

CHILD WELFARE IN NEBRASKA

Adopt {ədɒpt} *vt.* To take by choice into a relationship; to take (a child of other parents) as one's own child.

Child Welfare {child wel'fer} *n.* Social work aimed at improving the lives of disadvantaged children.

Foster (fɒs'tər) *vt.* **1** Affording, receiving, or sharing nourishment or parental care though not related by blood or legal ties: Nurture; **2** To give parental care to; **3** To promote the growth or development of: Encourage.

Data on Length of Time in Out-of-Home Care

- *The Average Number of Years in Care for Children on December 31, 2005 – 1.58 (Data Source: NE Department of Health and Human Services)*
- *62% of the 3,309 children reviewed during 2005 had been in out-of-home care for at least 2 years (Data Source: NE State Foster Care Review Board)*
- *21% of the 3,309 children reviewed during 2005 had been in out-of-home care for at least 5 years (Data Source: NE State Foster Care Review Board)*

“Imagine having a stranger pick you up from school in the middle of the school day to take you to a place you’ve never been, without going to your old house first to get any of your things and also imagine you don’t know where they’ve taken your brother or sister, or where your parents are, and no one can tell you when you will see anyone you love again.”

Foster Care: “Through the Eyes of a Child”

What do you think it’s like for a child to come into foster care?

- *Like a sleepover at grandma and grandpa’s house? ... not at all like that!*
- *Like an overnight at a new friend’s house? ... still, no.*
- *Like a few nights in the hospital? ... not even that good!*

Maybe it’s like:

- *Being kidnapped by a frightening stranger and kept against your will.*
- *Being captured by a Martian and taken on a spaceship to a strange planet.*
- *Being picked up by someone from a foreign country and taken to another land.*

These examples are closer to the reality of coming into foster care.

In the words of children – foster children from Nebraska:

- *“I thought I was being sent to a **foster home**, this is just a house with a family in it.”*
- *“How many more foster homes are there? I thought if I was bad enough in all of my foster homes you would run out of foster homes and have to send me back to my mom.”*
- *“Where is my sister, she won’t be able to go to sleep without me in bed with her.”*

So, to imagine what the first night in foster care is like:

- *Remember your first night at camp, but imagine no one explained you were going to camp.*
- *Think about coming home from school and finding your parents are gone and a police car is parked out front.*
- *Imagine having a stranger pick you up from school in the middle of the school day to take you to a place you’ve never been, without going to your old house first to get any of your things and also imagine you don’t know where they’ve taken your brother or sister, or where your parents are, and no one can tell you when you will see anyone you love again.*
- *What might your bedtime prayer be that night? How about your dreams or nightmares?*

That is just your first night in foster care. In some ideal situations, it may get better with a family visit in a few days, or maybe your family will bring your old blanket or a familiar pair of shoes.

For other children, after a few weeks in a shelter with other children, they will move to a foster home with a new “family,” a new bedtime, a new kind of food, new rules and a new school – and sadly, this move will probably be as abrupt as the initial removal from their family. Time in the foster care system can look very different for different children.

“Johnnie,” age 8, was removed from his family of nine siblings and placed with a foster family that had no other children.

“Sarah,” age 18 months, was separated from her 9-year-old sister and 6-year-old brother and placed with a family that had three other children under the age of five.

“Jeanette,” age 13, was removed from her sexually abusive father in middle class suburban Omaha and placed in an inner city foster home for teen mothers.

“Sam,” age 18, had been in seventeen placements in his six years in foster care. He doesn’t know where he will live after he graduates from high school in June and ages out of the foster care system and is on his own.

“Julie,” age 7, has finally found a family who wants to adopt her after moving eight times during her four years in foster care. It’s taken almost two years but hopefully they will persevere.

“Tom,” age 21, is a junior in college and found a “forever” family in his last foster care placement after moving 19 times in 8 years. He’s one of the unusually lucky ones.

This is a glimpse of the foster care system as seen “Through the Eyes of a Child.” It is easy to see that it was a helpful system for “Tom” and “Julie.” It is hard to imagine the effect it will have on “Johnnie,” “Sarah,” “Jeanette” and “Sam.”

Child Welfare in Nebraska

Many indications in recent years reveal that Nebraska’s child welfare system needs repair. The strengths and weaknesses of the Child Protection System were confirmed in a series of community meetings with child welfare leaders, and presented to Governor Johanns in a “*Blueprint to Improve Nebraska’s Response to Child Abuse and Neglect*” by Voices for Children and the State Foster Care Review Board in late 1999. Nebraska failed its first Children and Family Service Audit by federal HHS in 2002, as did every other state that has completed its audit. In 2003, the *Omaha World-Herald* brought to public attention the deaths of twenty-eight children between 1998 and 2003 due to child abuse and neglect. Governor Johanns responded by identifying the foster care system as a priority in the fall of 2003, creating the Children’s Task Force to recommend system improvements. The *Blueprint*, prepared by Voices for Children and the Foster Care Review Board, was taken into consideration by the Children’s Task Force, as were comments made by public forums and focus groups. In December 2003, the Task Force identified twenty-eight recommendations for improving the system (See **Table 2, pgs. 6-7**). Subsequently on September 19, 2005, Children’s Rights and Nebraska Appleseed Center filed a lawsuit against the state of Nebraska on behalf of children in foster care.

