds to administer the Educational Training vouchers (ETV) Program. This program provides monetary assistance to current and former foster care youth to help with post secondary expenses. The Former Ward Program offers room and board payments for eligible youth enrolled and successfully completing post secondary coursework. Youth must attend at least one class and maintain a passing grade point average in order to receive benefits. Benefits include a monthly stipend based on need (maximum of \$352.00 monthly room and board). Children who are state wards or former state wards are eligible to receive benefits and other supports available through Chafee. One such benefit is the ETV program in which the youth can participate up to their 23<sup>rd</sup> birthday if they are participating in the program prior to their 21<sup>st</sup> birthday. Additional benefits may include Medicaid until age 21 for youth enrolled in the Former Ward Program.<sup>11</sup> Nebraska continues to review eligibility requirement for services to offer greater opportunity to young people to be independent, while offering connections to people and resources that enhance their chances of being successful.

**Support to eligible youth who exit care to guardianship or adoption after age 16** is provided at the same level as for youth who remain in care. Nebraska has and will continue to reach this specific population through newsletters, direct mailings and training of DHHS staff.<sup>12</sup>

Further, effective January 1, 2010 families that have a valid subsidy agreement (adoption or guardianship) with DHHS and have a child 18 or younger who was in the custody of DHHS prior to finalization of the adoption or guardianship can access respite care, mentoring, counseling, classes, support groups and other services. These services are available through a DHHS funded program called "Right Turn" that was authorized by LB 603 in 2009.<sup>13</sup>

There are four federally-recognized tribes within Nebraska borders: Omaha, Ponca, Santee Sioux Nation and Winnebago. Nebraska has specific Tribal-State Contracts with the Winnebago, Omaha and Santee Tribes and is currently in discussion with the Ponca Tribe. These contracts in part help assure compliance with the federal and state Indian Child Welfare Acts (ICWAs). Nebraska has established policies and procedures providing ICWA protections when American Indian children come to the state's child welfare agency's attention due to abuse/neglect.

DHHS deferred to ICWA and tribal authority and regulations when issuing Fostering Connections and Increasing Adoptions Act implementation instructions. Ongoing meetings are held with all tribal leaders on collaborative training and policy revisions. In October 2006, DHHS hired a full-time Indian Child Welfare Program Specialist. The ICWA Program Specialist conducts ICWA compliance reviews through a systemic review process; participates in Family Group Conferences as needed to enhance participation of the tribes to support the development of culturally specific family plans; attends court hearings and strengthens collaboration with the Court Improvement Project (CIP); and provides consultation to DCFS staff and to tribal members when requested.<sup>14</sup> Also the Commission on Indian Affairs, established in 1971 serves as a liaison between the tribes and state to ensue the sovereignty of both tribal and state governments.<sup>15</sup>

### **P.L. 110-351 Mandatory Provision**

No changes to Nebraska law were required to implement the Fostering Connections Act. Administrative memos were issued to inform staff of the federal regulations, refer staff to the relevant state regulations and provide instructions for implementation to ensure all the federal parameters were met effective January 1, 2010. Administrative memos will be in effect until revised or until Regulations are issued and incorporated into the Nebraska Administrative Code (NAC). Adaptations are being made to the state's Statewide Automated Child Welfare Information System (SACWIS), Nebraska Family Online Client User System (N-FOCUS) to enable compliance tracking.<sup>16</sup>

**Relative Notification** has been a long standing practice as DHHS recognized that involvement of non-custodial parents and other relatives can be vital to assuring safety, permanency, and well-being for children. These persons are engaged for variety of purposes; including the possibility of placement should a child be unable to remain at home. When out-of-home care is necessary, placement with an adult relative is always the first consideration. If a relative is not available, persons known to the child or family are considered to sustain connections for the child.<sup>17</sup> The Nebraska Family Policy Act is clear that preference must be given to relatives for permanent placement of a child who cannot be reunited with a parent.<sup>18</sup>

Current policy requires efforts to locate, contact, and involve non-custodial parents and other relatives be started as soon as DCFS staff becomes involved with a family where a youth is determined to be unsafe or there is a community safety issue. Efforts continue until all relevant parties have been explored. The family is consulted about persons they would consider to be relatives. In some situations, the family might include persons who are not related by blood or marriage. At minimum diligent efforts must be made regarding maternal and paternal grandparents, adult siblings, aunts and uncles, and cousins. Leads provided by collateral contacts and or family members must be followed-up. If a parent's whereabouts are unknown, making a referral to the Federal Parent Locator Service (FPLS) is required.<sup>19</sup> An Administrative memo has been issued to require these actions within the 30 days of the child's removal from home, as specified in the federal statute. In addition, all efforts must be documented in the electronic system, N-FOCUS.<sup>20</sup>

