

History of the Foster Care Review Board 1983-2007

In 1982, the Nebraska Legislature passed LB714 creating the Foster Care Review Board (FCRB). Over the past 25 years, the agency has never forgotten its constituency...the most vulnerable of children; nor its purpose....to serve the best interest of each child that is in the Board's jurisdiction.

Its many accomplishments, which have earned the agency a national reputation, are too numerous to present. We list here just a few highlights, noting with gratitude the men and women of Nebraska who have served as citizen reviewers on local foster care review boards across the state. It is these volunteers, along with our dedicated staff, who made these accomplishments possible.

From 1983 to 2007, our dedicated volunteers conducted 83,921 reviews on 62,199 children, and volunteered over 468,534 hours of service to Nebraska's children in foster care.

1982 – 1986

Statistics of Interest

- ▶ From 1983 through 1986....
 - total reviews increased over 1000% (151 to 1,654);
 - children on the tracking system increase 195% (4,633 to 13,649);
 - The number of children who had spent at least five years in care decreased from 23% in 1984 to 9% in 1986. This was at least partially due to the increased attention children in out-of-home care received from the courts as the result of the Foster Care Review Act.
- ▶ On December 31, 1986, there were 4,522 children in out-of-home care.

<u>Year</u>	<u>Total Reviews</u>	<u>Children Reviewed</u>	<u>#Local Boards</u>	<u>Volunteers</u>	<u>Volunteer Hours Donated</u>	<u>Children Tracked Since 1983</u>
1983	151	151	4	20	2,631	4,071
1984	738	568	17	89	2,944	7,134
1985	2,202	1,091	17	95	3,409	10,637
1986	1,654	1,123	17	94	4,100	13,649

- ▶ Originating legislation passed in 1982 –
 - At the time:
 - no one knew how many children were in out-of-home care;
 - court reviews were not occurring on a regular basis;

- children did not have case plans;
 - children did not always have guardians ad litem appointed to represent their best interests in court proceedings;
 - children were not receiving physical exams upon entering foster care;
 - there were problems with facilities which housed children and there was no outside entity to oversee/visit; and
 - there was no oversight of the system.
 - The Board was created to independently track, review, and report on conditions for children in foster care, thus it was created to be independent of either the courts or DHHS (the Department of Health and Human Services, which at this time was known as DSS, the Department of Social Services).
- ▶ The estimate by DHHS of the number of children in foster care proved highly inaccurate. In 1982, DHHS (then called DSS) estimated that there were about 1,800 children in foster care. Yet, by the end of 1983, which was the first year of tracking, the Board had tracked 4,071 children in foster care in Nebraska, and on Dec. 31, 1983, the Board had documentation that there were at least 3,744 children in out-of-home care.

The Board:

- ▶ Developed the nation's first state-wide, comprehensive, independent tracking system to track all children in out-of-home care (1983); the only one in the nation to track children in both private and public agencies, and having the capability to report data on a county-by-county basis. The Board thanks Dr. Ann Coyne and Mr. Russ Davison for their invaluable assistance.
- Created the reporting forms, and worked with the courts and agencies on reporting children to the tracking system.
 - The system was placed on the state's mainframe computer system in 1985.
- ▶ Developed the review process and began reviewing children's cases on local boards. From 1982 through 1985, trained 135 local board members and activated two local boards in Omaha and two local boards in Lincoln. By 1986, there were 17 local boards active.
- ▶ Developed agency rules and regulations.
- ▶ Conducted a study, with the assistance of the Department of Corrections, which found in its February 1984 analysis that 30% of male and 32% of female inmates had been in court-ordered out-of-home placements as children, whereas less than 2% of the general population of adults had been in out-of-home care. Further, 59% of the male prisoners and 40% of the female prisoners had spent three or more years in court-ordered out-of-home placements.
- ▶ Was evaluated by Dr. Ann Coyne of the University of Nebraska-Omaha in 1985, 1986, and 1988. She found that children whose cases are reviewed by the Board are

3.6 times more likely to have finalized adoptions, and 1.6 times more likely to be in more home-like foster care placements than are non-reviewed children.

Educational programs:

- ▶ Began providing educational programs, starting in 1985, for local board members and others in the child welfare system.
- ▶ Worked with the Nebraska Bar Association and the Permanency Planning Task Force to co-sponsor guardian ad litem training across the state on bonding and attachment and on separation and loss (1985-1986).
- ▶ Conducted programs on permanency planning training for county attorneys, and additional training for guardians ad litem (1986).

Legislative actions:

- ▶ Defeated multiple attempts to dismantle the agency, thanks to the efforts of citizen reviewers and key legislative supporters, including Speaker Bill Nichol, Senator Dave Landis, Senator Jerome Warner, Senator Loren Schmit, and Senator John DeCamp.
 - In 1983, Governor Kerry introduced a bill (LB 606) to abolish the Board, and gave it a zero budget. The bill was held in committee (killed). The Legislature subsequently approved funds for 12 additional local boards.
 - In 1984, LB 877 was introduced which would have limited reviews to private agencies. It was defeated.
 - In 1984, Governor Kerry vetoed the Board’s appropriation, eliminating the Board’s funding. The Legislature unanimously overrode the veto.
 - In 1985, a bill (LB 858) was introduced to transfer the tracking of children to DHHS, to limit the Board to reviewing only private placement children and youth, and to eliminate local boards. This bill was held in committee (killed).
- ▶ **Executive Director Carolyn Stitt:**
 - Developed local board training curriculum.
 - Developed the review process and the recommendation format.
 - Created the first annual reports.
 - Developed the data forms used to gather statistics.
 - Developed the means to track reviews.
 - Presented about independent citizen review at the national conference of foster care reviewers in 1986.
 - Served as Vice-Chair of the Nebraska Permanency Planning Task Force.
 - Served on the Board of Directors for the National Board of Citizen Reviewers from 1985 to 1991. (Served as President from 1988-1990).

