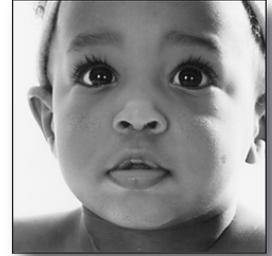


Nebraska Foster Care Review Board

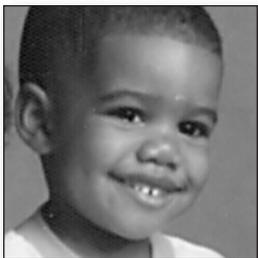
2007 Annual Report and Recommendations Summary for the Judicial Branch



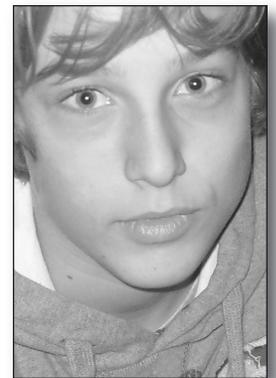
“Nebraska’s courts with juvenile jurisdiction have moved forward with implementing best practices for abuse and neglect cases as part of the ‘Through the Eyes of the Child’ Initiative.



Our judges are committed to the fair and timely disposition of abuse and neglect cases and serve as leaders of the 25 Through the Eyes of the Child teams across the State of Nebraska.



The goal of each team is to develop the best way to handle abuse and neglect cases — including cases involving the termination of parental rights — in their particular courts. All of the teams are working hard to place abused and



neglected children in permanent, safe, and stable homes as quickly as possible. At the same time, the teams strive to preserve fairness and the rights of all parties to these proceedings.

The Foster Care Review Board works in conjunction with all of those 25 teams.



“I commend all of the judges for their leadership within the teams, and I commend all of the participants in the teams for their contributions to the



Through the Eyes of the Child Initiative. I especially commend the Foster Care Review Board for its positive contributions to each of those teams to ensure Nebraska’s children are safe, healthy, and in permanent homes.”

– Chief Justice Mike Heavican

From the Executive Director ...



**Carolyn K. Stitt,
Executive Director**

The positive trends which highlighted our Annual Report for 2006 continued in 2007. Look at these key statistics:

1) **Fewer children in foster care:** 5,043, down from 5,186 in 2006, and down from 6,205 in 2005.

2) **Children returned to foster care less often:** 1,951, down from 1,961 in 2006, and down from 2,078 in 2005.

3) **Fewer children were adjudicated due to Abuse/Neglect (3a)** – 3,152 children had been adjudicated for abuse and/ or neglect, compared to 3,368 in 2006 (-6.4%).

4) **Also, fewer children were designated as status offenders (3b):** 264 during 2007 – as compared to 312 in 2006 (-15.4%).

5) **462 children were adopted during 2007**, as compared to the 347 in 2005.

Additionally, we commend the many prosecutors who are filing more petitions to terminate parental rights, thereby allowing more children to move quickly to a stable, caring placement.

The year 2007 reflects the expanded depth of the growing partnership of all branches of Nebraska government – Executive, Legislative and Judicial – focusing on concerns for children in foster care. Following ground-breaking initiatives spearheaded by Governor Dave Heineman and Chief Justice Mike Heavican, everyone continues to pull together, to work together, at unprecedented levels of cooperation. I personally want to thank everyone involved in the dramatic direction of this effective partnership.

The Annual Report of the Foster Care Review Board is summarized here for the Nebraska Judiciary. Chief Justice Heavican's initiative – *Through the Eyes of the Child* – directed the focus of the Judiciary on children birth to age five with the aim of attaining timely permanency for this very vulnerable age group. The Foster Care Review Board endorsed this initiative, which helps to move cases more effectively through the court system.

The Foster Care Review Board conducted extensive training in 2008 of local review board members on two critical aspects of this initiative:

1) Aggravated Circumstances Hearings.

At times, local review boards encounter cases where the nature of the abuse and/or neglect is so severe or so repetitive that reunification with the child's parents jeopardizes and compromises the child's safety and well-being. Reunification could expose the child to an unreasonable

risk of being repeatedly abused and/or neglected in the future. In some cases, Nebraska law allows for fast-tracking permanency for these children. This means that prosecutors must ask the court to make a finding that the State is excused from its duty to make reasonable efforts to reunify these children with their abusive parents. Children can then be moved more quickly into permanency. The Board conducted special training sessions for volunteer board members so that they could make more informed recommendations for these hearings to take place.

2) Guardian ad litem representation

The Board applauds the Nebraska Supreme Court's guidelines to help guardians ad litem improve their representation of children. Training sessions have educated local board members of the law requiring guardians ad litem to interview the child(ren), the child(ren)'s foster care provider, as well as the Department of Health and Human Services (DHHS) caseworker. Adequate legal representation and vigilant advocacy of the child's best interests are vital in order to assure the child's safety and permanency.

We applaud the "Through the Eyes of the Child" state-wide teams as they continue to focus on:

Pre-hearing Conferences. Effective use of Pre-hearing Conferences at the initial or protective custody hearing phase of the case can produce positive gains prior to adjudication. Such conferences focus on reasons why a child enters into foster care, determine ways to re-direct the child's home environment, initiate a plan of action for compliance, and monitor an early return of the child to his or her home.

12-month Permanency Hearings. These are required by law to occur in all cases and must focus on appropriate permanency in order that children can move out of the foster care system. Nebraska's children remain in foster care far too long. Permanency hearings need to occur in order to reduce the time that children spend in foster care.