It is the expectation that all children requiring out-of-home placement in a family setting will be placed in licensed homes for foster care or adoption. Exceptions to the requirement for licensure include placement with relatives, or emergency placement with an unlicensed person previously known to the child. In the case of an approved relative, a home study is required, and the same array of background checks must be done that would be required for licensure, including fingerprint-based National Criminal History, Sex Offender Registry, State-level Criminal History, Child Abuse and Neglect Central Register, and Adult Abuse Central Registry. The State also provides for licensure of relatives with a waiver of training requirements. For purposes of an emergency placement with a relative or in an unlicensed home with a person previously known to the child, requirements prior to placement include, at a minimum, a visit to the home to assure adequate housing, a safety plan to assure that the provider can meet the child's needs, and the following checks: State Patrol emergency criminal history, Sex Offender Registry, Child Abuse and Neglect Central Register, and Adult Abuse Central Registry. In addition, approval to place on an emergency basis must be given by the Service Area Administrator or designee. Emergency approvals are valid for no more than 30 days.

Relatives providing foster care are given the choice of using the Foster Care Payment Determination process, or applying for TANF relative payee, or adding the child to the relative's TANF unit. Workers are expected to help the relative

consider what is most beneficial for the child and the provider. The decision between relative payee and foster care payment is not contingent upon licensure or approval.<sup>21</sup>

**Educational stability** policy and procedures are in place to provide for educational placement and services that best meet the needs of the child. When a child enters out-of-home placement, DHHS notifies all relevant persons and takes action to coordinate with education agencies to enable the child to remain in the school where s/he was enrolled at the time of placement, unless remaining in that school is not in the child's best interest. In cases where the child must be enrolled in a new school, immediate enrollment and assurance that the child's educational records follow the child is the responsibility of the DCFS.<sup>22</sup>

In addition to regulations and policies related to educational stability, Nebraska has made and is making other efforts to meet this need for children in care. In 2008, Nebraska Statute was amended to include the following language, which coincides with Fostering Connections:

NE Rev. Statute 43-1313: Except as otherwise provided in the Nebraska Indian Child Welfare Act, immediately following removal of a child from his or her home pursuant to section [43-284](#), the person or court in charge of the child shall: (4) Require that the child attend the same school as prior to the foster care placement unless the person or court in charge determines that attending such school would not be in the best interests of the child.

In the Fall of 2009, Supreme Court Justice, Michael Heavican and Commissioner of Education, Dr. Roger Breed, attended a meeting intended to increase collaboration and ultimately improve education for children in the child welfare system. Unfortunately DHHS officials were not able to attend the meeting at the last minute, but have since met with the Chief Justice and Commissioner to discuss and support the work from the conference and strategies for continued collaboration. The resulting action plan includes 5 initiatives, including establishment of a web-based Tool-kit with resource materials to assist systems involved in education of students in out of home placement, e.g., schools, courts, county attorneys, guardians ad litem, probation, DHHS, treatment providers, and foster parents.

DHHS participates on the Nebraska Department of Education, Special Education Advisory Council (SEAC), established by the NE Department of Education per the federal Individuals with Disabilities Education Act (IDEA). SEAC is an advisory panel for the purpose of providing policy guidance with respect to Special Education and related services for children with disabilities. The responsibilities of the Special Education Advisory Council include becoming knowledgeable about research-based educational practices and reviewing Nebraska Department of Education-Office of Special Education activities designed to improve outcomes for children with disabilities. Members also seek information from the perspective of their constituency group. Based on these factors, SEAC serves in an advisory capacity the NDE Office of Special Education and to the Nebraska State Board of Education. The responsibility of the Council members is to advise, i.e. inform, counsel, recommend, suggest or guide, the Department of Education, not to advocate for an individual position. Recommendations are made by SEAC for the consideration and possible action by the NDE Office of Special Education and/or the State Board. The State Board approves membership on SEAC annually and receives advice and comments from SEAC as necessary throughout the year on special education issues. The Council consists of a balance of parents, educators, administrators, and representatives from various state agencies who serve differently-abled children birth through 21.

DHHS also participates on a SEAC Committee on Education of Students in Out of Home Placements. This group's primary mission is to provide guidance to the policymakers and stakeholders of Nebraska in the development and implementation of educational opportunities for children and youth in out of home placements. The OHP Committee's membership covers a broad-based spectrum of representation from a variety of schools, child welfare and advocacy organization, and the juvenile and criminal justice systems. This Committee currently has several work groups focusing on Statewide Academic Assessments and Curriculum; Transitions; School Residency and Responsibility; Systems Communication, Collaboration and Coordination; and Data Collection and /Evaluation.