1987-1989

Statistics of Interest:

- ▶ From 1987 through 1989, the number of children on the tracking system increases from 16,374 to 22,303).
- ▶ On Dec. 31, 1987, there were 4,912 children in out-of-home care.
- ▶ On Dec. 31, 1989, there were 4,479 children in out-of-home care.

<u>Year</u>	<u>Total Reviews</u>	<u>Children Reviewed</u>	<u>#Local Boards</u>	<u>Volunteers</u>	<u>Volunteer Hours Donated</u>	<u>Children Tracked Since 1983</u>
1987	1,871	1,210	18	104	4,291	16,374
1988	2,344	1,439	19	106	3,887	19,317
1989	1,869	1,281	22	154	4,616	22,303

The Board:

- ▶ Continued tracking children, reviewing cases, and reporting on children in foster care. Added local boards.
- ▶ Included a special section on child sexual abuse in the 1988 annual report.
- ▶ Was studied by Dr. Ann Coyne of the University of Nebraska Omaha School of Social Work, who found that children reviewed by the Board are 4.7 times more likely to have adoption in their permanency plans than children not reviewed. (1988)
- ▶ Participated in the Intergovernmental and Community Planning Process in a cooperative effort to streamline access to services for children.
- ▶ Was recognized by the National Council of Juvenile and Family Court Judges for the Board’s work with the Court Administrator’s office to conduct workshops on child sexual abuse for county judges; the first such workshop in the nation (1987). The Council implemented the workshops nationwide.

Education programs:

- ▶ Sponsored an educational program for judges on child sexual abuse (1988).
- ▶ Conducted a program for guardians ad litem on the dynamics of incestuous families, the reliability of a child’s testimony, preparing a child to be a witness, and the role of the guardian ad litem (1988).
- ▶ Co-sponsored and presented on investigating abuse, medical evidence, child development issues, and prosecution at the county attorney’s annual spring seminar. (1989)

Legislative actions:

- ▶ Defeated an attempt to appoint persons with conflicts of interest to the State Board, the agency’s governance board.
 - Governor Kerry, in 1987, appointed DHHS administrators to positions on the State Board.
 - They resigned at their confirmation hearing.
 - The Legislature created a statutory mandate (LB239-1987) that employees of the DHHS or the Courts could not be appointed to either the State or local foster care review boards so that the Board would be free to discuss all issues affecting children in out-of-home care and make recommendations as it found appropriate. The bill also mandated that at least three members of local review boards, who see the children’s cases, were appointed to the State Board, and that the Board be representative of each of the three congressional districts. That statute remained in effect until 2006.

- ▶ **Executive Director Carolyn Stitt:**
 - Spoke on the Board’s tracking system at the National Association of Foster Care Reviewers convention in Baltimore MD (1987);
 - Was elected president of the National Association of Foster Care Reviewers (1988-1990);
 - Was asked to testify at a Congressional hearing on Nebraska's implementation of PL 96-272 and the Board’s tracking system (1988);
 - Presented at an educational program sponsored by the Nebraska Court Administrator’s Office on cases involving allegations of sexual abuse (1988);
 - Spoke at the National Association of Foster Care Reviewers conventions on how to implement citizen review (1988);
 - Presented on the importance of citizen review for the National Council of Juvenile Court Judges;
 - Was a guest speaker at social work classes;
 - Consulted on the creation of review boards in Alaska, Washington State, and Chicago;
 - Presented at workshops for the review boards in Oklahoma and New Jersey;
 - Was a co-consultant with the Edna McConnell Clark Foundation.

The Franklin Case

- ▶ Received the first allegations of an organized ring of child abuse in 1987. These were turned over to law enforcement. When law enforcement failed to act, the allegations were brought to the Legislature, which created the Franklin Credit Union investigation. This investigation continued throughout 1988, 1989, 1990, and 1991.

- ▶ As a result of the investigation, the Legislature made a number of initiatives, such as mandating county attorney training, giving the Board limited legal standing, and

creating the Special Unit in the Attorney General’s office. (These are described in greater detail in the following section on the events of 1990).

- ▶ Co-sponsored, with the Court Administrator’s office, and presented at the education program for county judges on cases involving allegations of sexual abuse.
- ▶ Sponsored an education program for state senators. **In a rare move, the Legislature canceled committee hearings so that senators could attend a Board-sponsored symposium on child sexual abuse** (1990), which was also attended by district and county court judges and child welfare professionals.

1990

Statistics of Interest:

- ▶ By the end of 1990 there were 22,357 children on the tracking system.
- ▶ On Dec. 31, 1990, there were 4,832 children in out-of-home care.

<u>Year</u>	<u>Total Reviews</u>	<u>Children Reviewed</u>	<u>#Local Boards</u>	<u>Volunteers</u>	<u>Volunteer Hours Donated</u>	<u>Children Tracked Since 1983</u>
1990	2,289	1,401	27	173	4,925	25,357

The Board:

- ▶ Continued tracking children, reviewing cases, and reporting on children in foster care.
- ▶ The Franklin Credit Union investigation continued throughout 1990 and 1991.
- ▶ Studied, along with Dr. Ann Coyne and the University of Nebraska Omaha School of Social Work, barriers to adoption of developmentally disabled children (1990-1991).
- ▶ Selected to join California, Kansas, Michigan, and Florida in piloting an Early Review Project. The Edna McConnell Clark Foundation through the National Association of Foster Care Reviewer provided the training grant. Task forces were established in Omaha, Lincoln, and Fremont to develop criteria for early reviews (1990-1991). The Early Review Boards were the first to implement participant reviews.

Education programs:

- ▶ In addition to the programs described previously under the Franklin Credit Union Investigation:
 - Sponsored conferences on sexual and ritualistic abuse (1990), and the Indian Child Welfare Act (1990).