Filing criminal charges or pursuing termination of parental rights where appropriate. When a child suffers extreme abuse or severe neglect, county attorneys play an essential role in holding perpetrators criminally responsible for the physical and psychological injuries and deprivations sustained by the child. Petitions to terminate parental rights may be filed immediately in cases where efforts to reunify the family are not required. Otherwise, termination proceedings should be filed on a timely basis.

We are grateful for the leadership of the Supreme Court and Chief Justice Heavican, and we appreciate his support when he wrote: *"I especially commend the Foster Care Review Board for its positive contributions to each of those teams to ensure Nebraska's children are safe, healthy and in permanent homes."*

A handwritten signature in black ink, appearing to read "Carolyn K. Stitt".

The Supreme Court Commission on Children in the Courts seeks to improve responsiveness to the needs of children in foster care.

by Judge Douglas F. Johnson

Chief Justice John V. Hendry announced the formation of the Supreme Court Commission on Children in the Courts on January 6, 2005. The Commission, co-chaired by Judge Everett O. Inbody, Chief Judge of the Court of Appeals and Douglas County Separate Juvenile Court Judge Douglas F. Johnson, consists of judges, lawyers, representatives of the legislative and executive branches, and children's advocates. Current Chief Justice Michael Heavican approved the continued appointment of Judges Inbody and Johnson as co-chairs and embraces the work of the Commission.

To date, the Commission has accomplished a great deal:

On January 1, 2008, mandatory Guardian ad Litem training requirements were adopted and became effective by the Supreme Court. Six hours of basic training and three hours annually thereafter are required.

On January 1, 2008, the Nebraska Supreme Court approved and made available the Caregiver Information Form that was developed by a Commission subcommittee pursuant to new federal legislation and state legislation found at NRS 43-1414.02

On July 18, 2007, the Supreme Court adopted *Guidelines for Guardians ad Litem for Juveniles in Juvenile Court Proceedings*.

On June 15, 2007, Proposed Standards for Appointed Counsel for Parents in Abuse and Neglect Cases in Juvenile Court were recommended to the Supreme Court.

On December 15, 2006, Proposed Standards for Attorneys and Court Appointed Investigators for Children in District Court were recommended to the Supreme Court.

On September 26, 2006, Standards for Appointed Counsel of Juveniles in Law Violation and Status Offense Cases in Juvenile Court were recommended to the Supreme Court.

The Court of Appeals expedited appeals, and cut on average, three months off the normal time for appeal in abuse and neglect or termination of parental rights cases through procedural improvements adopted by Supreme Court Rule.

A statewide children's summit was held in September 2006. This began the statewide *Through the Eyes of the Child Initiative*. Another summit is planned for September 2009.

Judge Inbody currently serves as the Chief Judge of the Court of Appeals and has been an active member of the Court Improvement Project, which is dedicated to serving children within the court system.

Judge Doug Johnson is a Separate Juvenile Court Judge in Omaha. He is the President-Elect of the National Council of Juvenile & Family Court Judges. He will be sworn in as President at the NCJFCJ's Annual Conference in Chicago, July 2009.



**Judge
Douglas F. Johnson**

“Through the Eyes of the Child” continues its progress.

by Judge Lawrence Gendler

Two years ago we gathered in Nebraska City to launch a new statewide initiative on behalf of children and their families, “Through The Eyes Of The Child.” At that time, we established teams across the state and identified several goals for the initiative.

To date, many of those goals have been addressed: we have established standardized court forms to ensure compliance with federal rules; we have established mediated pre-hearing conferences across the state to more quickly initiate services for these youngsters and their parents; the state legislature has approved a proposal that mandates these mediated sessions remain confidential; statistics have been gathered so that outcomes can be accurately measured; and mandated guardian ad litem training has improved the abilities of those

who advocate for these children.

We are fortunate to have a wealth of committed professionals across this state committed to improving our system for the youth and families we serve. Next September our initiative will host another summit in Grand Island to further our goals and give our teams an opportunity to hear and learn from each other. While all of us remain optimistic, we also recognize that further work needs to be done.



**Judge
Lawrence Gendler**

The Board recommends using Aggravated Circumstance Hearings to accelerate permanent placements.

by Christine P. Costantakos, J.D. Member of Nebraska Bar

In cases where the parent has subjected a juvenile to “aggravated circumstances,” prosecutors can request the court to make a finding that will excuse the State from its duty to make reasonable efforts to preserve and unify the family. The phrase “aggravated circumstances” has been judicially interpreted to mean that the nature of the abuse or neglect is so severe or repetitive that reunification with the child’s parents jeopardizes and compromises the child’s safety and well-being. [See *In re Interest of Jac’Quez N.*, 266 Neb. 782, 669 N.W.2d 429 (2003)]

It is estimated that about 20-30 percent of the cases involve the types of parental behaviors that could provide a basis for the court to find an exception to the State’s duty to exercise reasonable efforts. Some examples include cases involving abandonment, torture, sexual abuse, or chronic abuse. There are other grounds in addition to “aggravated circumstances” upon which the court may find that an exception exists with respect to the State’s duty to make reasonable efforts: 1) parental involvement in the murder or voluntary manslaughter of another child of the parent, 2) situations where the parental rights to a sibling of the juvenile have been terminated involuntarily, and 3) the commission of a felony assault which results in the serious bodily injury to either the juvenile or to another minor child of the parent. [See Neb. Rev. Stat. §43-283.01(4)(b) and (4)(c)]

If the court has ruled that efforts to reunify are no longer necessary, then children can be transitioned more quickly into permanency, whether in the form of adoption or guardianship. [See Neb. Rev. Stat. §43-283.01(5)]

Prosecutors and guardians ad litem should review their cases in order to identify the existence of factual grounds upon which the court can make a determination that reasonable efforts to preserve and reunify the family are **not** required. Where such grounds exist, prosecutors and guardians ad litem can request the court to make such a finding. For example, such a determination can be requested from the court in the initial petition filed by the State, or in a motion subsequently filed by either the State, or the juvenile’s guardian ad litem.