Many efforts have been made to bring the system deficits to the attention of the public and policy makers, but it will require a sustained commitment of time, talent, and treasures on multiple levels to truly help the children caught in the clutches of this broken system. It is hoped that this Issue Brief will help untangle the complexities and misunderstood aspects of this system to lead concerned professionals and citizens toward a renewed, efficient and effective system of care.

The Foster Care System

It is important to understand the details of how the foster care system works and how decisions are made. **Table 1 (page 5)** is an adult’s view of the system. It describes the process for all children from the time of a call to the Child Abuse & Neglect Hotline, to the final disposition in the Juvenile Court. The chart identifies the process for abuse, neglect and dependency cases (the result of the action or in-action of parents) as well as the process for delinquency and status offense cases (the result of the child’s action such as committing a crime, running away, or truancy). Systems may vary slightly from county to county based on individual courts or HHS Service Area Practices, but generally the system is the same.

Who Decides What is Best for a Child?

Table 3 (page 8) shows all the people involved in making decisions about the life of a foster child; people who make long-term decisions about where the child lives, what his or her parents must do to bring the family back together, and decisions about the kind of treatment or help the child and the family will receive. Table 3 also includes the people who make day-to-day decisions such as: what kind of clothes the child will wear, what kind of food s/he will be given, when s/he will go to bed, and where s/he will go to school.

When looking at the complex flow chart in Table 1 and the web of decision makers in a child’s life in Table 3, it is easy to see how children can get lost in the many twists and turns along the way through the foster care system. The decision makers are many, and each plays a vital role in determining how the foster care system will be seen through the eyes of a child. These decision makers include, but are not limited to:

“Many indications in recent years reveal that Nebraska’s child welfare system needs repair.”



see page 4

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Law Enforcement

While the foster child typically becomes a ward of the Department of Health and Human Services (HHS), it is only a law enforcement officer that legally has authority to remove the child from his or her home. Nebraska law allows child abuse and neglect reports to come in to HHS, usually through the child abuse and neglect hotline, or to law enforcement, usually through 911. The law requires each agency to cross-report to the other but only a few counties have a protocol developed for the two agencies to make the removal decision jointly.

Law enforcement officers typically have much less training than case managers in child development, the dynamics of abuse and neglect, and in risk assessment. The initial law enforcement training curriculum includes a mere six hours on child abuse and neglect. Some law enforcement agencies, such as the Omaha and Lincoln Police Departments, have created special youth serving divisions with officers acquiring additional training and on-the-job expertise. Unfortunately, the first responder to a call is more apt to be an officer assigned to a specific neighborhood or community, therefore, the person removing the child and relating to the child in that traumatic moment is neither a social worker nor a specially-trained, plain-clothes officer in an unmarked car. The trauma to the child is much greater than it would be with a different process and a different set of players.

Two key agencies with different philosophies have to coordinate in these early steps to get the child removed (by the officer) and placed appropriately (by an HHS worker). The initial placement decision is made with little information and no indication of what decision law enforcement will make on a criminal charge. As the case goes forward, law enforcement weighs the facts from a criminal perspective, while HHS assesses risk of harm to the child. This can be a first point of confusion and

the cause of delay, as HHS may wait to see what law enforcement will do. The criminal standard of evidence is higher than the standard required to bring a case before juvenile court. Criminal court's priority is societal justice while juvenile court's focus is the "best interest of the child and rehabilitation of the parent where possible." Due to fundamentally different approaches, synchronization of the two processes, while ideal, rarely occurs.



County Attorney

The County Attorney weighs the evidence provided by law enforcement and the assessment of risk provided by HHS and decides whether to file a petition in criminal court or juvenile court or both. The filed petition is a critical document that will determine what services can be required and provided for parents throughout the case and what kind of permanency can be sought for the child. Like law enforcement, County Attorneys may have little training or expertise in child welfare matters. Law schools have no mandated juvenile law curriculum, and although County Attorneys do have a Continuing Legal Education requirement, juvenile law is not specified. Some County Attorney offices have created special juvenile units or