Legislative actions:

- ▶ Was granted legal standing (LB1222- 1990), and received funding for four additional local boards;
- ▶ Was authorized to review children's cases at the time they enter out-of-home care [a result of the early review project] (1990);
- ▶ Successfully initiated and promoted the creation of a Child Protection Unit in the Attorney General's office to investigate and prosecute criminal child abuse cases (LB1246 -1990);
- ▶ Successfully initiated and promoted mandatory child abuse training for county attorneys (1990);
- ▶ Successfully supported funding for foster parent education, additional caseworkers, and additional juvenile court judges (1990); and
- ▶ Worked to extend the statute of limitations on child sexual abuse.
- ▶ **Executive Director Carolyn Stitt:**
 - Spoke at the National Association of Foster Care Reviewers conventions on what citizen review can bring your court (1990);
 - Presented on the importance of citizen review for the National Council of Juvenile Court Judges;
 - Was a guest speaker at social work classes;
 - Consulted on the creation of review boards in Alaska, Washington State, and Chicago;
 - Presented at workshops for the review boards in Oklahoma and New Jersey.

1991-1994

Statistics of Interest

- ▶ From 1991 through 1994, the number of...
 - children on the tracking system increases 32% (29,011 to 38,403),
 - volunteer hours increases 145% (6,045 to 14,802).

<u>Year</u>	<u>Total Reviews</u>	<u>Children Reviewed</u>	<u>#Local Boards</u>	<u>Volunteers</u>	<u>Volunteer Hours Donated</u>	<u>Children Tracked Since 1983</u>
1991	2,671	1,642	29	188	6,045	29,011
1992	3,047	1,827	27	196	10,026	31,437

1993	3,097	1,823	28	200	14,082	35,643
1994	3,165	1,935	28	208	14,802	38,403

The Board:

- ▶ Continued tracking children, reviewing cases, and reporting on children in foster care.
 - By 1994, there are 28 community-based local foster care review boards reviewing cases.
- ▶ Implemented use of legal standing (1991), which had been granted by the Legislature in 1990.
- ▶ Issued a report on the Early Review Project (1991).
- ▶ Celebrated the agency’s 10th anniversary in 1992, planting a tree on State Capitol grounds to symbolize “Giving Roots to Nebraska's Children.”
- ▶ Volunteers who served on local boards joined former board members and other advocates to form the non-profit Friends of Foster Children Foundation, Inc. (1992)
- ▶ Participated in a study to examine duplications in the review process (1994), which led to LB642 in 1996. That bill designated the Board as the responsible party for reviewing the cases of all children in out-of-home care.
- ▶ Worked with rural state senators and Voices for Children to hold 29 Legislative Caucuses for children in 13 communities. The focus was on locally resolving problems in the child welfare system (1993-1994), and identifying systemic issues. A special report on the caucus findings was included in the 1993 annual report.
- ▶ Began the annual provision of statistics for the annual “Kids Count” report coordinated by Voices for Children (starting in 1993).
- ▶ Worked with DHHS and other reporting agencies to improve reports to the Board’s tracking system. In addition to the normal quality control procedures, conducted a major quality control assessment of data on the tracking system; and developed a system to eliminate duplications caused by children being reported under different names (1994).
- ▶ Identified concerns, and assisted with improvements at Northeast Nebraska Juvenile Services (a juvenile detention center).
- ▶ Worked to improve conditions at two problematic group homes.

Education Programs:

- ▶ Sponsored a program on how to recognize and treat children who have been sexually abused, which was presented in Chadron with 92 people attending (1991).

- ▶ Sponsored a symposium for judges and senators on child welfare issues (1991).
- ▶ Co-sponsored and planned county judges training on bonding and attachment (1991).
- ▶ Sponsored programs on sexual abuse in Omaha and Grand Island (1992), Hebron, North Platte, and Ogallala (1993), Chadron and Grand Island. These workshops featured nationally recognized speakers from Boys Town National Hospital and the University of Nebraska at Omaha School of Social Work.
- ▶ Sponsored in-service trainings on sexual and ritualistic abuse, gang violence, and fetal alcohol syndrome in seven communities during 1993.
- ▶ Was invited to a national conference on extreme abuse held at Boys Town (1993). This workshop provided valuable contacts with Dr. Richard Gelles and others who later influenced the 1997 federal Adoption and Safe Families Act regarding cases of extreme abuse.
- ▶ Worked with the Crime Commission and Law Enforcement Training Center to provide training on recognizing, investigating, interviewing and gathering evidence in child abuse cases (1994).
- ▶ Assisted the Permanency Planning Task Force with guardian ad litem training (1994).
- ▶ Conducted training for law enforcement on how to recognize, investigate, and gather evidence in cases of child abuse (1994).
- ▶ Co-sponsored and planned guardian ad litem workshops on sexual abuse and alternatives for promoting permanency (1991), on juvenile court procedures (1993 and 1994), and on accessing services for youth (1994).
- ▶ Assisted with an education program for district court judges.

Legislative Activities:

- ▶ Conducted a series of five child welfare trainings for new senators (1993).
- ▶ Lobbied for legislation that:
 - Required county attorneys to consider termination of parental rights when a child has been in foster care for 18 months (LB1062-1992);
 - Created a study commission to review problems in the juvenile justice system (LB447-1992);
 - Funded additional attorneys for the Child Protection Unit in the Attorney General's office (1992);
 - Created limited open adoption contracts (LB531-1993);
 - Provided for training for investigating and prosecuting (LB559-1993)
 - Created a death review team (LB431-1993);

- Mandated communication between child protective services and law enforcement (LB557-1993);
 - Was designed to create a statewide district attorney system (1993);
 - Established guidelines for sharing confidential information (LB719-1993);
 - Created an Office of Juvenile Services, which was then under corrections (1994);
 - Created an assistance line for law enforcement (1994);
 - Funded a third juvenile court judge for Douglas County (1994).
- ▶ Advised the Legislature of the weaknesses in LB1184- 1992, which changed the way the child abuse investigations were conducted in Nebraska, making law enforcement the first responders.