A concern that Nebraska has regarding Fostering Connections and education is found in Section 471 of the Act, that is, that the state plan must include "...assurances that each child who has attained the minimum age for compulsory school attendance under State law and with respect to whom there is eligibility for a payment under the State plan is a full-time elementary or secondary school student or has completed secondary school..." The statute goes on to define attendance and completion of school. It is our understanding that this assurance includes not only children who are DHHS wards, but also children who are receiving a subsidized adoption or subsidized guardianship payment. Although DHHS can encourage school attendance for these children, and certainly intends to do its best to be in compliance, DHHS has no

authority to make these types of decisions for children who have been adopted or guardianshiped and no longer are in DHHS custody.

**Sibling Connections** have high priority when making placements. Current policy aligns with the federal requirements and addresses siblings in a number of places. In addition, an administrative memo, #8-2009, was issued to assure full compliance with the Fostering Connections Act. Regulations and the Administrative Memo require placement of siblings together unless the placement would be detrimental to one or more of them. When siblings do not live together, DCFS staff must ensure that visitation or other contact is provided between the child and siblings, unless such visitation or contact is not in the best interest of one or more of the children. Plans for such visitation or contact must be developed documented in N-FOCUS the State's electronic case management system.<sup>23</sup>

**Transition plans for children aging out of foster care** follows the federal mandate that all youth age 16 and older have an Independent Living Plan (ILP), based on an individual assessment of their needs and strengths. The plan must include services, supports and programs outlined as goals and objectives to meet the youth's needs in preparing for adulthood. The ILP is then viewed and approved by the court in writing every six months during youth case reviews.<sup>24</sup> As required under the Fostering Connections and Increasing Adoptions Act, in the 90 day period immediately prior to the date on which the youth turns age 19 (the age children exit the placement system in Nebraska), staff must assist and support the youth in developing a transition plan. These plans must be personalized at the direction of the youth and must be as detailed as the youth may elect. Specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and work forces supports and employment services should be included.<sup>25</sup> Chafee Foster Care funds are used to provide Independent Living Services to current and former foster youth (17-21). The Education and Training Voucher (ETVs) funds are utilized for current and former foster youth age 17-23 that are pursuing a post-secondary education. Transitional living services are established to primarily serve youth 17 and 18 years of age but youth can continue to participate to age 21. These programs offer a "safety net" for those who would need this to re-establish an independent or self sufficient living situation that may not have succeeded on an earlier attempt.<sup>26</sup>

In 2008, the Omaha Foster Youth Council with their partners created the Omaha Independent Living Plan. The Omaha Independent Living Plan is a collaboration between youth who are current or former state wards, Department of Health and Human Services, the Nebraska Children and Families Foundation, the Sherwood Foundation and the William and Ruth Scott Family Foundation to create a supportive community which helps youth establish connections to supports and lifelong relationships to successfully transition to adulthood.

Development of the Omaha Independent Living Plan occurred over 10 months under the leadership of Omaha area Youth working with over 100 individuals from numerous community organizations.

In August of 2008, as a result of the above mentioned planning process, Nebraska Children and Families Foundation entered into a co-investment partnership with the Jim Casey Youth Opportunities Initiative. Nebraska is now one of only two States that were invited to join the Initiative's 9 other sites in the nation to gain insights and access to resources/tools from the national leader in helping youth successfully transition into adulthood. Specifically, this Omaha IL Plan will now have access to the Initiative's tools, resources and TA, a dedicated consultant, connections to other Initiative sites, involvement in a Peer Learning Network and two Convening conferences per year.

This community, state and youth partnership will work together to change the system of care for foster youth in the Omaha area. Their work will serve as a vehicle to improving lives of foster youth across Nebraska as the Foster Youth Initiative begins work with the new DHHS Child Welfare and Juvenile Service Contractors to replicate the process, strategies, and outcomes statewide.

The Nebraska Foster Youth Council (FYC) is a group of young people, ages 14-24, who are currently or were formerly in foster care. The FYC works to create a supportive community which helps youth establish connections to supports and lifelong relationships to successfully transition to adulthood. The FYC has become a family and a life long support to many current and former foster youth in Nebraska.

In 2008 the FYC began creating Local FYC's for foster youth to connect to in their area. The focus of these local councils is to help youth in foster care transition into independent living, recognize and take advantage of their strengths, create opportunities to connect with each other, and provide input on program and policy issues. Local members will also be able to get their communities more involved and conduct the statewide FYC work on a local level.

Camp Catch-Up (CCU) is a summer camp experience that reunites sibling groups ages 8-19 who are separated by different placements in the foster care system. CCU offers a unique opportunity for siblings living in different foster homes to come together for a weekend adventure and continue to sustain their life long connection. 2010 will be the 8<sup>th</sup> consecutive year that the camp has been offered to foster children.