The element of “aggravated circumstances” also constitutes a separate statutory ground upon which termination of parental rights can be sought immediately. Neb.

Rev. Stat. §43-292(9) authorizes the court to terminate parental rights when the parent of the juvenile has subjected the juvenile to “aggravated circumstances,” including, but not limited to, abandonment, torture, sexual abuse, or chronic abuse. Note that the “aggravated circumstances” under Neb. Rev. Stat. §43-283.01 and the “aggravated circumstances” under Neb. Rev. Stat. §43-292(9) are in substance the same, but do differ in this respect: subjection of either the juvenile *or another child of the parent* to “aggravated circumstances” will suffice to relieve the State from its duty to make reasonable efforts under Neb. Rev. Stat. §43-283.01. By contrast, parental rights can be terminated under §43-292(9) in that situation where the parent has subjected **only the juvenile himself** to “aggravated circumstances.” In other words, the fact that the parent has subjected another one of his or her children to “aggravated circumstances” (but **not** the juvenile who is the subject of the court proceeding) will not provide a sufficient basis upon which to terminate parental rights under §43-292(9).

The following allegations could be used to support a judicial finding that reasonable efforts are not required in a given case:

“The father has been convicted of felony child abuse due to the abuse he inflicted upon his daughter. A certified copy of the judgment of his conviction is marked as Exhibit “A” and attached hereto.

As the result of said child abuse by her father, the minor child sustained numerous bruises and fractures.

The mother delayed unreasonably in seeking proper medical care and treatment for her daughter, as the result of which the daughter’s injuries were exacerbated.

Reasonable efforts to preserve and reunify the family are not required in this case due to the fact that both parents have subjected the minor child to aggravated circumstances within the meaning of Neb. Rev. Stat. §43-283.01(4)(a); and that the father committed a felony assault which resulted in serious bodily injury to the minor child, under Neb. Rev. Stat. §43-283.01(4)(b).

Wherefore, the undersigned requests this court to make a finding that reasonable efforts to preserve and reunify the family are not required, and to hold a permanency hearing within thirty days, as required by Neb. Rev. Stat. §43-283.01(5).”

The Board supports increased accountability for Guardians ad litem via Supreme Court Guidelines.

An informed, involved guardian ad litem is the best advocate for the child's legal rights and best interests.

The guardian ad litem is charged with a legal duty of assuring that the best interests and the legal rights of the child are effectively represented and protected in juvenile court proceedings.

In the recent past, local board members reviewing cases and making foster home visits hear the complaints all too often: "I don't know who my guardian ad litem is; I didn't know we had one. What is a guardian ad litem?"

Judges need to hold guardians ad litem accountable for their duties in connection with the children whom they represent. Guardians ad litem are required to submit reports that are independent of those submitted by the other participants in the case, and that represents the independent judgment and recommendations of the guardian ad litem regarding the child's placement and any other issue affecting the child's best interests. Judges should ensure that their guardians ad litem have actually visited the children whom they are appointed to represent. Due to age or physical/mental condition, children birth to

age five are most vulnerable to abuse and neglect and often cannot speak for themselves.

Supreme Court Sets New Standards for Guardians ad Litem

In July 2007, the Nebraska Supreme Court adopted guidelines to define what were Guardian ad Litem "best practices" to ensure effective representation of children's legal and best interests in dependency and abuse/neglect proceedings in juvenile court. Chief Justice Mike Heavican has asked citizen reviewers to identify cases where guardians ad litem are not following the Supreme Court's Guidelines, and include this in the Review Board's Recommendation in the top concerns section. The Chief Justice has asked Judges to hold Guardians ad Litem accountable when they do not follow the guidelines.

Training is Offered

The Foster Care Review Board will be offering additional training for Local Board volunteers about the Supreme Court guidelines for Guardians ad Litem. Together we can help raise the standards for attorneys representing children in juvenile court matters, thus making a difference for children.

Visitation needs of children in foster care should be a high priority for Juvenile Judges at Court.

The first three years of a child's life are the most formative for cognitive and emotional development. In this unparalleled time, an infant or toddler brain "hard wires" for social relationships, motor skills, language, learning, and self esteem. In order to develop well, babies must have at least one person who provides consistent love and care.

Unfortunately, one of five foster care placements is an infant. Babies under the age of one make up 25% of children in the child welfare system. 76% of child abuse fatalities occur to children under four years old. Babies experience foster care drift by being moved about in foster care multiple times. Without a consistent loving caregiver, babies suffer brain damage and developmental delays.