Executive Director Activities:

- ▶ Recipient of the National Association of Juvenile and Family Court Judges 1991 Meritorious Service to Children in America Award.
- ▶ Organized and facilitated a “Symposium on Child Welfare” for District Judges, County Court Judges, and State Senators (1991).
- ▶ Organized and facilitated Legislative Caucus for Children meetings across the state (1994-1995).
- ▶ Recipient of the 1994 Seroptomist Woman of Distinction Award.
- ▶ Recipient of the YWCA Tribute to Women Award (1994).
- ▶ Provided information to the House Ways and Means Committee on concerns regarding mandatory reunification. Testified on the Foster Care Review Board and its tracking system, and issues in Nebraska’s foster care system, particularly on recidivism and inappropriate plans of reunification. (The Executive Director was asked to testify before Congress again in 1997).
- ▶ Spoke on citizen review to the Oregon review board (1991).

1995-1998

Statistics of Interest

- ▶ From 1995 through 1998, the number of...
 - children on the tracking system increases from 41,835 to 53,024,
 - volunteer hours increased from 14,076 to 29,635.

Total	Children	<u>#Local Boards</u>	Volunteer Hours	Children Tracked Since
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<u>Year</u>	<u>Reviews</u>	<u>Reviewed</u>	<u>Volunteers</u>	<u>Donated</u>	<u>1983</u>	
1995	3,159	2,162	29	202	14,076	41,835
1996	3,871	2,732	50	380	22,025	45,511
1997	5,340	3,478	51	364	28,677	49,181
1998	5,907	3,742	50	335	29,535	53,024

The years of 1996 through 1998 proved to be pivotal for the Board, beginning with the passage of LB 642. The bill, in part, provided funding for an additional 22 local review boards, increasing the total number to 50. This enabled the Board to review the cases of all children in out-of-home care. Prior to the legislation, lack of funding prevented the agency from extending its protection and oversight to all children in the system.

The challenge was great. The Board had to recruit and train volunteers, and implement and support the additional boards. But the timing of the expansion was fortuitous as a startling trend became evident...children were entering the system at a higher rate, meaning more needed the oversight of the agency.

In that same year (1996), the legislature approved another dramatic change. Five agencies, including the Department of Social Services and the Office of Juvenile Services, were merged into a mega-agency, the Department of Health and Human Services (DHHS). The Board opposed the merger due to concerns with a lack of accountability and no clear lines of authority. It expressed concerns that the merger would take resources from services for children and families. The transition was far from smooth, dramatically affecting the lives of children under the state's care. A number of poor outcomes were seen, such as an increase in the number of placements, and in the length of time in care.

These difficulties were compounded by the chaos created in 1998 when DHHS converted to a new Child Welfare Information System, N-FOCUS. Although the Board had worked with DHHS during their conversion, multiple errors resulted in the system failing, among other things, to produce mandated information necessary to review children's cases. In some areas DHHS stopped reporting. Thanks to the judges and court staff, the Board was able to compensate by obtaining additional information from the courts.

During this time, DHHS also began to contract with the private sector to provide core case management duties without developing a system of rigorous oversight. The practice has placed many children at risk because of fragmented case management, diminished accountability, and deterioration in the quantity and quality of services. For example, there are deficits in the oversight of contracts for placements, transportation, visitation monitoring, and some services. It is a practice that the Board is aggressively working to alter.

Despite the exceptional challenges, the Board did not relax its mission to address children's needs through numerous avenues as evidenced by the following summary.

The Expansion:

- ▶ The Board's 1996 expansion was reflected in the statistics. From 1995 through 1998, significant *increases* were realized in the number of...
 - children reviewed: 73% (2,162 to 3,742);
 - total reviews: 87% (3,159 to 5,907);
 - children on the tracking system: 27% (41,835 to 53,024);
 - local boards: 79% (28 to 50);
 - volunteers: 80% (202 to 364); and
 - volunteer hours: 276% (14,076 to 53,024).

The Board:

- ▶ Was the only Board in the country asked to testify before the Congressional Ways and Means Committee in 1996 on information used to create the federal Adoption and Safe Families Act (ASFA) because of the Board's stance in opposition to mandatory reunification, and its statistics on children who return to foster care. Executive Director Carolyn Stitt assisted in forming a national work group with Senator Kerry, Senator Hagel, and Senator Grassley (Iowa), and the Board provides information for the drafting of the bill, which was signed into federal law in 1997. The Board also provided critical input on the Nebraska ASFA act, which became law in 1998.
- ▶ Continued tracking children, reviewing cases, and reporting on children in foster care.
- ▶ Moved the Board's main office from the State Office Building to the Executive Building (1995).
- ▶ Provided data to Boys Town National Research Hospital for a study on the relationship between children with disabilities and abuse/neglect (1995-1997).
- ▶ Hosted the 10th annual conference of the National Association of Foster Care Reviewers in Omaha (1995). Volunteers raise over \$8,000 to defray costs.
- ▶ In response to the passage of LB642 in 1996, expanded the review capabilities by hiring addition staff and adding 21 local boards with 175 volunteers.
- ▶ Drafted a memorandum of agreement with DHHS to improve the working relationship (1997).
- ▶ Developed a new plan to track and review cases in response to changes in the child welfare system, and works with agencies to improve their reporting to the tracking system (1997).