Unlocking the Potential for Success is a project designed to increase enrollment of foster and Native American youth in independent colleges, improve support systems in independent colleges for these two populations, and increase the colleges' knowledge of the difficulties these young people face when attending college.

Another statewide initiative is the "Nebraska's Promise" (based on the America's Promise Alliance). Nebraska's Promise is an alliance of agencies, organizations, and individuals dedicated to ensure that Nebraska children grow up with the benefit of supportive relationships with caring adults, safe places to learn and grow, a healthy start in life, effective education for marketable skills, and opportunities to give back to their communities. The Alliance has developed statewide benchmarks for each of the five promises, communication tools for communities, and materials for an awareness campaign. These activities have complemented the work occurring in DHHS and vice versa, creating a more unified community response to issues of child abuse and neglect in the state.

In 2009, the Department of Health and Human Services received the Support Services for Rural Homeless Youth Grant. This is a five-year Demonstration project targeted to young people ages 16-21, in rural areas (including Tribal lands and other rural Native communities) who are approaching independence and young adulthood, but have few or no connections to a supportive, family structure or community. This collaborative Demonstration project is intended to influence policies, programs and practices that affect the design and delivery of services to runaway and homeless youth in Transitional Living Programs (TLP), as well as to homeless youth aging out of State child welfare systems and into Independent Living Programs (ILP).

**Health oversight and coordination** is in place. Under current policy during the placement process all known medical or psychological needs and diagnoses of the child and parent are obtained. This includes immunization records, medication the child is taking, food and medication allergies, the name and address of medical providers and information regarding insurance coverage.<sup>27</sup> Children in out-of-home care, including children in the Youth Rehabilitation and Treatment Centers (YRTC) and those committed to the Office of Juvenile Services (OJS), receive a health examination during the first 14 days of placement. The purpose of the examination is determine the physical condition of the child at the time of placement, including the growth and development status, conditions that require medical follow-up and whether the child has any contagious disease that may affect placement.

Children in out-of home care receive ongoing coordinated medical care under the direction and supervision of the DCFS worker. To assure continuity in medical care, if a child has a primary care physician when entering care, DHHS endeavors to use this same provider.<sup>28</sup> For children in out-of-home care, an initial physical examination is required within 14 days of placement, and at least annually thereafter. Additionally, children receive ongoing medical care outside of annual examinations as necessary. To the extent appropriate, these examinations and ongoing medical care are provided by the children's primary care physician. Children in out-of-home placement are also provided with dental care, with exams scheduled annually. In these out-of-home situations, it is the responsibility of the temporary caregivers to secure medical care and treatment for the child in their care. It is recommended that the parent from which the child was removed be present at all medical appointments, unless the parent's presence would not be in the best interest of the child.

On July 1, 2008, the Nebraska Department of Health and Human Services, Division of Children and Family Services (DCFS), Division of Behavioral Health and the Division of Medicaid and Long-Term Care entered into three separate, yet similar contracts with Magellan Behavioral Health Services as an Administrative Services Organization (ASO). DCFS recently ended its contract with Magellan, but continues to work with the other divisions and Magellan. This continuing effort between the divisions is to ensure consistency in the authorization of mental health and substance abuse services and to prevent duplication and overlap of service provision and funding sources.

Also, Dr. Tonniges (Boys Town), Kris Morrissey (Executive Director, Nebraska Chapter of the American Academy of Pediatrics) and other pediatricians received a small grant to have the American Academy of Pediatrics (AAP) involved in implementation of the Fostering Connections Act. A small task force was formed that is comprised of physicians from Omaha and Lincoln, Dr. Tonniges, Kris Morrissey, Voices for Children, FCRB, and a DHHS representative. There have been a few meetings with the group this past fall. In November, a presentation on the federal Fostering Connections Act

was given to numerous physicians at the Fall Conference of the AAP at Children's Hospital. The workgroup will continue to be involved in implementation of the federal act.

### **Support Services for Families**

Nebraska has not applied for a Family Connection Grant. The following supportive services, similar to those that might be provided under such a grant, are provided:

- Family group conferences and enhanced family group conferences have been available through contracts with our Mediation Centers. With the advent of the new Out of Home contracts, the contractors are encouraged to be creative in developing or using whatever services are needed by families, using best practice models.
- Use of family team meetings has been a philosophical base for DCFS for several years and is considered to be a very effective approach in engaging families. In addition, beginning in 2005, the Department began providing funding to Douglas County Court for purposes of holding pre-hearing conferences. The pre-hearing conferences are held within a few days of the child's removal from home to determine the immediate plan for the child and family. Pre-hearing conferences are designed to facilitate early information sharing and problem solving among parties, including family, to increase the provision of early services to parents and children, and to speed the process of resolving cases and ultimately achieving safe, timely permanency.