Knowing the above, in May 2005, Judge Douglas F. Johnson started Nebraska's first family drug treatment court: The Douglas County 0-3 Family Drug Treatment Court. While great strides continue to be made with that best practice program, he was not satisfied and knew that more needed to be done for babies and their parents on a broader basis. After receiving approval from Chief Justice Michael Heavican, Judge Johnson partnered with Kelli Hauptman, staff attorney of the Through the Eyes of the Child Initiative, the Permanency Planning For Children Department of the National Council of Juvenile & Family

Court Judges (NCJFCJ), Zero To Three, and infant and toddler mental health and well being experts, to plan a series of statewide trainings.

Day long, intensive, interactive trainings are provided free through court improvement funds and partners offering material and personal resources. Multiple stakeholders who work in the juvenile courts and child welfare system are invited to learn about: the science of early childhood development, the parent-infant child relationship, meaningful parenting time, parental skills development, meaningful reasonable efforts services, the NCJFCJ's Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases focusing on the Facilitated Prehearing Conference (started by the Separate Juvenile Court of Douglas County on July 28, 2008) and Protective Custody Hearing, and Early Development Network Part C evaluations and resources. The knowledge of best practices is driven home by applying theory to pragmatic case scenarios which stakeholders have guided analysis by the trainers throughout the day. Evaluation responses have been overwhelmingly positive, appreciative, and hungry for more.

If you would like more information, please contact Judge Johnson at 402-444-7881.

Strengthen the front end of the child welfare system through the use of Pre-hearing Conferences.



**Judge
Kenneth Vampola**

safety assessment policies, the use of Pre-hearing Conferences, and the on-going cooperation and buy-in by the Dodge County Bar Association and the Dodge County Attorney continue to maintain foster care in Dodge County at approximately 70 children, which is a decline of 115 foster care children from the December 31, 2004, level of 185 children.

In my opinion and based on the tracking of current abuse and neglect cases in Dodge County, the successful use of pre-hearing conferences requires communication and cooperation between the parties at the table, educating attorneys and parents about the process, and guaranteeing confidentiality during the open exchange of information and options for the safe and least disruptive placement of the children. (The pre-hearing conference protocols are available through the “Eyes of the Child” website and confidentiality is now mandatory by statute.) The goal of the pre-hearing conference is to return the children to their home if a safety plan can be developed and monitored or, in the alternative, to a close relative or friend that can provide safe and familiar surroundings; keeping in mind that any timeframe for returning the children to their families is driven by best interests and safety concerns. Finally and possibly the most important incentive to ensure the cooperation of parents and their counsel is the availability of services upfront and prior to the adjudication phase of juvenile court proceedings.

The Dodge County Juvenile Court has a set time and location every week to convene a pre-hearing conference for any children taken into protective custody.

It has been two years since the September 2006 “Nebraska Children’s Summit: Improving the Court System for Abuse/Neglect and Foster Care Children” was convened in Nebraska City, and from which the “Through the Eyes of the Child Initiative” was born. The revisions to the Nebraska Department of Health and Human Services risk and

All parents are appointed lawyers as soon after the removal as possible and a lawyer’s appointment is based on his or her availability for the next scheduled conference. This means that the possible return to the family home, temporary placement, and safety concerns are addressed by all parties within a few days of being taken into protective custody. Eligibility and continued representation by court-appointed counsel is determined at the first appearance of the parents before the court.

The collateral effects of the above procedures are encouraging. The earliest possible appointment of legal counsel has resulted in more than half of the cases being adjudicated or dismissed at first appearance before the court. In turn, the court has more time to schedule earlier adjudication and disposition hearings. The court does not grant continuance of cases where there is foster care placement without cause. Another result is lower court-appointed attorney fees for the county due to “fast-tracking” of juvenile cases and lower foster care costs to the state.

Eliminating delays in procedures and entering the disposition/review phase earlier, enables the court and the state to make an earlier determination as to whether the parents are able to comply with the case plan and provide for the safe return of the children to the family home. If the parents are unwilling or unable to comply, the timeframe to provide alternative permanency for the child has been significantly reduced.

I am pleasantly surprised that the current level of foster care children in Dodge County has been maintained for over a year and I am very hopeful that these efforts by stake-holders on behalf of Nebraska’s foster care children will continue across the state.

“The decisions in child welfare are not between good and bad. They are between worse and least worse. Each decision will be harmful. What decision will do the least amount of damage?”

We all have a tendency to underrate the risk to the child of being in the foster care system and overrate the risk to the child of living in poverty in a dysfunctional family.”

– Dr. Ann Coyne,
University of Nebraska Omaha, School of Social Work

Assure that decisions which are critical to the child's permanency are made at the court's mandatory 12-month Permanency Hearings.

As required by law, the 12-month Permanency Hearing represents a pivotal point in each child's case, at which the court should determine whether the pursuit of reunification remains a viable option, or whether alternative permanency for the child should be pursued.

Delays in the case can increase the probability that the child will experience more transitions to different placements, possibly resulting in more negative consequences for the child. Monitoring parental compliance with court orders, determining paternity, and complete searches to identify relatives of the child all are needed to achieve a successful 12-month Permanency Hearing.

The Board found that, during 2007, paternity had not been established for 19.8% of the reviewed children's

cases. This level is an improvement over the 22.5% level in 2005.

Failure to identify or ascertain the issue of the child's paternity creates two major problems for the child: 1) an inability to assess the suitability of the father or any of his relatives as a prospective custodian of the child, and 2) the child will not be free for adoption as long as a father's parental rights remain unaddressed. These problems can result in a delay of several months or longer in achieving permanency for the child.



