

The Nebraska Foster Care Review Board celebrates its first 25 years of helping to keep children safe.

THE SALVATION
OF THE STATE IS
WATCHFULNESS
IN THE CITIZEN

The Nebraska Legislature created the State Foster Care Review Board in 1982 to ensure that the best interests of children in out-of-home care were being met through external citizen review, to monitor facilities that house children and youth, to maintain up-to-date data on a statewide tracking system, and to disseminate data and recommendations.

The vision of the Foster Care Review Board is that every child and youth in out-of-home care live in a safe, permanent home, experience an enduring relationship with one or more caring adults, and have every opportunity to grow up to become a responsible, productive adult.

The Board's achievements over the past 25 years have earned it a national reputation. Other states now look to Nebraska for leadership, counsel and direction in their own efforts to establish their own foster care review system.

However, the struggle to track and protect children in welfare goes back further than a quarter century. For years before 1982, no one knew how many children were in out-of-home care. There was no oversight of the child welfare system, and Court reviews were not occurring on a regular basis. Children and their families did not have case plans, and children were not receiving physical exams upon entering foster care.

"Nebraska's Foster Care Review Board is the first in the country in terms of quality, on-going training, and fulfilling its mission."

**Judge Douglas F. Johnson,
Separate Juvenile Court, Omaha, and President of the
National Council of Juvenile and Family Court Judges**

(See page 7 for Judge Johnson's comments)

The FCRB held a magical celebration...

... on Friday, September 12, 2008 to celebrate the 25th anniversary of its founding. The event, held at Fireman's Hall in Lincoln, was a fun-packed evening for the over 200 attendees, including many of the early founders of FCRB, dignitaries from local and state government and members of the judiciary. We all gathered ...

to honor the vision and courage of the founders...

Left to right:
Dr. Ann Coyne, developer of the FCRB tracking system;
Penny Winfield, founder;
JoAnn LeBaron, strategist;
Craig and Kathy Moore, founders and supporters



to present the 1st Annual Dale and JoAnn LeBaron Award...

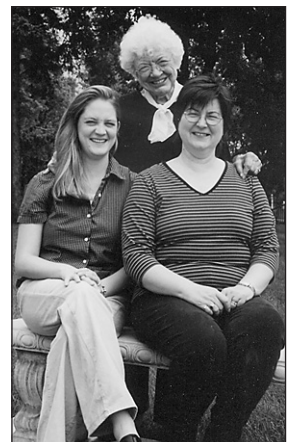


JoAnn LeBaron (6th from left) received the 1st Annual Dale and JoAnn LeBaron Service for Children in Foster Care Award. Standing with JoAnn are (l to r) Rose Evelyn, daughter; Mike, son; Rick Dickey, son; Marcia Dickey, daughter-in-law; Senator Mike Johanns; JoAnn; Stephanie Johanns; Mark LeBaron, son; and Kathie LeBaron, daughter-in-law.



Over 200 people attended the event, which included a get-acquainted time, buffet dinner, and a special program honoring volunteers and supporters.

Three generations of the Connealy family have served as volunteers on a local review board. Standing: Margaret Connealy (also served as the third state board chair). Seated (l to r): Molly Parde and Peg Connealy



to give special recognition and gratitude to the heart of the Foster Care Review Board: our local review board citizen volunteers...



Mickey Dodson (left) receives recognition for 20 Years of Service from Review Specialist Pauline Williams.



Myrna Schmid (left) after her recognition for 25 Years of Service, presented by FCRB staff member Linda Cox.



State Board of Directors member Sarah Ann Lewis Announcing Length of Service Recognition to Volunteers

Two Local Boards – Over 127 Years of Combined Experience!

Local Board IB-10, Omaha (73 Years)



Left to right: Angela Holdren, Mark Suing, Phyllis Brown, and Sally Lusk.

Local Board IV-B, Norfolk (54 Years)



Left to right (clockwise): Vicki Gillespie, Karen Lindscott, Molly Herpy, Teresa Gebers, Dana Mimick, and Alfredo Ramirez, Local Board IV-B chair and member of State Board of Directors, speaking at the 25th Anniversary celebration.

10 Years of Service

- Marcia Anderson
- Melodee Anderson
- Linda Benjamin
- Connie Bottger
- Elizabeth Bourn
- Nancy Brune
- Linda Broderick
- Evelyn Buethe
- Patricia Candy
- Judy Combs
- Donna DeFreece
- Dorothy Dierman
- Michelle C. Dreibelbis
- Marcia Fouraker
- Polly Goecke
- JoAnn Graham
- Patricia Hinrikus
- Carolyn Hofferber
- Pat Hoffman
- Lola Hoover

- Teresa Jacobs
- Pamela Johnson
- Kathleen Kaiser
- Jeanine Kline
- Bob Kohles
- Sue Kohles
- Sandra Kruback
- Terry Larson
- Earlynn Lawrence
- Cathryn Linscott
- Barbara Lockhart
- Willa Lemburg
- Jina McKinney
- Christine Ott
- Jennifer Peterson

- Jennifer Pluhacek
- Charlotte Schenken
- Sallie Schnieders
- Charlene Schuetz
- John Seyfarth
- Jean Tuttle
- Rebecca Tvrdik
- Greg Urbanek
- Nanna Wieck

15 Years of Service

- Yvonne Downs
- James Ganz, Jr.
- Susan Gilmore
- Nancy Griffith
- Mary Jane Hinrichsen

- Cathy Lindmier
- Sally Lusk
- Sandi O'Brien
- Pam Root

20 Years of Service

- Phyllis Brown
- Mickey Dodson
- Eda Ree Eckblade
- Kay Lynn Goldner
- Gloria Leiferman
- Alfredo Ramirez
- Bev Titkemeier
- Burrell Williams

25 Years of Service

- Myrna Schmid

"On foster care issues, Nebraska stands alone. There is no other state that has the extraordinary tracking and citizen review. There is no other state that is even a close second."