In 2006, the pre-hearing conferences held in Douglas County were evaluated by Dr. Wiener from the University of Nebraska, Lincoln Law and Psychology Program, to determine if the desired outcomes were being achieved. More specifically, the study objectively measured the events that transpire during pre-hearing conferences, the impact of the conferences on the timing of later proceedings, and the outcome of the proceedings. As a result of this evaluation and collaboration with the Nebraska Supreme Court and other key stakeholders involved in the "Through the Eyes of the Child" Initiative, use of pre-hearing conferences was expanded across the state, via contracts with mediation centers.

- Post-adoption and post-guardianship services (Right Turn), Behavioral Health Helpline, and Family Navigator. In May 2009 the Nebraska Legislature passed legislation (LB603) that provides post adoption/post guardianship services. Beginning January 1, 2010, these services are offered on a voluntary basis to families who have adopted children or been appointed the legal guardian for children in the Department's custody at the time the adoption or guardianship was finalized, and who have a valid subsidy agreement in place. At the family's request, on a voluntary basis, case management and a variety of other services such as assessment and evaluation; family counseling; adult support groups; child counseling; youth support groups, short term respite care, connections to mentor families, educational classes for adoptive parents or guardians, and seminars on common behaviors of children separated from their families of origin who express unexplained feelings of loss and love for birth parents are available. These services can be accessed in other ways, but the primary means is a 24/7 phone line, answered by staff trained to respond to crises and to immediately connect families to case managers. The name of this program is Right Turn, with the motto, "Help for post adoptive parents and guardians is just around the corner."

The bill also created new services through the Division of Behavioral Health. These services include, a Children and Family Support Helpline that is a single point of access for children and families struggling with a child's behavioral health needs, and a Family Navigator Program to respond to children's behavioral health needs by providing peer support and connections to existing services, including the identification of community-based services.<sup>29</sup> As with Right Turn, these services are provided under contract and began January 1, 2010.

In addition to the direct services, the legislation included a requirement for a separate evaluation component to assure such elements as contractor maintenance of fidelity to service models, measurement and reporting of outcomes, assessment of unmet needs, and attention to possible ways to close those gaps.

In January 2008, LB542 created a plan to address the behavioral health needs of children, adolescents, and their families. In this plan, stakeholders from different systems (e.g., behavioral health, substance abuse, child welfare, and juvenile services) collaboratively developed a plan for a balanced array of accessible services, including specific levels and services for some of the state's most challenging children and adolescents. The plan addresses multiple mental health services barriers; increased collaboration between behavioral health, child welfare, and juvenile services; and dealing with substance abuse issues among children, adolescents, and adults.

In 2007, the DCFS Director appointed a Partners Council consisting of key stakeholders in Nebraska's child welfare and juvenile services systems. Members include representatives of provider and advocacy organization with an interest in children and family services. The council meets quarterly to monitor outcomes and provide input on how to improve outcomes.

The Department has collaborated with the Nebraska Children and Families Foundation's Prevent Child Abuse Nebraska and the Nebraska Child Abuse Prevention Fund Board to form the Prevention Partnership. This partnership pools funding and strategies targeted to the reduction of child abuse and neglect.

The Nebraska Supreme Court has led a number of recent initiatives including a statewide Children's Summit, the Nebraska Supreme Court Commission on Children in the Courts, and the "Through the Eyes of the Child" Initiative. DHHS has responded to these initiatives with considerable staff time and energy. DHHS financially supported the attendance of staff and administrators at the Children's Summit, the Director of DCFS serves on the Supreme Court Commission on Children in the Courts, and various DHHS representatives serve on a variety of subcommittees of the Commission. For example, the DHHS staff has worked on subcommittees that have made proposals to the Supreme Court on guidelines and training requirements for guardians ad litem representing children in abuse and neglect cases, guidelines and training for parents in these cases, and the development of a "Caregiver Information Form" for foster parents. DHHS staff serves as integral partners in the 25 "Through the Eyes of a Child" Initiative collaborative teams that are working on improving their local court systems. DHHS administrators meet regularly with court personnel at all levels from these local teams, to a middle management workgroup, to meetings between DHHS top administrators, and the Nebraska Chief Justice and State Court Administrator. A number of DHHS staff members serve as team secretaries for these teams and provide considerable support to the functioning of the teams. These meetings offer an opportunity for the courts and DHHS to communicate openly about shared concerns from different perspectives.