56.6% of children reviewed age birth – five entered into foster care due to parental substance abuse, including alcohol, prescriptions and/or street drugs.

Local board members have seen many heart-wrenching cases where a child's biological mother ingested meth throughout the pregnancy, some as little as four days before giving birth. These children are often taken into foster care immediately at birth. The positive impact on the child's development by early intervention and placement with a loving foster family is amazing.

A growing concern affecting the health, safety and welfare of children is substance abuse by parents. The Honorable John P. Icenogle summarized the problem:

"Children in a methamphetamine home are victimized by the very environment in which they live. They are often

*victims of, or witnesses to, significant domestic violence and physical abuse. ... The children are exposed to both an alcohol and drug culture as friends of the users come and go. These children tend to isolate themselves from other children, and are characterized by high truancy rates from school. When identified, 'meth' homes are not quickly fixed. Mothers who are required to choose between reunification with their children or continued methamphetamine usage all too often choose their drug rather than their children."*¹

¹ Honorable John P. Icenogle (District 9, Nebraska) before the Congressional Committee on Education and the Workforce Subcommittee on Education Reform, Hearing on Combating Methamphetamines through Prevention and Education, Nov. 17, 2005.

Children who entered foster care due to any form of parental substance abuse, such as abuse of alcohol, prescription drugs and/or street drugs, including methamphetamine —

	Children Reviewed	Entered Care Due to Parental Substance Abuse	Percentage
Infant to two years old	334	199	59.6%
Ages 2-3 years old	516	290	56.2%
Ages 4-5 years old	429	235	54.8%
Ages 6-8 years old	580	316	54.5%
Ages 9-12 years old	592	277	46.8%
Ages 13-18 years old	1,355	366	27.0%
TOTAL	3,806	1,683	44.2%

Improve access to mental health services to address children's behavioral and mental health issues.

When a child is removed from the family home, he or she is often not clear as to why this bond has been interrupted or broken, and why he or she is placed in the care of strangers. This disruption is especially harmful for younger children, layering additional levels of confusion and anger on top of the trauma of initially experiencing abuse and/or neglect in the toxic home environment. What happens to a child in this series of circumstances?

First, the child, sensing that all these changes are beyond his or her control, begins to act out, begins to display behavioral and discipline problems. Why? Children feeling powerless over their circumstances will rebel against foster parent, care giver, teacher, therapist, etc. -- any authority, as if to say, "I am not in control my life, but you are not going to have control either."

In reality, behavioral issues can easily be an anticipated consequence of a child's abuse and neglect, and/or removal from his or her home and family. Much of the treatment for these children is paid for through a managed care contractor, such as Magellan, as a means to control the costs of treatment and psychiatric placements. The Board has identified the following issues with current managed care:

Some children are required to go through a process of placements involving unnecessary repeated failure in lower levels of care before Magellan will approve the higher-level treatment placement that was originally recommended by a professional after assessing the child's needs.

Children's behavioral disorders do not routinely receive treatment because they are not deemed by Magellan to meet the criteria for "medically necessary" services that it requires before it will pay for services. Additionally, there appears to be no alternative source of payment for these much-needed services. Consequently, **many children are denied the appropriate services to treat their behavioral problems.**

"Medically necessary" appears to be a term used to enable managed care providers to deny treatment for children based upon financial grounds alone. Some children are prematurely moved from treatment place-

ments based on whether the managed care contractor will continue to approve payments, rather than based on the children's needs.

Too many children in foster care are not receiving recommended behavioral disorder or mental health treatment (45% of children who entered care due to their behaviors did not have services in place). This situation will, predictably, result in troubled adults later in life. The FCRB recommends a more humane approach to mental health, including state-wide development and support of community mental health centers.

Children with mental health concerns fall into four groups:

1) Children who enter foster care because they already have existing mental health issues.

Of the 3,086 children reviewed in 2007, **739 (19.4%) entered care due to their own behaviors.** 686 of these children (92.8%) were pre-teens and teenagers 10-18.

These children need mental health or therapeutic placements, reliable visitation monitoring, and therapeutic respite care.

The contract with Magellan should be examined so that behavioral health issues are covered and the appeals process is made more manageable.

2) Children who experience abuse or neglect in their homes and need help recovering.

Of the 3,086 children reviewed in 2007, **339 (8.9%) had been abandoned.** Of the 334 children reviewed who were under age two, **59.6% entered care due to parental substance abuse.**

Access is needed to substance abuse, domestic violence and mental health treatment for the parents.

Continued reform is needed for the system, with assurance that all children in foster care receive needed treatments and services.

3) Children who experience trauma in the child welfare system, due to multiple placements or abuse from other children or care givers.

More placements are needed, as well as greater oversight of those placements. Caseloads need to be addressed to give case workers more time to help these children in foster care cope with the changes in their lives.

4) Children who had been in foster care and were adopted or placed into guardianship.

About **67% of children adopted may need mental health services, especially in years of adolescence.**

Access to post-adoptive services needs to be made readily available.

Major Board activities during 2007 ...



Tracking children's cases ...