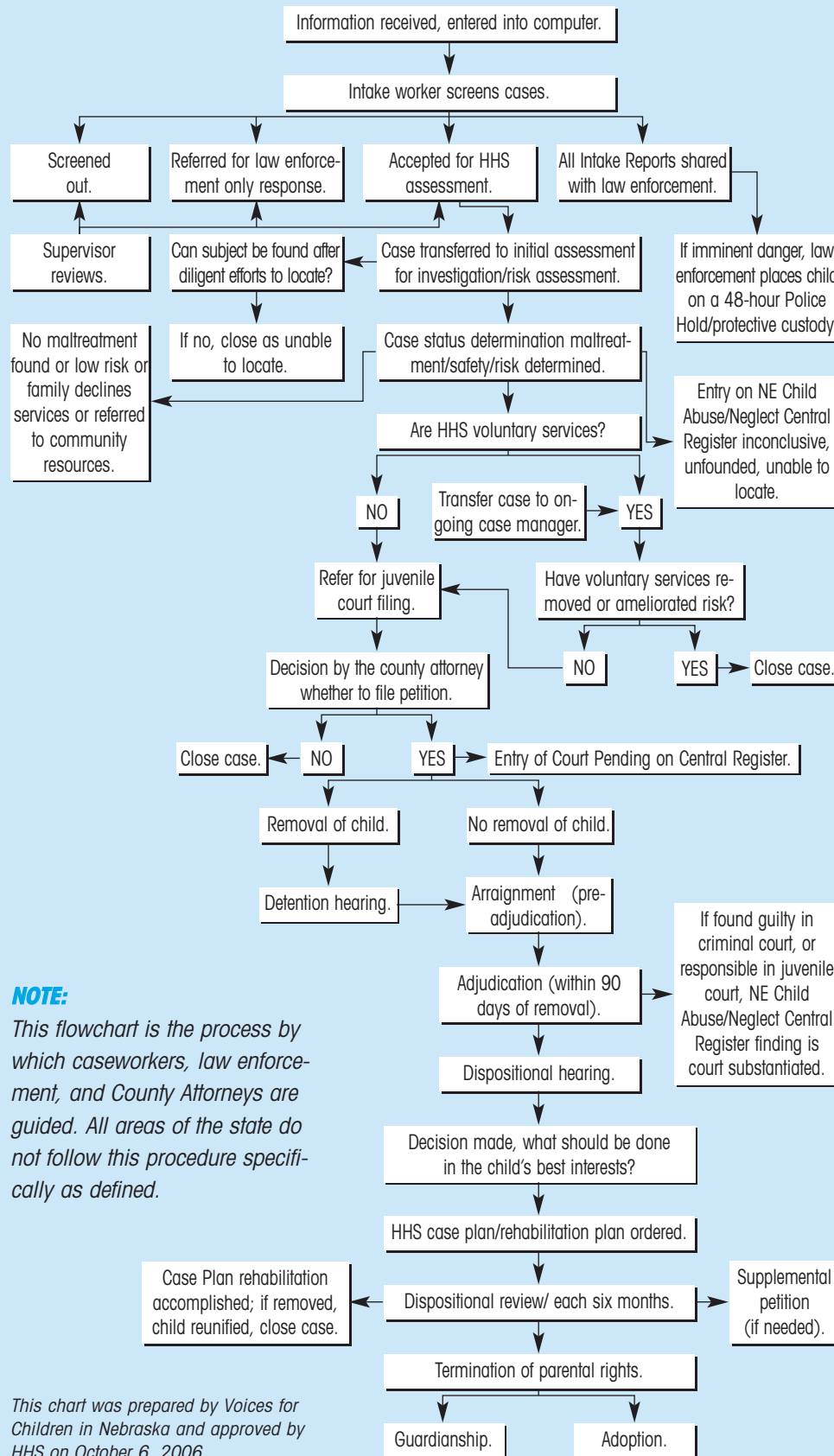
have special investigators for juvenile cases. Often, however, even where these units exist it is an "entry-level" unit used as a stepping-stone to get to other positions in other divisions, not a division where expertise is built and maintained.

Child Abuse and Neglect Multidisciplinary Teams

The likelihood of cases receiving inadequate or sporadic attention at these early stages has long been acknowledged and was the basis for passage of LB 1184 in 1992. LB 1184 requires each County

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Table 1 – Protection, Safety and the Juvenile Court Process



NOTE:
 This flowchart is the process by which caseworkers, law enforcement, and County Attorneys are guided. All areas of the state do not follow this procedure specifically as defined.

This chart was prepared by Voices for Children in Nebraska and approved by HHS on October 6, 2006.

“Table 1 is an adult’s view of the system. It describes the process for all children from the time of a call to the Child Abuse & Neglect Hotline, to the final disposition in the Juvenile Court.”



“Think about coming home from school and finding your parents are gone and a police car is parked out front.”

Table 2 – Summary of the Governor’s Children Task Force Recommendations, 2003

As of February 16th, 2005, *Voices for Children* recorded that 18 of the 28 recommendations have been implemented to some degree. Seven of the recommendations have been implemented at least fifty percent or more.