Nebraska continues to be challenged by the lack of sufficient mental health and substance abuse treatment resources. With DHHS playing an active role, the Attorney General's office, the Nebraska Crime Commission, and the Midwest High Intensity Drug Trafficking Areas (HITDA) formed the Drug Endangered Children (DEC) Committee to collaboratively develop protocols to address methamphetamine laboratories and other substance abuse problems and define "best practice" in dealing with children who have been exposed to methamphetamines.<sup>30</sup>

Retaining staff to ensure that a sufficient number of skilled and experienced workers and supervisors are available to provide front-line services requires ongoing intensive training efforts.<sup>31</sup>

Being a largely rural state, the lack of services in remote regions often leads to children having to receive services outside of their community therefore having to travel long distances to receive these services.

## **Conclusion**

In the face of economic challenges, Nebraska has authorized new services for its vulnerable children and families. Governor Heineman, in exempting relevant areas from proposed budget cuts, has recognized child welfare and juvenile services as critically important to the state and its citizenry. The Nebraska Legislature and the Judiciary are also very active and committed to children's behavioral health issues and in promoting improvements to the children welfare and juvenile justice systems. Nebraska is fortunate to have all branches of government working together to improve the system for children and families. Nebraska has demonstrated a commitment to improving services to children and families and DCFS plans to continue its child-centered, family-focused, strength-based approach and to bolster early, upfront services to prevent children from being removed from their homes and when removal is unavoidable, to place children with relatives whenever possible.

A comprehensive, integrated and outcome based approach to serving children and families can be hampered by a system of categorical funding. Nebraska supports efforts to bring together funding streams, eligibility requirements and monitoring and efforts to redirect funds previously used to pay for out-of-home care, to in-home services focused on the prevention of out-of-home care. Given the current categorical funding, the de-linking of foster care from the 1996 AFDC requirements would make more children eligible for federal IV-E funds and, in turn, would free up state funds to be reinvested in in-home services and services and supports to prevent removal of children from their families.

In addition, Nebraska has a good relationship with the Tribes located within the State and has State funded child welfare Agreements and Title IV-E Agreements with three of the four Tribes. Nebraska is committed to provide technical

assistance to the Tribes as they assess their readiness to directly access Title IV-E funding as provided for by the Fostering Connections Act and supports efforts to increase federal resources to the Tribes as they care for children in Tribal custody.

<sup>1</sup> *Child Abuse or Neglect: Annual Data Calendar Year 2008*. Nebraska Department of Health and Human Services. Retrieved January 4, 2010 from <http://www.hhs.state.ne.us/jus/ChildAbuse&NeglectAnnualReport08.pdf>.

<sup>2</sup> *Nebraska Improves in Child and Family Services*. Nebraska Department of Health and Human Services News Release. March 27, 2009. Retrieved January 4, 2010 from <http://www.dhhs.ne.gov/newsroom/newsrelease/2009/Mar/cfsr.htm>) CFSR data period April, 1 2006 to March 31, 2007 and conducted in July 2008.

<sup>3</sup> *Adoption Bonus for Fifth Straight Year*. Department of Health and Human Services News Release. September 18, 2009. Retrieved January 4, 2010 from <http://www.dhhs.ne.gov/newsroom/newsreleases/2009/Sep/AdoptionBonus.htm>.

<sup>4</sup> *2008 Annual Report Child Welfare Unit & Office of Juvenile Services*, Nebraska Department Health & Human Services: Division of Children & Family Services. Retrieved January 4, 2009 from <http://www.dhhs.ne.gov/jus/CW&OJS.2008.annualreport.pdf>.

<sup>5</sup> *DHHS Making Progress in Finding Permanent Homes for children Who are State Wards*. Department Health & Human Services News Release. October 13, 2009. Retrieved January 4, 2010 from <http://www.dhhs.ne.gov/newsroom/newsreleases/2009/Oct/statewards.htm>.

<sup>6</sup> *General Fund Financial Status. Executive Book*. [http://www.budget.state.ne.us/das\\_budget/budget09/executivebook.pdf](http://www.budget.state.ne.us/das_budget/budget09/executivebook.pdf).

<sup>7</sup> Young, Joanne and Hicks, Nancy. *Gov Dave Heineman: Budget proposal is about reducing spending*. By Joanne Young and Nancy Hicks. Lincoln Star Journal. Monday, November 2, 2009 Retrieved January 4, 2010 from [http://journalstar.com/news/state-and-regional/govt-and-politics/article\\_90266d1c-c7c7-11de-9f05-001cc4c03286.html](http://journalstar.com/news/state-and-regional/govt-and-politics/article_90266d1c-c7c7-11de-9f05-001cc4c03286.html)

<sup>8</sup> *Unicameral Begins To Address Issues Revealed by Safe Haven*. Child's View. Spring 2009. Vol. 21, No.2 pages 3-4. Voices for Children in Nebraska. Retrieved January 8, 2010 from <http://www.voicesforchildren.com/pdf/Child's%20View/CV-2009Spring.pdf> and

Seibert, Tiffney. *Legislative Updates*. Child View. Winter 2009 Vol 21, No 1 page 7. Voices for Children in Nebraska. Retrieved January 8, 2010 from <http://www.voicesforchildren.com/pdf/Legislative/Legislative%20Update%205.1.09.pdf>.