- **Board staff tracked 9,623 children** who were in care for some, or all, of 2007.
- **5,458 reviews of 3,806 children's plans**
The 49 local Foster Care Review Boards, with 38,200 volunteered hours, conducted 5,458 reviews in 2007, a **slight decrease from the 5,473 reviews last year**. The Foster Care Review Board is the IV-E review agency for the state (each child is reviewed every six months).
- **Appeared in court 947 times in 2007 to address concerns about the plan, placement or services.**
Many of these cases involved multiple children, with courts addressing the issues identified by the Board in over 70% of the cases.
- **38,206 case specific reports were issued.**
These reports, each with recommendations, were issued by the Board to the courts, agencies, attorneys, guardians ad litem, county attorneys, and other legal parties.

Reviewing a child's case includes:

- The Foster Care Review Board staff reviews DHHS case files, gathers additional pertinent information regarding the child's welfare, provides information to local board members prior to local board meetings, and provides the means for pertinent parties to participate in the local board meetings.
- Volunteer local board members make recommendations and findings on placement, services, and plan; identify remaining barriers to achieving the permanency objective. A comprehensive recommendation report is issued to all legal parties to the child's case.
- Caseworkers, guardians ad litem, and others have been increasingly open to input from our review specialists and members of local review boards.

Promoting the best interests of children during 2007 ...

- **Board conducted 122 facility visits.**
Volunteer members of local review boards visited the homes of 350 young children, birth through age five, to assure safety and to provide additional information to the foster parents.
- **Board provided data to the judiciary**, such as the number of children in out-of-home care by county, the number in care for two years or longer, and the number of children by adjudication status.

- **Board participated in over 500 monthly staffings with DHHS on cases of concern**, creating appropriate action plans to address case concerns.
- **Responding to the lawsuit filed by DHHS contractor OMNI Behavioral Services**, which sought to prevent the Board from reviewing children's files, reporting concerns to DHHS or law enforcement, or visiting foster facilities. The Court dismissed the lawsuit prior to its going to trial.
- **Advocated for a separate children's division within DHHS.**
- **Providing education programs** on risk of foster care, identification of aggravated circumstances, and children's attachment needs for other members of the system. Also assisted with legal education, and informed the League of Municipalities convention on issues in the foster care system.
- **Partnering in Adoption Day celebrations in Omaha, Lincoln, and Hastings.**

Promoting the best interests of children in foster care includes:

- Pro-actively working with the courts when, during a child's review, one or more of the following case concerns are identified:
 1. The board strongly disagrees with the permanency plan.
 2. The child's placement is unsafe or inappropriate.
 3. The child has been restrained multiple times.
 4. The visitation arrangements are not in the child's best interest.
 5. Services are not in place for the child.
- Staffing cases and/or contacting DHHS caseworkers, supervisors, legal staff, adoption workers, or administration, guardians ad litem, investigators, or prosecutors on behalf of a child's case to help implement solutions to the local review board's case concerns.

Visiting foster care facilities...

In accordance with the Board's authority under Neb. Rev. Stat. §43-1303(3), the Board staff and citizen reviewers made 122 facility visits in 2007 to help assure that children's health and safety needs were being met.

Visiting foster care facilities includes visiting foster homes, group homes and detention facilities.

Statistics on children in foster care ...

	Total Number of Children in Care	Children in care for two years or more	Removed from the home more than once	4 or more case workers	Age				Adjudication Status			Children placed in same county as parent	Number of Placements		
					Birth to 5	6 to 8	9 to 12	13 to 18	Abuse/Neglect	Status Offender	Other/Unk.		1 to 3	4 to 6	7 or More
ADAMS	98	21	44	43	23	8	12	55	52	10	36	37	43	24	31
ANTELOPE	8	4	4	4	3	0	0	5	3	2	3	1	4	2	2
ARTHUR	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BANNER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BLAINE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BOONE	2	1	1	0	0	0	0	2	1	0	1	0	1	1	0
BOX BUTTE	8	3	4	3	1	0	0	7	4	1	3	5	4	2	2
BOYD	4	0	0	0	3	0	0	1	3	0	1	3	3	0	1
BROWN	2	0	1	0	0	0	0	2	0	0	2	0	2	0	0
BUFFALO	87	6	33	25	23	8	9	47	42	7	38	42	48	22	17
BURT	8	3	3	2	0	2	1	5	5	1	2	3	4	1	3
BUTLER	28	4	4	2	7	5	7	9	17	1	10	10	19	5	4
CASS	48	2	27	10	11	8	7	22	31	2	15	16	21	4	23
CEDAR	1	0	0	0	0	0	0	1	1	0	0	1	1	0	0
CHASE	7	2	3	3	2	0	3	2	5	0	2	5	5	1	1
CHERRY	11	0	6	8	1	2	2	6	6	2	3	1	4	5	2
CHEYENNE	13	3	7	7	2	0	0	11	5	3	5	2	3	3	7
CLAY	11	2	3	5	3	0	1	7	5	2	4	1	4	4	3
COLFAX	24	0	10	5	8	2	3	11	16	3	5	10	15	5	4
CUMING	18	3	7	2	4	2	3	9	10	2	6	1	9	4	5
CUSTER	19	5	6	15	4	2	1	12	9	4	6	11	11	2	6
DAKOTA	51	12	19	15	13	2	1	35	19	0	32	15	24	11	16
DAWES	10	0	5	1	0	0	1	9	0	0	10	0	4	2	4
DAWSON	47	5	26	8	10	1	2	34	15	8	24	14	16	12	19
DEUEL	5	0	3	2	2	0	0	3	2	0	3	2	3	1	1
DIXON	12	4	3	5	2	1	2	7	3	0	9	1	6	1	5
DODGE	74	13	33	28	21	6	14	33	48	2	24	27	32	10	32
DOUGLAS	1,811	480	685	911	517	222	216	856	1,223	68	520	1,312	831	449	531
DUNDY	4	1	2	1	0	0	0	4	0	1	3	1	2	1	1
FILLMORE	20	2	8	2	4	1	2	13	15	0	5	2	10	7	3
FRANKLIN	1	0	1	1	0	0	0	1	0	0	1	1	0	0	1
FRONTIER	4	2	1	2	2	0	0	2	2	1	1	0	3	0	1
FURNAS	9	2	6	3	2	1	1	5	4	2	3	3	1	4	4
GAGE	41	5	11	14	14	4	3	20	22	5	14	16	24	9	8
GARDEN	6	0	0	0	2	1	1	2	6	0	0	4	6	0	0
GARFIELD	3	2	3	2	0	0	0	3	2	0	1	0	1	2	0
GOSPER	3	0	1	1	1	0	1	1	1	0	2	0	2	1	0
GRANT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GREELEY	11	2	8	11	1	2	3	5	9	1	1	0	2	5	4
HALL	185	21	75	73	62	19	26	78	118	4	63	85	94	39	52
HAMILTON	15	0	7	5	1	0	2	12	4	2	9	2	5	5	5
HARLAN	10	0	5	2	5	2	0	3	7	0	3	4	5	4	1
HAYES	3	1	2	2	0	0	0	3	1	2	0	0	1	1	1
HITCHCOCK	3	2	2	3	1	1	0	1	3	0	0	0	0	2	1
HOLT	11	4	5	4	3	0	1	7	7	1	3	3	3	2	6
HOOKER	1	1	1	0	0	0	0	1	1	0	0	0	0	0	1
HOWARD	7	2	5	3	0	0	1	6	3	0	4	2	2	2	3
JEFFERSON	10	1	5	2	3	1	1	5	4	1	5	3	4	5	1