- ▶ Local board members in Omaha participated in a System Watch initiated by judges to help identify strengths and weaknesses in the Douglas County Juvenile Courts. (1997)
- ▶ Contacted all courts and county attorneys to confirm the number and names of children in out-of-home care and to assure that all children had been reported to the Board's tracking system. (1997).
- ▶ Re-examined the data collected on children's cases, and expanded data collected to reflect changes in the child welfare system, such as contracting for placements and services. (1997-1998)
- ▶ Celebrated the Board's 15th anniversary (1998).
- ▶ Planned and co-sponsored an Adoption Summit with the governor's office and DHHS (1998).
- ▶ Began dealing with the consequences of DHHS converting to the N-FOCUS computer system (1998) without making provisions to provide the mandatory reports to the Board on when children enter the system, change status, or leave the system. The process of correcting this situation involved several different Governors and administrations.
- ▶ Arranged to tour the contracted group facilities. The CEO of one contractor refused to allow the Board entrance, even though these visits are allowed by statute. The DHHS contractor subsequently filed a lawsuit against the Board to prevent visits, which went to mediation and was dismissed in 1999.
- ▶ Facilitated a meeting on concerns with Child Protective Services.
- ▶ Spoke on the tracking system at the clerk magistrates' conference.
- ▶ Met with Options, Inc. (who was then the managed health care contractor) regarding denial of services to children.
- ▶ Worked with DHHS and group homes to improve facility operations.
- ▶ Made adjustments in review procedures related to child safety and permanency plans as mandated by ASFA.
- ▶ Established a toll-free number to facilitate responses to questionnaires.
- ▶ Updated the Directory of Group Homes and Child Caring Facilities.
- ▶ Applied for, and received, a technologies grant to convert the agency's word processing computers to a popular platform that was compatible with most state agencies.

- ▶ A legislative evaluation, mandated in LB 642 found the Board’s reviews to be effective and of high quality, and the costs reasonable.

Education Programs:

- ▶ Conducted workshops in three communities on recognizing, investigating, and treating child sexual assault with the Crime Commission and the Law Enforcement Training Center (1995).
- ▶ Co-sponsored guardian ad litem training on cases of adolescents (1995).
- ▶ Conducted workshops on child abuse and developmental disabilities in three communities (1997).
- ▶ Conducted workshops on the Adoption and Safe Families Act in six communities across the state (1998). Attendees included local board members, DHHS staff, judges, county attorneys, and guardians ad litem.
- ▶ Assisted Boys Town in presenting workshops on children with developmental disabilities in three communities.
- ▶ Assisted the Permanency Planning Task Force with guardian ad litem training.

Executive Director Activities:

- ▶ Presented on reasonable efforts and reunification for the National Council for Adoptable Children (1995). At this conference, experts on the child welfare system from across the county were invited to present their views and formulate a group position for testimony before Congress regarding necessary changes to PL 96-272. This was the precursor to the federal Adoption and Safe Families Act.
- ▶ Traveled to Helena, Montana to speak on “The Benefits and Challenges of Including Citizen Reviews and the Court Process” (1995). Provided technical assistance to advocates for conducting a pilot project, and on drafting and passing legislation.
- ▶ Presented and facilitated a number of programs on ASFA, including programs at the 1998 Governor’s Summit on Adoption.

Legislative activities:

- ▶ Legislative activity included:
 - Funding an additional juvenile court judge in Douglas and Sarpy County (LB19-1995);
 - Supporting legislation to clarify safety needs in the Family Policy Act (LB739-1995);
 - Passage of a bill that defined confidentiality (1995);
 - Creating a law enforcement hotline (LB 842-1996);

- Replied to questions on the unintended consequences of Partnerships – the bill that merged five agencies into one Department of Health and Human Services (1997);
- Requiring autopsies in certain child deaths (LB46-1998);
- Assisted with the drafting and promotion of the state ASFA (LB1041-1998).

1999-2002

Statistics of Interest

- ▶ In 2001, issued 42,105 case specific reports with recommendations to the courts, agencies, attorneys, guardians ad litem, and county attorneys, a 17 percent increase from the 35,854 reports issued in 2000.

<u>Year</u>	<u>Total Reviews</u>	<u>Children Reviewed</u>	<u>#Local Boards</u>	<u>Volunteers</u>	<u>Volunteer Hours Donated</u>	<u>Children Tracked Since 1983</u>
1999	5,816	3,834	50	358	30,396	53,221
2000	5,122	3,648	56	315	20,027	59,719
2001	6,015	4,092	58	383	33,660	62,475
2002	6,378	4,242	62	383	35,776	65,655

The Board:

- ▶ Continued tracking children, reviewing cases, and reporting on children in foster care.
- ▶ Continued to work with DHHS (1999-2002) to correct serious flaws in the state’s N-FOCUS computer system which required Board staff to verify all case information provided by DHHS:
 - in the last quarter of 2001, N-FOCUS reports had a 41% error rate;
 - while verifying information, Board staff found that DHHS closed over 700 cases without issuing a report;
 - DHHS agreed to hire a temporary employee to help verify report information;
 - in 2002, 56% of issued reports contain errors or omissions.
- ▶ Created, upon request of the Governor, a report on ways to improve the child welfare system. (1999)
- ▶ Conducted joint visits by Board staff and DHHS staff of problematic and other group facilities, and reported on the results to the Governor. (1999)
- ▶ Met with DHHS to identify the top child welfare system concerns, and develop recommendations for improvements. Concerns included: the need for child abuse prevention; system-wide training; case management problems, including turnover rates; the lack of appropriate placements; the lack of oversight of contracted services

and placements; and the expenditure of child welfare funds in ways that did not directly benefit children.

- ▶ Expressed concerns regarding an over-reliance on restraints in many facilities for children and youth. State Board Chair Barbara Heckman and staff participated in DHHS work groups on ways to reduce restraints.
- ▶ Met with DHHS to address specific children’s cases and system issues, including: professional foster care, funding a foster parent association, encouraging peer-to-peer mentoring, and conducting joint tours of child-caring facilities.
- ▶ Developed a protocol with DHHS to ensure that all children in child-caring facilities are reviewed; and updated the memo of agreement between the two agencies. (2000)
- ▶ Provided input to DHHS as it created a federally required statewide self-assessment, which is a report on statewide child welfare strengths and weaknesses.
- ▶ Endured serious budget cuts. The economic downturn, worsened by the Sept. 11, 2001 terrorist attacks on the World Trade Center and Pentagon, resulted in a dramatic decrease of state revenues. The Legislature was forced to make substantial budget cuts. Over a nine-month period, the Board’s budget was reduced by 10.6%, resulting in the loss of 5 review specialists and 3 office staff positions.
- ▶ Used the authority of legal standing, advocated in court for eight children in four cases, and approximately 620 additional children through team meetings, meetings with legal parties, and special correspondence.
- ▶ Toured several facilities to assure individual physical, psychological, and sociological needs of the children are being met.
- ▶ Streamlined the agency’s recommendation process.
- ▶ Revised the Directory of Service Facilities for Nebraska Youth (Group Home Directory) (2002).
- ▶ Began bringing attention to children age birth through five. In 2000, 2001, and 2002, the Board and Gov. Johanns jointly released the agency’s annual report. The 2000 report included a special section on “Young Children” (ages birth to five).
- ▶ As a recipient of federal IV-E funds, the Board underwent a federal audit, which found the Board’s reviews to be timely, and reinforced many of the agency's top concerns.
- ▶ Staff and volunteers made presentations on the Board and the status of children in out-of-home care to a variety of groups, including the National Association of School