<sup>9</sup> *Fostering Connections Act of 2008-Kinship Guardianship Assistance*. Administrative Memo#14-2009 approved December 18, 2009 by Todd L. Reckling Director, Division of Children and Family Services. Retrieved January 4, 2010 from <http://www.dhhs.ne.gov/jus/Memos/AM-14-2009.pdf>.

<sup>10</sup> *Legal Guardianship Guidebook*. Nebraska Department Health & Human Services: Division of Children & Family Services. Retrieved January 7 from [http://www.dhhs.ne.gov/Children\\_Family\\_Services/OHReform/GuideBookDocs/LglGdn.pdf](http://www.dhhs.ne.gov/Children_Family_Services/OHReform/GuideBookDocs/LglGdn.pdf).

<sup>11</sup> *Child and Family Services Plan 2005-2009*. Nebraska Department Health & Human Services: Division of Children & Family Services. pages 35-56. Retrieved January 4, 2010 from <http://www.hhs.state.ne.us/jus/CFSR/NE05-09IV-B.pdf>.

<sup>12</sup> *Child and Family Services Plan 2005-2009*. Nebraska Department Health & Human Services: Division of Children & Family Services. pages 13-14. Retrieved January 4, 2010 from <http://www.hhs.state.ne.us/jus/CFSR/NE05-09IV-B.pdf> and

*Statewide Assessment 2008*. Nebraska Department Health & Human Services: Division of Children & Family Services Policy Section, Child Welfare Unit & Office of Juvenile Services <http://www.hhs.state.ne.us/jus/cfsr/StWdAst08.pdf>.

<sup>13</sup> *New "Right Turn" Program Provides Support After Adoptions or Guardianship Involving Children who Were State Wards*. Department Health & Human Services News Release December 31, 2009. Retrieved January 8, 2010 from <http://www.dhhs.ne.gov/newsroom/newsreleases/2009/Dec/rightturn.htm>.

<sup>14</sup> *Child and Family Services Plan 2005-2009*. Nebraska Department Health & Human Services: Division of Children & Family Services. pages 13-14. Retrieved January 4, 2010 from <http://www.hhs.state.ne.us/jus/CFSR/NE05-09IV-B.pdf>

and *Statewide Assessment 2008*. Nebraska Department Health & Human Services: Division of Children & Family Services Policy Section, Child Welfare Unit & Office of Juvenile Services <http://www.hhs.state.ne.us/jus/cfsr/StWdAst08.pdf>.

<sup>15</sup> The State of Nebraska Commission on Indian Affairs, Official Nebraska Government Website. Retrieved January 4, 2010 from <http://indianaffairs.state.ne.us/index.html>.)

<sup>16</sup> *Requirements of the Federal Fostering Connections Act of 2008*. Administrative Memo #8-2009. September, 2009 from Edward H. Matney, Policy Section Administrator and approved by Todd L. Reckling, Director, Nebraska Department Health & Human Services: Division of Children & Family Services, Retrieved January 8, 2010 from <http://www.dhhs.ne.gov/jus/memos/AM-8-2009.pdf>.

<sup>17</sup> *Title 390 Chapter 7 out-of-home placement*. Nebraska Department Health & Human Services: Division of Children & Family Services. Retrieved January 4, 2010 from [http://www.sos.state.ne.us/rules-and-regs/regsearch/Rules/Health\\_and\\_Human\\_Services\\_System/Title-390/Chapter-7.pdf](http://www.sos.state.ne.us/rules-and-regs/regsearch/Rules/Health_and_Human_Services_System/Title-390/Chapter-7.pdf).

<sup>18</sup> *Legal Guardianship Guidebook*. Nebraska Department Health & Human Services: Division of Children & Family Services. Retrieved January 7, 2010 from [http://www.dhhs.ne.gov/Children\\_Family\\_Services/OHReform/GuideBookDocs/LglGdn.pdf](http://www.dhhs.ne.gov/Children_Family_Services/OHReform/GuideBookDocs/LglGdn.pdf).

<sup>19</sup> *Diligent Efforts to Locate and Assess Non-custodial Parent and Relatives*. Program Memo: Title390, Protection and Safety # 1 – 2005, April 26, 2005 from Todd Reckling, Administrator Office of Protection and Safety. Nebraska Department Health & Human Services: Division of Children & Family Services. Retrieved January 8, 2010 from <http://www.hhs.state.ne.us/jus/memos/PM-14-Diligent-Efforts.pdf>.