- **Recommendation 1.1:** Implement voluntary universal home visitation services for new parents on a statewide basis.
 - *Yes/10% – LB 264 is currently held in the HHS Committee and provides for services for at-risk families.*
- **Recommendation 1.2:** Conduct drug screening of newborns and services for follow-up, including treatment programs for mothers.
 - *No*
- **Recommendation 1.3:** Encourage the State Department of Education to require child abuse prevention education to be part of the curriculum in public and private schools.
 - *No*
- **Recommendation 1.4:** Conduct public service announcements on various topics, i.e. shaken baby syndrome, co-dependency, dangers of leaving children with substance abusing adult (in particular meth users), etc.
 - *Yes/70% – A PSA campaign was done by HHS in 2004 covering shaken baby, protection, domestic violence and methamphetamine use.*
- **Recommendation 1.5:** Oversight of the State Child Death Review Team's review of child maltreatment related deaths should be assigned to an agency that does not have a potential conflict of interest in the outcome of the review. A process for local child death reviews should be instituted under the administration of the State Attorney General's Office.
 - *Yes/25% – A task force was created under the Governor's Commission for the Protection of Children to address initial death scene reviews.*
- **Recommendation 1.6:** Mandatory training on child maltreatment for professionals who work with children and who are licensed to practice in the State of Nebraska.
 - *No*
- **Recommendation 1.7:** Expand mental health treatment for children and youth to ensure early identification and treatment of problems.
 - *No*
- **Recommendation 1.8:** Drug Courts which incorporate treatment in their program should be established locally and be funded by a combination of federal, state and local funds. The use of Family Drug Courts to mandate treatment of all household members should be explored and the development of pilot programs encouraged.
 - *Yes/30% – Some drug courts have been created.*
- **Recommendation 2.1:** Child maltreatment reports involving children under the age of 6 are given priority for a response.
 - *Yes/50% – Governor Heineman issued a mandate again in mid-2006, but evidence is lacking.*
- **Recommendation 2.2:** State law should be amended to require CPS and law enforcement to investigate reports alleging children are in a home where they witness domestic violence or children are in a home where drugs are used, manufactured, or available to the children. HHS policy regarding domestic violence and substance abuse allegations should be changed accordingly.
 - *Yes/20% – LB 322 and LB 148 were introduced but did not pass. New screening criteria created by HHS may address some of this but implementation seems sporadic.*
- **Recommendation 3.1:** Clarify the respective roles of CPS and law enforcement in the investigation of child maltreatment reports with well-delineated mechanisms for accountability and follow through on investigations.

- *Yes/30%* – The funding for the Child Advocacy Center Coordinators helped with this, but statutory language is still needed to further encourage this.
- **Recommendation 3.2:** Expand the availability and utilization of Child Advocacy Centers.
 - *Yes/75%* – The CAC's have received more recognition and use due to the coordinator positions, but they need more funding to support this increased utilization. There are currently six CACs and a 7th developing in North Platte. 1700 forensic interviews and 400 medical exams were done in CACs last year.
- **Recommendation 3.3:** Require coordinated investigations by CPS and law enforcement.
 - *No* – Coordinated investigations are not required but the services offered by the coordinators of the CAC's has resulted in more communication and coordination between the two agencies.
- **Recommendation 3.4:** Facilitate and enhance the exchange of information between law enforcement and CPS through a shared data base that can be accessed by both parties and through clearer statutory provisions for the mandated sharing of information relevant to child abuse and neglect investigations.
 - *Yes/20%* – The coordinator has facilitated information sharing, but there still needs to be clearer statutes and they are lacking shared data base. An Information Technology Committee met and created recommendations for a shared system. There are efforts to make CJIS available to HHS and N-Focus available to law enforcement and County Attorneys. The Center for Children, Families and the Law also has been given money to improve communication.
- **Recommendation 3.5:** Require a multidisciplinary approach to the investigation of child maltreatment reports by strengthening the LB 1184 teams through funding for coordination, training and operating expenses for teams.
 - *Yes/60%* – The coordinators provide the coordination and the Lincoln CAC has provided some training. There have been no additional operating expenses given. Omaha also has provided training to teams. Again, no statutory change has occurred.
- **Recommendation 3.6:** Facilitate communication and coordination between CPS and law enforcement agencies through co-location in urban areas and to the extent possible in rural areas of the state.
 - *Yes/25%* – Again coordinators have helped but no statutory authority have been given.
- **Recommendation 3.7:** Increase the capacity of law enforcement professionals to investigate child maltreatment reports through increased training.
 - *Yes/70%* – The Lincoln CAC was allocated money to do trainings across the state for two years, but still need more funding allocated to reach everyone.
- **Recommendation 4.1:** The legislature must restore the Crimes Against Children Fund as quickly as possible.
 - *Yes/75%* – It has been moved to the Attorney General's Office, we don't know if the AG has activated the funds. Additional funding may be needed.
- **Recommendation 4.2:** The Office of the Attorney General should be given the responsibility for handling all juvenile court cases for abuse, neglect and termination of parental rights cases in all jurisdictions where there is no established Separate Juvenile Court. In jurisdictions having a Separate Juvenile Court, such responsibility should be retained by the elected County Attorney.
 - *No* – This was introduced in LB 1075 in 2003 but it did not get past general file.
- **Recommendation 4.3:** Guardians ad Litem should be trained, accredited and required to certify to the court they have visited children they represent.
 - *Yes/50%* – The Supreme Court Commission of Children and Families has spent 12 months drafting extensive guidelines which should go into effect in 2007.
- **Recommendation 4.4:** Court Appointed Special Advocate (CASA) programs should be coordinated by state funded coordinators.
 - *No*
- **Recommendation 4.5:** The Supreme Court should undertake a study in conjunction with the