Psychologists, focus and community groups, college classes, and foster parent training classes.

Education Programs:

- ▶ Co-sponsored, planned, and presented to guardians ad litem on the Adoption and Safe Families Act (1999), and on interfacing with the Board (2000).
- ▶ Conducted Adoption and Safe Families Act workshops in 4 communities (1999).
- ▶ Conducted workshops on dealing with aggressive youth-alternatives to restraints, at the request of legal parties in the Omaha area (1999).
- ▶ Conducted workshops on bonding and attachment in four communities (1999).
- ▶ Co-sponsored a workshop on the partnership between the Nebraska judiciary and the Foster Care Review Board (2000).
- ▶ Sponsored educational programs on brain research, and bonding and attachment in communities across the state, attracting over 750 attendees.
- ▶ Conducted six educational programs for local board members, DHHS staff, judges, county attorneys, guardians ad litem, and interested persons; and an education program in Omaha on commonly used psychotropic medications.

Legislative Activities:

- ▶ Legislative activity includes supporting:
 - requiring autopsies in suspicious child deaths;
 - additional funding for additional caseworkers (2000) and
 - funding for additional juvenile court judges.

Executive Director Activities:

- ▶ Planned workshops on the Adoption and Safe Families Act.
- ▶ Worked with the State Board to 1) streamline recommendation formats, and 2) to develop a priority list of the order in which children should be scheduled for review.
- ▶ Recipient of “Outstanding Advocate Award” from the Nebraska Association of School Psychologists (2000).
- ▶ Recipient of the “Outstanding Advocate Award” from the National Association of School Psychologists for her notable work on behalf of children and youth (2001).

2003-2004

Statistics of Interest

<u>Year</u>	<u>Total Reviews</u>	<u>Children Reviewed</u>	<u>#Local Boards</u>	<u>Volunteers</u>	<u>Volunteer Hours Donated</u>	<u>Children Tracked Since 1983</u>
2003	6,503	4,116	62	333	36,417	68,377
2004	5,728	3,819	55	372	32,077	71,399

The Board:

- ▶ Continued tracking children, reviewing cases, and reporting on children in foster care.
- ▶ At the request of Governor Johanns, researched 10 child deaths due to abuse, and took a report on an additional 33 children. Researched problems in the CPS (child protective services) system after the failure of the system to respond to safety concerns regarding foster children (2003). Brought those concerns to the attention of the Governor, DHHS Director, and Legislature. The Governor subsequently named the Board’s Executive Director Research Chair for the Children’s Task Force. Under the Governor and DHHS Director’s leadership did further research on more than 4,000 of the 22,000 intake reports received in previous months. With the leadership of Governor Johanns and key senators, the following was enacted by the 2004 Legislature:
 - \$3.5 million was appropriated for additional workers.
 - Additional training for law enforcement was funded.
 - Funding was secured to improve computer access for law enforcement and CPS.
 - Seven child advocacy coordinators were to be hired.
- ▶ Began Project Permanency (2003), where trained local board members visit the foster homes of young children (birth to five) to assure safety and to provide additional information on behaviors common to young foster children. In conjunction with this, held trainings for child welfare professionals across the state on young children’s needs for stability, typical behavioral indications of stress in foster children at different developmental levels, and how to plan to best avoid putting further stress on the children. Continued the Project Permanency visits during 2004, and obtained funding for the project from a number of corporate and public donations.
- ▶ Developed a revised recommendation format based on judicial input, and modified the data the Board collected on outcome indicators.
- ▶ Entered into discussions with Federal Health and Human Services regarding their insistence that the Board’s independent tracking system be put on the DHHS N-FOCUS platform. Federal officials stated that unless this occurred, the state would face a fine of approximately \$14 million. Planning for the major restructuring of the Board’s database began.
- ▶ Cooperatively worked with DHHS on:

- A memorandum of agreement regarding HIPAA.
 - Regular meetings between the Board's Executive Director, the DHHS Director, and the DHHS Administrator for Protection and Safety.
 - The DHHS performance improvement plan.
 - Concerns with case management in the Omaha area.
 - Concerns regarding a contractor that had advised its foster parents not to speak to the Board, whereas the DHHS Director advised the contractor that was contrary to their agreement.
 - Staffing individual cases of concern.
 - Updated the new DHHS director on child welfare issues.
 - Discussed the communication disconnect between licensing for daycare providers, licensing for foster parents, and the caseworkers who utilize these services, following an incident of abuse in an Omaha day care that was run by a foster parent who also cared for many foster children.
 - Discussed problems identified with private contractors for transportation of children and supervision of visitation between parents and children.
 - Revised the process of staffing cases of concern and flagging cases for the DHHS Director's attention.
-
- ▶ Organized a joint release of the Annual Report with key senators.
 - ▶ Had several staff attend comprehensive multiple day trainings on the state's new accounting system (NIS), and modified practice to conform with the new standards.
 - ▶ Greatly increased the Board's presence in court hearings.
 - ▶ Worked to compensate for omitted or inaccurate reports from DHHS to the Board's tracking system.
 - ▶ Developed a means of coping with the continuing major budget cuts made in light of an economic downturn.
 - ▶ Provided the Governor a report on reported abuse in certain group homes.
 - ▶ Researched, at the Governor's request, cases involving sexual abuse of children in foster homes to determine who knew about the allegations and how they responded.
 - ▶ Met with Chief Justice Hendry to discuss ways to improve judicial response to children experiencing abuse or neglect. The Chief Justice appointed a special commission to address the issues, with special focus on expediting reviews, improving guardian ad litem representation, and creating a summit on child welfare cases.
 - ▶ Worked with the University of Nebraska Omaha School of Social Work, including participation in meetings with a representative of the Child Welfare League of America.