<sup>20</sup> *Requirements of the Federal Fostering Connections Act of 2008*. Administrative Memo #8-2009. September, 2009 from Edward H. Matney, Policy Section Administrator and approved by Todd L. Reckling, Director, Nebraska Department Health & Human Services: Division of Children & Family Services, Retrieved January 8, 2010 from <http://www.dhhs.ne.gov/jus/memos/AM-8-2009.pdf>.

<sup>21</sup> Placement guidebook page 81-effective8-10-02)---

<sup>22</sup> *Requirements of the Federal Fostering Connections Act of 2008*. Administrative Memo #8-2009. September, 2009 from Edward H. Matney, Policy Section Administrator and approved by Todd L. Reckling, Director, Division of Children and Family Services, Department of Health and Human Services <http://www.dhhs.ne.gov/jus/memos/AM-8-2009.pdf>. CHECK LINK

<sup>23</sup> *Requirements of the Federal Fostering Connections Act of 2008*. Administrative Memo #8-2009. September, 2009 from Edward H. Matney, Policy Section Administrator and approved by Todd L. Reckling, Director, Division of Children and Family Services, Department of Health and Human Services <http://www.dhhs.ne.gov/jus/memos/AM-8-2009.pdf>. CHECK LINK

<sup>24</sup> *Out-Of-Home Placement and Payment Guidebook*. Nebraska Department Health & Human Services, Children & Family Services. 08/10/2. Page 6. Retrieved January 4, 2010 from [http://www.dhhs.ne.gov/Children\\_Family\\_Services/OHReform/GuideBookDocs/IndLivGB6-05.pdf](http://www.dhhs.ne.gov/Children_Family_Services/OHReform/GuideBookDocs/IndLivGB6-05.pdf).

<sup>25</sup> *Requirements of the Federal Fostering Connections Act of 2008*. Administrative Memo #8-2009. September, 2009 from Edward H. Matney, Policy Section Administrator and approved by Todd L. Reckling, Director, Division of Children and Family Services, Department of Health and Human Services <http://www.dhhs.ne.gov/jus/memos/AM-8-2009.pdf>. CHECK LINK

<sup>26</sup> Independent Living Services Guidebook Health and Human Services, .....

[http://www.dhhs.ne.gov/Children\\_Family\\_Services/OHReform/GuideBookDocs/IndLivGB6-05.pdf](http://www.dhhs.ne.gov/Children_Family_Services/OHReform/GuideBookDocs/IndLivGB6-05.pdf)

<sup>27</sup> *Out-Of-Home Placement and Payment Guidebook*. Nebraska Department Health & Human Services, Children & Family Services. 08/10/2. Page 6. Retrieved January 4, 2010 from [http://www.dhhs.ne.gov/Children\\_Family\\_Services/OHReform/GuideBookDocs/IndLivGB6-05.pdf](http://www.dhhs.ne.gov/Children_Family_Services/OHReform/GuideBookDocs/IndLivGB6-05.pdf)[http://www.dhhs.ne.gov/Children\\_Family\\_Services/OHReform/GuideBookDocs/IndLivGB6-05.pdf](http://www.dhhs.ne.gov/Children_Family_Services/OHReform/GuideBookDocs/IndLivGB6-05.pdf).

<sup>28</sup> *Medical Care For Wards*. Title 390 Chapter 7-0003.04 out-of-home placement. Department of Health and Human Services, Division of Children and Family Services. Retrieved January 8, 2010 from [http://www.sos.state.ne.us/rules-and-regs/regsearch/Rules/Health\\_and\\_Human\\_Services\\_System/Title-390/Chapter-7.pdf](http://www.sos.state.ne.us/rules-and-regs/regsearch/Rules/Health_and_Human_Services_System/Title-390/Chapter-7.pdf).

<sup>29</sup> *New Services Will Support Families of Youth With Behavioral Health Issues*. Department of Health and Human Services News Release. December 31, 2009. Retrieved January 4, 2010 from <http://www.dhhs.ne.gov/newsroom/newsreleases/2009/Dec/boystown.htm>

---

<sup>30</sup> *Statewide Assessment 2008*. Nebraska Department Health & Human Services: Division of Children & Family Services Policy Section, Child Welfare Unit & Office of Juvenile Services <http://www.hhs.state.ne.us/jus/cfsr/StWdAst08.pdf>.

<sup>31</sup> *2008 Child and Family Services Review Summary*. March 2009. Nebraska Department Health & Human Services: Division of Children & Family Services. <http://www.hhs.state.ne.us/jus/CFSR/2008CFSRSum.pdf>.