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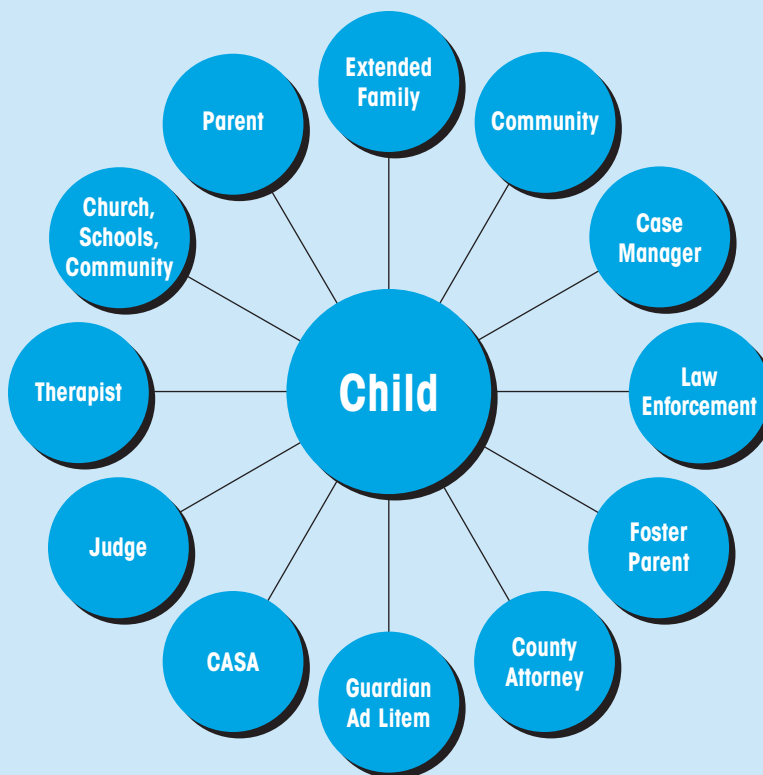


“In 2003, the Omaha World-Herald brought to public attention the deaths of twenty-eight children between 1998 and 2003 due to child abuse and neglect.”

Nebraska Bar Association (NSBA) to determine 1) to what extent the current judicial system is insensitive to children and 2) whether the establishment of a Family Court system is in the best interest of children of the state and its citizens.

- *Yes/10% – The Supreme Court task force may be looking at this.*
- **Recommendation 5.1:** Increase the number of Protection and Safety Staff to bring caseloads within state standards.
 - *Yes/20% – LB 1089 last year funded 120 new workers and staff and they will not affect the system until at least April of 2005 due to time for training.*
- **Recommendation 5.2:** The Department of Health and Human Services should expand the hours CPS staff are available.
 - *Yes/30% – This has been done in some of the offices.*
- **Recommendation 5.3:** Take the appropriate steps to hire and retain competent Protection and Safety Workers and Supervisors.
 - *Yes/50% – More staff are available during evening hours or have pagers. Changes to training have begun and there is more supervision and accountability.*
- **Recommendation 5.4:** HHS should move toward accreditation through the Council on Accreditation for Agencies serving Children and Families (COA).
 - *No*
- **Recommendation 6.1:** Establish the Child Safety Fund.
 - *No*
- **Recommendation 6.2:** Ensure the Attorney General's Office has the necessary resources to assume the new responsibilities they will be given through implementation of the recommendations in this report.
 - *No*

Table 3 – Spheres of Influence



Attorney to create Child Abuse and Neglect Treatment and Investigative Teams comprised of specific professionals including HHS, law enforcement, schools, therapists, and the County Attorney. The charge of each team is somewhat different, but each team is yet another decision-maker which can review a case, and receive concerns or special requests when oversights are alleged. From a system perspective they are to develop a county-wide protocol for investigating, prosecuting and adjudicating all child abuse and neglect cases. From a case-level perspective they are to ensure that protocol is followed with each individual child. Each team is also required to submit an annual report to the Crime Commission, intended to help determine systemic changes needed to improve the child welfare system.

Implementation of this law was intermittent across the state, falling very short of the mandate. In the 1990's, Child Advocacy Centers (CAC) emerged in communities across the state to improve the investigation process – primarily for sexual abuse cases. These centers function differently in each community, but are recognized as key to creating child-specific expertise given the high turnover and low priority children's cases often have. One advantage of the Child Advocacy Centers is the interview process. The child is interviewed by a therapist, with child-specific expertise, who asks questions via a microphone from an unseen law enforcement official. In 2005, LB 425 passed, appropriating funding for seven CAC coordinators across the state. These coordinators are involved in or oversee the Multidisciplinary Team process as well. Legislation further defining the role of that coordinator and the responsibility of each decision-maker has been introduced but thus far has failed to pass.