- ▶ Maintained a booth at the 2004 Law Enforcement Coordinating Committee conference in Kearney to discuss child abuse response.

Educational Programs:

- ▶ Sponsored educational events on Bonding and Attachment (2003), termination of parental rights, precision in report language, and interfacing with the courts (2003).
- ▶ Co-sponsored an educational program on a Model Mental Health Court, with over 200 in attendance.
- ▶ Presented at the Judicial Education Program for District, County, and Juvenile Court judges.
- ▶ Key staff attended the National Council of Juvenile and Family Court Judges regional training in Kansas City.
- ▶ Gave an educational program to child welfare professionals, which was opened by the Governor.

Legislative Activities:

- ▶ Supported a bill (LB 1238-2004) to create intake and prosecution centers.

Executive Director Activities:

- ▶ Served as Research Chair for the Governor’s Task Force for Children.
- ▶ Built a coalition to discuss intake and investigation concerns.
- ▶ Worked on the Nebraska’s Lost Children report.
- ▶ Testified at the request of the Governor to the Appropriations Committee on the need for more caseworkers.

2005-2006

Statistics of Interest

<u>Year</u>	<u>Total Reviews</u>	<u>Children Reviewed</u>	<u>#Local Boards</u>	<u>Volunteers</u>	<u>Volunteer Hours Donated</u>	<u>Children Tracked Since 1983</u>
2005	4,984	3,309	52	303	27,910	74,497
2006	5,473	3,728	48	347	35,000	77,388

The Board:

- ▶ Continued tracking children, reviewing cases, and reporting on children in foster care in spite of the major computer conversion. Placed the Board’s tracking system on the N-FOCUS operating system as part of the efforts to meet federal mandates:
 - Continued the time-intensive process of describing the individual data fields and communicating how the Board’s system needs to function on the new platform.
 - Ensured that the Board would be able to track, review, and report on outcomes utilizing the new system.
 - Conducted many hours of testing prior to “conversion” date (March 13, 2006).
 - The Data Coordinator trained on the query function in the new system and then rewrote the hundreds of regularly used data queries for the new, more cumbersome system.
 - Found that DHHS was unable to convert much essential data from the Board’s legacy system to the new platform, so began the tedious, labor-intensive task of rebuilding this data immediately upon the March 13, 2006, conversion. Negotiated with DHHS for payment for four temporary staff to assist with this mammoth endeavor.
 - Immediately after conversion began the process of quality control queries on the new system to ensure that those data fields that were able to convert did so accurately.

- ▶ Greatly increased the Board’s presence at court hearings, appearing over 639 times during 2005, and 1,098 times during 2006.

- ▶ Continued previous cooperative work with DHHS.

- ▶ Participated in the Supreme Court’s summit on children. Staff and local board members became part of the subsequent Through the Eyes of the Child regional teams.

- ▶ Provided statistical information and lists to the 10 separate juvenile court judges and 36 county court judges (who serve as juvenile court judges) as part of the Supreme Court’s Through the Eyes of the Child Initiative.

- ▶ Discussed problems identified with private contracts for transportation of children and supervision of visitation between parents and children.

- ▶ Met with the Chief Justice of the Nebraska Supreme Court to describe issues indentified with court practices. The Chief Justice then created the Supreme Court’s Commission on Children, and called for a summit (2006) on improving court practice regarding child abuse and neglect cases. Chief Justice Mike Heavican continued the Commission. Provided statistical data for the summit.

Educational Programs:

- ▶ Co-sponsored educational programs regarding methamphetamine abuse, held these programs in five communities across the state.
- ▶ Sponsored educational programs on bonding and attachment, and held programs on improving language in the documents submitted to courts.

Legislative Activities:

- ▶ Responded to legislation that changed the makeup of the Board’s governance board.

Executive Director Activities:

- ▶ Served on the Supreme Court’s Commission on Children.
- ▶ Served on the Governor’s Commission for the Protection of Children.
- ▶ Met with the DHHS director.
- ▶ Met with the Chief Justice.
- ▶ Coordinated the birth to five special study.
- ▶ Assured reviews were being scheduled to be conducted prior to court hearings so that the courts would have timely information on which to base decisions.

2007

Statistics of Interest

- ▶ Tracked 9,623 children who were in foster care during 2007.
- ▶ Completed 5,458 reviews on 3,806 children during 2007.
- ▶ Issued 38,206 case specific reports with recommendations to the courts, agencies, attorneys, guardians ad litem, county attorneys, and other legal parties.
- ▶ Conducted 122 visits of foster care facilities.
- ▶ Appeared in court at least 947 times during 2007, with many of these hearings involving sibling groups.

<u>Year</u>	<u>Total Reviews</u>	<u>Children Reviewed</u>	<u>#Local Boards</u>	<u>Volunteers</u>	<u>Volunteer Hours Donated</u>	<u>Children Tracked Since 1983</u>
2007	5,458	3,806	47	295	38,200	80,124

The Board:

- ▶ Continued tracking children, reviewing cases, and reporting on children in foster care.
- ▶ Began the process of revising the agency rules and regulations.