... by county, as of December 31, 2007

	Total Number of Children in Care	Children in care for two years or more	Removed from the home more than once	4 or more case workers	Age				Adjudication Status			Children placed in same county as parent	Number of Placements		
					Birth to 5	6 to 8	9 to 12	13 to 18	Abuse/Neglect	Status Offender	Other/Unk.		1 to 3	4 to 6	7 or More
JOHNSON	11	4	4	7	3	1	1	6	10	0	1	1	6	2	3
KEARNEY	4	1	2	2	0	0	1	3	3	0	1	0	2	1	1
KEITH	20	0	12	10	1	0	2	17	11	2	7	4	6	7	7
KEYA PAHA	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
KIMBALL	13	5	5	6	4	0	1	8	8	1	4	3	4	7	2
KNOX	4	3	2	3	0	1	1	2	2	0	2	1	0	0	4
LANCASTER	1,057	252	376	558	315	117	122	503	739	21	297	645	541	220	296
LINCOLN	201	44	87	71	42	21	29	109	103	38	60	95	98	34	69
LOGAN	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LOUP	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MADISON	87	31	39	33	24	16	7	40	55	7	25	31	25	26	36
McPHERSON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MERRICK	15	3	8	6	3	2	3	7	8	1	6	0	5	5	5
MORRILL	11	2	5	4	7	1	1	2	10	0	1	7	10	0	1
NANCE	6	1	2	0	0	0	0	6	1	0	5	0	3	0	3
NEMAHA	5	1	1	1	0	2	0	3	2	1	2	0	2	3	0
NUCKOLLS	3	1	2	2	0	0	0	3	1	0	2	0	0	1	2
OTOE	8	2	1	1	0	0	0	8	2	1	5	1	3	2	3
PAWNEE	3	0	1	1	0	0	1	2	0	0	3	0	2	0	1
PERKINS	3	0	0	1	0	0	0	3	1	0	2	0	1	1	1
PHELPS	24	1	14	12	3	4	2	15	11	4	9	3	16	1	7
PIERCE	4	1	1	1	0	0	0	4	1	1	2	0	3	0	1
PLATTE	54	11	9	12	17	6	6	25	37	2	15	14	38	6	10
POLK	11	2	7	2	2	2	3	4	6	0	5	0	4	6	1
RED WILLOW	27	1	11	10	5	1	3	18	10	1	16	5	16	5	6
RICHARDSON	8	0	2	1	0	0	1	7	2	1	5	1	5	1	2
ROCK	1	0	1	1	0	0	0	1	0	1	0	0	0	1	0
SALINE	21	2	12	8	5	2	0	14	13	0	8	3	8	4	9
SARPY	210	42	93	110	37	24	30	119	116	17	77	62	85	62	63
SAUNDERS	27	6	10	10	9	2	5	11	18	2	7	12	18	3	6
SCOTTS BLUFF	194	61	59	95	61	23	28	82	148	11	35	120	104	36	54
SEWARD	29	4	17	10	3	1	1	24	12	2	15	8	9	10	10
SHERIDAN	9	1	3	3	0	0	1	8	2	0	7	0	4	3	2
SHERMAN	6	0	0	5	1	0	2	3	5	1	0	3	6	0	0
SIOUX	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
STANTON	1	0	0	0	0	0	0	1	0	0	1	0	1	0	0
THAYER	8	0	2	0	1	0	0	7	4	0	4	0	5	1	2
THOMAS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
THURSTON	13	2	5	2	2	2	0	9	7	2	4	7	6	2	5
VALLEY	10	2	3	4	0	3	1	6	8	1	1	1	4	1	5
WASHINGTON	17	0	10	9	0	4	2	11	7	1	9	4	8	3	6
WAYNE	4	1	0	1	0	0	1	3	1	0	3	1	2	2	0
WEBSTER	10	0	4	2	1	1	5	3	10	0	0	1	7	3	0
WHEELER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
YORK	39	6	19	5	10	4	5	20	23	4	12	17	19	10	10
Unreported/Tribal	111	24	37	18	13	8	10	80	21	3	87	30	79	13	19
TOTALS:	5,043	1,138	1,951	2,262	1,330	551	602	2,560	3,152	264	1,627	2,728	2,437	1,142	1,464