Judge

Once the County Attorney decides to file the case in Juvenile Court, the ultimate decision-maker is the judge. Separate Juvenile Courts exist in Douglas, Lancaster and Sarpy Counties. In the rest of the state, the judge is a County Court Judge sitting as a Juvenile Court Judge (in addition to other types of cases that come before the court). The statute governing the court is the same but the County Court Judge will hear a broader range of cases. In other words, the separate Juvenile Court Judge would be or would become more specialized in juvenile cases. Again, there is nothing in statute or in law school requiring or providing training for juvenile cases. Fortunately, the three separate Juvenile Courts have taken it upon themselves to create an association and to avail themselves of numerous training opportunities. They have utilized the significant expertise of the National Council of Juvenile and Family Court Judges and have learned from model courts across the country, devoting this training to their own courtroom practices. There are some County Court Judges who particularly enjoy juvenile court work and avail themselves of significant training; some have, in fact, served in leadership positions with the National Council of Juvenile and Family Court Judges. Others, of course, prefer other aspects of their work and do not gain that expertise. In September 2006, in a very significant move, Chief Justice Hendry mandated that all judges with juvenile jurisdiction (including the County Court Judges) attend the three-day Children's Summit.

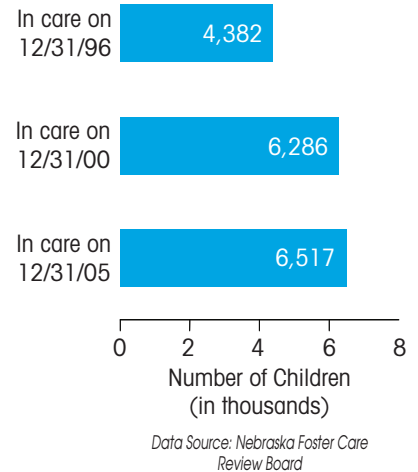
The judge makes the primary decision to detain the child, adjudicate the case, develop a dispositional plan, to return home, terminate parental rights, confirm guardianship, or finalize adoption. In truth, however, the judge's decision can only be as good as the case brought before the court. This means that law enforcement must adequately investigate and compile the evidence and the County Attorney must draw up a petition that encompasses all of the key offenses from which an appropriate dispositional plan can be developed to address parental deficiencies and rebuild a safe and healthy family to which the child can return. At the same time, Health & Human Services must keep the child safe, provide the needed services in a timely manner and provide accurate and timely reports to all other decision makers so progress can be measured and decisions can be made based on the facts of the case.

Guardian ad Litem

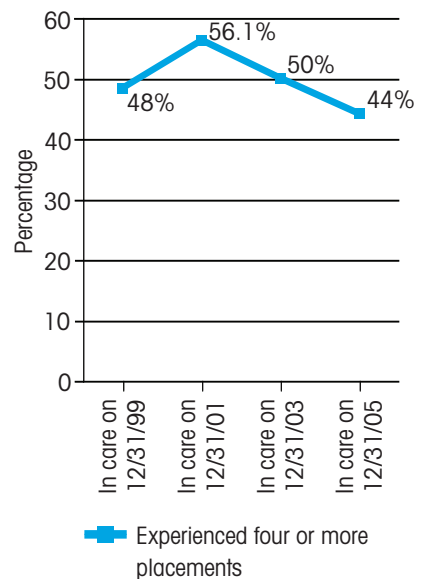
As we try to look at the foster care system "through the eyes of a child" it becomes apparent that the child's input is not often sought and, in fact, few people even communicate with the child. Many courts do not expect the child to be in court, therefore, the judge frequently never meets the child. The law enforcement officer may visit with the child at the time of pick up, may interview the child

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Children in Out-of-Home Care



Number of Placements Experienced by Children in Out-of-Home Care



*Numbers between the FCRB and HHS are different due to varying definitions.

“The role of the CASA is to provide an extra set of eyes and ears to a case but the extent of the role may be different from one court to another ...”



to get the circumstances of the case, but will probably never see the child after that. The County Attorney will never see the child unless the child's testimony is pivotal to the prosecution of the case. Thus, the role of the guardian ad litem – the attorney for the child – is to be the voice of the child in the courtroom.

The statute and oversight governing the guardian ad litem has been very inadequate to date. Some guardians ad litem have developed significant expertise in the field and do an outstanding job, while others never see the child, never talk to professionals, never offer a report or seem to fulfill any function in the case. Considerable attention has been given to this role within a subcommittee of the Supreme Court Commission and there are expectations that the training and performance standards will change significantly in 2007.