- ▶ Participated in a fiscal audit that found no material weaknesses.
- ▶ The State Board honored Governor Dave Heineman for his work to reform child welfare and Chief Justice Mike Heavican for his efforts to improve the court's response to foster care cases.
 - Continued work with the Governor and DHHS on foster care reform.
 - The DHHS CEO directed her supervisors to attend local board meetings.
 - Forwarded to the Governor's office a list of caseworkers to be commended.
 - A staff person from the Governor's policy research office shadowed staff to gain a better understanding of the Board's activities and processes.
 - Continued work with the Chief Justice and the Through the Eyes of a Child teams.
 - Provided statistics to the Judiciary on multiple occasions, including the number of children in care for each county, the number who had been in care for two years or longer, and the number who were ages birth through five.
- ▶ Completed re-entry of data made necessary because of the tracking system going on the N-FOCUS platform in 2006.
- ▶ Worked to obtain court hearing dates for more children.
- ▶ Provided the data that the Citizen Review Panel, part of the Governor's Commission on the Protection of Children, heavily utilized in their annual report.
- ▶ Cooperated with an extensive investigation by the Ombudsman's office that found no law violations.

Educational Programs:

- ▶ Conducted educational programs on the Risks of Foster Care, Findings and Legal Issues, Brain Development, Project Permanency Refresher, Risk to Child in Foster Care, and Multi-Cultural Issues.

Legislative Activities:

- ▶ Supported a Legislative study of key child welfare issues.
- ▶ Supported legislation to refine the lines of authority and structure at DHHS and to create the equivalent of a children's agency.
- ▶ Supported a bill to allow foster parents to inform the court via a written report.
- ▶ Requested an audit of transportation contracts.

Executive Director Activities:

- ▶ The Executive Director was a member of the team planning an educational program for County Court Judges, who serve as juvenile judges in areas without separate juvenile courts.

- ▶ The Executive Director was asked to speak at the convention of the League of Municipalities on ways that mayors and city councils could positively affect children in foster care and those at risk.

In the Past 25 Years

Education Programs

Since 1985, the Board has sponsored, co-sponsored, and/or presented at numerous education programs on topics identified as concerns through reviews, including:

- Accessing services for children and youth,
- Adoption and Safe Families Act (ASFA),
- Adoption issues,
- Bonding and attachment, separation and loss,
- Child development issues,
- Children's ability to be witnesses,
- Children and youth with aggression issues,
- Developmental disabilities,
- How to interview children,
- How to recognize, investigate, and gather evidence in cases of child abuse,
- Indian Child Welfare Act (ICWA),
- Juvenile court procedures,
- Permanency planning,
- Reasonable efforts,
- Role of the guardian ad litem,
- Sexual abuse,
- Termination of parental rights, and
- Other child welfare system issues.

Some issues have been the topic of educational programs several times over the course of the last twenty years.

Audiences for the Board's programs have included guardians ad litem, judges, county attorneys, state senators, law enforcement, caseworkers, foster parents, local foster care review board members, child advocates, and community members.

For some presentations, the Board would select a topic and then tailor a program on that topic for each of several professions (such as guardians ad litem, judges, and county attorneys). Over the course of a few weeks or months, the Board would provide the program for each discipline on the specific topic of concern. Other times, the Board designed its programs for a multi-disciplinary audience, often including a session on understanding each other's role in addressing the topic of concern.

One of the noteworthy programs the Board conducted was a two-day program on child sexual abuse, which became a National Council of Juvenile and Family Court Judges model program. Another program of note was for members of the Nebraska's Legislature, which had a rare adjournment to attend the event.

In addition, the Board's Director has presented at educational programs of the National Council of Juvenile and Family Court Judges, the National Council for Adoptable

Children, the National Association of Foster Care Reviewers, the Nebraska County Judges Association, the Nebraska County Attorneys Association, the Nebraska Bar Association, the Nebraska Court Administrator's office, other state's review boards, and a number of other organizations.

Legislation

The Board has been influential in the debate on the following important pieces of legislation affecting, or potentially affecting, children in out-of-home care.

- Defeated measures to eliminate the Foster Care Review Board.
- Obtained limited legal standing.
- Supported bills to:
 - Create the Child Protection Unit in the Attorney General's office.
 - Extend the statute of limitations on child sexual abuse.
 - Mandate county attorney training on child abuse and neglect.
 - Require county attorneys to consider termination if children had been in foster care for 18 months (this was prior to the Adoption and Safe Families Act).
 - Create guidelines for sharing confidential information.
 - Allow for open adoption contracts.
 - Name the Board the IV-E review agency for Nebraska.
 - Change the Family Policy Act to clarify safety needs and best interests of children.
 - Create the Nebraska Adoption and Safe Families Act.
 - Require autopsies to be conducted in suspicious child deaths.
 - Fund more caseworkers.
 - Fund additional juvenile court judges.
- Advised the Legislature of the weaknesses in changing the way child abuse investigations are conducted.
- Testified in regard to the child death review team.
- Responded to a legislative study on review in Nebraska.
- Responded to questions on Partnerships – the five agency merger.

Summary

For 25 years the Foster Care Review Board has tracked children in foster care, reviewed children's cases, advocated for children in out-of-home care, worked to ensure children's safety, and worked to ensure that plans are made for children's futures.

The agency was the first in the nation to develop an independent tracking system. And, unprecedented is the recruitment and training of hundreds of volunteers from a variety of disciplines who review and make recommendations regarding individual cases. This has proven to be not only an effective method of protecting children's interests, but has enabled the agency to function in a cost-effective manner.

Since its inception, the Board has worked tirelessly on system reform through lobbying, education, training, and the creation of partnerships.

Its many accomplishments have led to national recognition, as evidenced by the fact that on more than one occasion the Board has been asked to present testimony to congressional committees.

Additionally, other states have sought the direction and advice of the Board when seeking ways to improve or create oversight agencies.

All has been accomplished because of tenacious and knowledgeable staff, committed and educated volunteers, and the number of entities with which the Board has created working relationships.

By any criteria, the Foster Care Review Board, for 25 years, has been an exceptional agency and a leader in assuring foster children are safe, and in working for systemic reform.