Top Commendations and “Thank You”

The Foster Care Review Board would like to acknowledge the 2007 achievements and efforts of the following individuals and agencies:

Chief Justice Mike Heavican, for his continuation of the *Through The Eyes of the Child* Initiative, for his continuation of the Nebraska Supreme Court Commission on Children in the Courts, and for continuing to work with judges with juvenile court jurisdiction and the Board on ways to improve the court processes and improve outcomes for children. The Commission has reviewed and made substantive practice recommendations regarding guardian ad litem representation that have been adopted as Supreme Court guidelines for GAL representation.

Juvenile and County Court Judges, for their leadership in the *Through the Eyes of the Child* teams, for their responsiveness to the issues identified by the Board, and for their actions to monitor and, when necessary, expedite case progression as a means of helping to achieve permanency for children in a timely manner.

Judge Everett Inbody and Judge Douglas

Johnson, for their co-chairmanship and leadership in the Supreme Court’s Commission on Children in the Courts, which reviewed and made substantive practice recommendations regarding guardian ad litem representation. The Court adopted the guidelines, which serve as important benchmarks to assessing the quality of children’s legal representation.

Judge Lawrence Gendler, for his work coordinating the *Through the Eyes of the Child* teams. Other judges commended include **Judge Philip Martin and Judge Robert Ide**, for their active involvement in developing a Family Drug Court for Central Nebraska, and **Judge Michael Offner**, for his active involvement in adoption day. Judge Ide and Judge Offner are commended for taking time on the record to review progress and concerns of their cases. **Judge Patrick McDermott and Judge Douglas Luebe** are commended for jointly authoring an article on aggravated circumstances for a fact sheet the Board will be distributing to a number of parties within the child welfare system.

Attorney General Jon Bruning, for his leadership and focus on children’s issues, and his continued support of the special unit in his office that prosecutes crimes against children. We highlight the work of Randy Stoll, who heads the special unit.

County Attorneys, for their many efforts to assure

that Nebraska’s children are safe. In particular, we commend the work of Jenna Venema, Jeremy Lavene, Joseph Dalton, Barb Armstead, and Shellie Sabata. Also commended are: Robert Cashoili, Jennifer Chrystal-Clark, Susanne Haas, Rebecca Harling, Kristin Huber, Sandra Markley, Carrie Strovers, Eric Strovers, Amy Schuchman.

Don Kleine and Nicole Goale of Douglas County, and Gary Lacey and Alicia Henderson of Lancaster County are commended for prioritizing cases involving serious abuse and requesting hearings to expedite permanency.

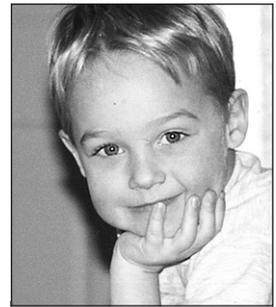
Alicia Henderson and Chris Costantakos are commended for prioritizing training on GAL guidelines and “aggravated circumstances.”

Guardians ad litem who do an outstanding job of advocating for their clients are commended. In particular we commend the work of Becky Abel-Brown, Dorothy Benton, Claude Berrickman, Jr., Jami Birkel, Christina Boydston, Lynette Boyle, Jane Burke, Michael Burns, Patrick Campagna, Chris Costantakos, Rachel Daugherty, Ann Ebsen, Stephanie Flodman, Leta Fornoff, Paula Fritz, Jim Gallant, Nancy Garralts, Stacie Goding, Robert Goodwin, Steve Guenzel, Kelly Henry-Turner, Tom Incontro, Monica Kruger, Dave Lepant, Laura Lowe, Jacqueline Madar-Campbell, Jason Meilak, John Milligan, Rex Moats, Candice Novak, Larry Ohs, Jason Ossian, Kathleen Rockey, Richard Seckman, John Sellars, Joy Shiffermiller, Scott Sidwell, Roberta Stick, Mariclaire Thomas, Bobie Touchstone, William Tringe, Rebecca Tvrdik, Dave Uher, Jeffrey Wagner, Karin Walton, Steve Williams, and Jeff Wirth.

CASA Volunteers are commended for their time and dedication to the individual children and families they serve and for participating in local board meetings.

Foster Care Review Board Volunteers who serve on 49 local boards, for their time, care, concern and commitment to Nebraska’s children in foster care. These 295 volunteers from across the state donated over 38,200 hours reviewing children’s cases in 2007.

Foster Parents and Placements, for showing their concern and dedication by providing children the nurturing care and attention they need to overcome their past traumas.



State Foster Care Review Board

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