CASA

A Court Appointed Special Advocate (CASA) is a volunteer from the community who has received considerable training enabling them to spend meaningful time with a child under the jurisdiction of the court, and provide information to the court about the child's needs and progress. The role of the CASA is to provide an extra set of eyes and ears to a case but the extent of the role may be different from one court to another, as some provide the information directly to the court while others provide it through the guardian ad litem. The CASA can develop a relationship with the child that is a very safe and trusting relationship, one that provides continuity in the case when there may be turnover among the other professionals. The CASA may also have more time to visit children and talk to teachers and other professionals in the case, as they do not take on numerous cases like a guardian ad litem or a caseworker. There is not a CASA program in every court, nor is there a CASA for every child in the court systems where a program does exist.

Foster Care Review Board

The State Foster Care Review Board was created in 1982 to review the cases of children in foster care and to determine if there was a permanency plan for the child, if the provisions of the plan seemed appropriate to the circumstances of the case, and if the plan was being implemented. A State Board to oversee the agency is appointed by the Governor. Volunteers who have completed a mandated training program serve on local boards across the state. Following case preparation by a Review Specialist, the local board reviews each case, at a minimum of every six months, and provides a report to the court, the agency caring for the child, and to legal counsel. Again, the handling of those reports varies across the state. The Board also provides an annual report to the Governor and the Legislature, which includes significant data about all Nebraska children in out-of-home care and recommendations for system improvements.

Child Protective Services Workforce Issues

While all 28 recommendations of Governor Johanns' 2003 Children's Task Force are important (See Table 1), research shows a critical step for improving the protective system is the need for a strong, well-trained workforce. Recommendation 1.6 of the Task Force states the need for mandatory training for professionals licensed to practice in the state of Nebraska. The Task Force also recommended that the effectiveness of Protection and Safety Staff within the Department of Health and Human Services could be strengthened by increasing staff and reducing caseloads. The Child Welfare League of America (CWLA) Best Practice Guidelines² state that the ideal number of cases is twelve to fifteen. Nebraska workers often have two to three times this number of cases, leaving little time for training and supervision. Educational incentives and higher salaries for workers and supervisors is also deemed important. According to a General Accounting Office (GAO) 2003 report³, staff shortages, high caseloads, high worker turnover, and low salaries impinge on providing services that lead to safety, permanence and well-being for children.

The Nebraska Office of Protection and Safety completed an updated Program Improvement Plan

in 2005⁴. This plan, submitted to federal Health & Human Services following Nebraska’s failed Children & Family Service audit review, includes a change in the functions of the supervisor position and quality assurance measures. The effectiveness of the plan is to be reviewed by the federal government in 2007.

Caseload size has been an issue for many years. In 1990, the Nebraska Legislature passed LB 720 mandating that HHS “establish and maintain caseloads to carry out child welfare services which provide for adequate, timely and indepth investigations and services to children and families”. A semi-annual report to the Legislature and the Governor is also required including, “a comparison of caseloads established by the director with the workload standards recommended by national child welfare organizations along with the amount of fiscal resources necessary to maintain such caseloads in Nebraska. The need for caseload analysis and better training for CPS workers along with more effective supervision and review of caseworker decisions was again identified in the 1999 “Blueprint to Improve Nebraska’s Response to Child Abuse & Neglect.” Efforts to improve supervision began in 2006, so it will be important to monitor progress and see that the effort is sustained. Further corroboration of the importance of workforce development is found in Child Welfare League of America’s (CWLA) 2006 Legislative Agenda⁷. These actions include: federal commitment to support training for all child welfare workers through the Title IV-E training program, incentives, bonuses and increased funding for states that meet caseload standards, and assessment and evaluation of workforce. Caseloads, social work education, better supervision, and flexible jobs are associated with better performance and retention rates⁹. Legislative efforts in Nebraska have attempted to specify lower caseloads for workers and mandate credentialing for HHS but to date these efforts have been unsuccessful.

The reasons for workers leaving the child welfare system are many. According to The American Public Human Services Association 2004 child welfare workforce survey¹³ reasons included: high workload and caseloads, unpredictable hours, time given to paperwork and travel, insufficient resources for families, feelings of not being valued, lack of quality supervision, promotion or advancement, and low salaries. Recommended improvements included: adding in-services for workers and supervisors, giving raises, if feasible, manageable workloads, and purpose given to make workers feel wanted and needed.

Systemic Issues and Recommendations

Reflecting back on the definition of “child welfare,” given at the beginning of this article, it is important to realize that policy decisions to change the laws and practices governing the various aspects of the child welfare system are just as significant in the life of a foster child as the day-to-day decisions being made in specific cases. The Governor, the Supreme Court and the Legislature have spent a considerable amount of time in recent years examining and attempting to adapt and improve the foster care system and the Health and Human Services System, which serves as the “parent” for children taken into the foster care system.

Voices for Children in Nebraska urges the following priorities in 2007 and 2008:

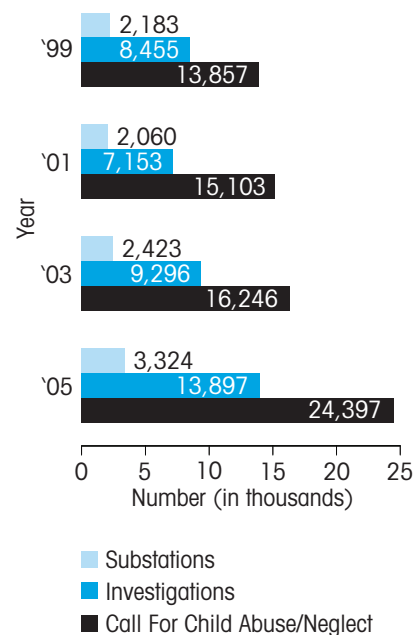
1. Strengthened legal and social service response to child abuse and neglect
2. Guardian ad litem training and accountability
3. Divorce proceedings with emphasis on child safety, well-being and best interest
4. Protocols and expertise for examining child deaths
5. Consideration of developing Family Courts

Continued Commitment to Bringing Solutions Into Focus & Practice

Seven years after findings were first presented to Governor Johanns, and three years after formal recommendations were put forth by his Children’s Task Force, we have the following recent occurrences:

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Child Abuse Calls, Investigations, and Substantiations



Data Source: Nebraska Health and Human Services

² www.cwla.org

³ ibid

⁴ Nebraska Program Improvement Plan Summary, August, 2005. Nebraska Health and Human Services System

⁷ www.cwla.org/advocacy/2006legagenda03.htm

⁹ CWLA, Research to Practice Initiative, (2002, September). Child Welfare Workforce. Research Roundup. www.cwla.org/programs/r2p/rnews.htm.

¹³ APHSA. Report from the 2004 Child Welfare Workforce Survey. State Agency Findings. February 2005

- 44% (2,273 of 5,336) of the HHS wards currently in foster care have had four or more case managers in their time in foster care.
- 23% (1,166 of 5,336) of the HHS wards currently in foster care have had six or more case managers in their time in foster care.

Data Source: NE State Foster Care Review Board

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Voices for Children in Nebraska

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1. In late 2004, Supreme Court Chief Justice John Hendry convened the Commission on Children in the Courts to focus on the legal and judicial aspects of the child welfare system. He was quoted recently saying, "This is my passion, I wanted to see it completed." Subcommittees of the Commission have worked energetically to establish new court rules mandating training and governing the protocols and performance of legal counsel and guardians ad litem for children.
2. In the summer of 2006, Governor Heineman announced a priority status for:
 - a. Too many children under age six languishing in out-of-home care,
 - b. Too many are not finding safe and permanent homes before spending fifteen months in foster care.
3. Also in the summer of 2006, Governor Heineman announced a design to restructure the Health and Human Services System. A key component of the plan involves the creation of a separate Department of Children and Family Services to put an increased focus on efforts to meet the needs of vulnerable children and adults by improving the relationship between functions such as protection and safety and economic assistance.
4. In September 2006, a Children's Summit was attended by more than 200 child welfare professionals from across the state including the mandated attendance of every judge having jurisdiction over juvenile matters.
5. Attorney General Jon Bruning and his staff have examined possible improvements to various aspects of the child abuse response system including the child death review and autopsy process. At the Children's Summit, Attorney General Bruning stated that, "time is of the essence when kids are in danger, physically, mentally or emotionally."
6. Chief Justice Hendry announced his retirement recently and many feared that could slow the implementation of recommendations adopted by various subcommittees of the Commission on Children in the Courts. Mike Heavican was sworn in on October 2 to replace him and stated at the opening of the Children's Summit that "I am not going to let the ball drop on this. I'm really impressed by the enthusiasm of everybody here and we intend to maintain it."

While Nebraska's foster children have many champions in their corner who are committed to accomplishing significant system improvements, it remains that Nebraska's foster care system is broken. This has been evidenced by state-level reports, a federal audit, a revealing media series and a lawsuit. Ultimately, it is the children cared for by that broken system we are concerned about – children who may languish for years, move between numerous homes and placements, and who may sometimes return to a family still struggling with the issues that caused the removal from home in the first place. There are enough professionals and civic leaders in place to put the broken pieces of the system back together so the lives of our children can again be made whole, including the Governor, Supreme Court, and the Attorney General. One of Nebraska's State Senator's is a former Protection and Safety worker and there is evidence of a renewed commitment from Congress and the federal HHS.

The system did not become broken overnight and it will not be fixed overnight. Part of the challenge, in fact, is sustaining the momentum long enough to accomplish all that needs to be accomplished, to fund all that needs to be funded and to help all the children who need to be helped. Voices for Children in Nebraska is encouraged and cautiously optimistic that the time may truly be right, that there is enough talent among all of the leadership to really figure out how to put this broken system back together and that we will find the financial resources necessary to truly care for our treasures – the more than 6,000 children caught today in this broken system.

"The ultimate test of a moral society is the kind of world that it leaves to its children."

— Dietrich Bonhoeffer