Lynn Rex, League of Nebraska Municipalities, comments at the 25th Anniversary celebration

to receive greetings and opening remarks from...

State Senator Tom Hansen, Dist. 42, North Platte...

"I'd like to welcome you to the Foster Care Review Board's 25th Anniversary, and it will be a celebration! Tonight, we're honoring the citizen volunteers who review cases. These persons donate their time each month to review cases, attend meetings, and make child-specific recommendations as to how a child's life can be improved. **They are all champions for children.**

Over the last 25 years, citizen volunteers have concluded 83,921 reviews on 62,199 children and volunteered 468,534 hours of service to Nebraska's children in foster care. Tonight, we also honor Department of Health and Human Services adoption workers who, in 2007, helped to finalize 462 adoptions."



State Senator Tom Hansen

Special Thanks to State Board of Directors participants:



25th Anniversary Celebration Chair Judy Meter



Master of Ceremonies David Schroeder



State Board Chair Georgina Scurfield



State Board Vice Chair Lisa Borchardt



State Board Member Ronald Albin

Greetings to all volunteers and staff members of the Foster Care Review Board and congratulations on your 25th anniversary celebration.

It has been almost 20 years since I was recruited to serve as a local board member volunteer which kept me involved and busy for the ensuing 10 years, right up until the time I was appointed to serve as a Judge on the Separate Juvenile Court for Douglas County, Nebraska.

As a decision maker with respect to the children and families that come before the Court, I have learned that judges rely on information. The more information, the better. The more diverse the information, the better. The more objective the information, the better.

I have not forgotten the dedication and the hard work that go into the reviews conducted by the Foster Care Review Board and the reports that are the product of its process. The information imparted to the Court on individual cases is valued and given weight. I consistently use the statistics generated by the Foster Care Review Board as we measure the work we do and the outcomes that we achieve.

Thank you for the time that you volunteer to this worthwhile endeavor, for the work and the information which are the product of your volunteerism and for your dedication to improving outcomes for our children and families in Douglas County and throughout the State of Nebraska. You are very much appreciated.

Judge Christopher Kelly
Douglas County Juvenile Court

Former State Board members Jim Ganz, left, and Jim Gordon recognized volunteers for extraordinary service.



As a judge, I am often asked what is needed in order to make good decisions for children. My answer remains, "as much credible information as possible" from a variety of sources. Of great assistance is the oversight perspective and the citizens review provided by the State Foster Care Review Board.

When the task at hand is that of making decisions that can impact a child and family, not just in the moment, but in a lifetime, there is no such thing as too much information, or too many "eyes". The citizen reviews conducted by the Board provide insight and information that is sometimes missed by other parties in a case. This can be a great assistance to the Court.

In addition to revealing errors or oversights, the citizen reviews can also provide confirmation that a family is on the right path and all appropriate services are in place. What could be more helpful than that?

Judge Elizabeth G. Crnkovich
Douglas County Juvenile Court

**to commend the
entire Foster Care
Review Board
staff around the
state of
Nebraska...**



The FCRB staff was recognized at the 25th Anniversary celebration:

- Carol Stitt (25 years)
- Linda Cox (16 years)
- Heidi Ore (16 years)
- Pauline Williams (15 years)
- Tammy Oswald (12 years)
- Jodi Borer (11 years)
- Dawn Paulsen (10 years)
- Stacey Sothman (10 years)

**and many more thanks to the Lincoln FCRB staff
for all their hard work on preparations for the party...**



Cheryl Johnson, left, looking

through the Adoption Tree she created.

The Lincoln staff pictured above (left to right): Cheryl Johnson, Abby Webben, Karie Dey, Jessie Zuniga, and Nikki Swope. Their work provided the mailing of invitations, mints, decorations, and posters. Pictured on page three is Linda Cox, who worked with volunteer John Seyfarth in creating the historial review of the past 25 years.



Heidi Ore, Administrative Coordinator, who coordinated the work of the Lincoln staff.



Foster Care Review Board Executive Director Carol Stitt is honored at the celebration by Judy Meter, State Board Member and Chair of the 25th Anniversary Committee.



Executive Director Carol Stitt, center, with husband Joel Gajardo and eldest daughter Elizabeth

to remember with gratitude the courageous vision and tenacity of our partners in the Legislature...



**State Senator
Dave Landis**

Former Nebraska State Senator Dave Landis ...

"The Legislature came to believe the existing executive branch wasn't handling kids particularly well in three ways: 1) kids were in the system for a long time, 2) kids were going from placement to placement many more times than you would want, and 3) the system couldn't in fact identify who was in the system, what children they were actually responsible for, and in fact, they couldn't account for every child that was placed in the state's responsibility. Those three things led to the creation of the Foster Care Review Board essentially by the Legislature over the objections of the Executive branch.

That initial period was one where the Legislative branch and the Executive branch butted heads pretty directly, session after session, for the first three or four years. In some cases it was attempts to abolish the Foster Care Review Board, in other cases it was an attempt to undercut its financial viability by gubernatorial veto of funds and resources. And in every one of these situations, the Legislature sided with the Foster Care Review Board and against the Executive branch.

I think the logic of the Executive branch was 'If we are not doing our job well, then correct how we're doing our job. Don't create a watchdog agency over a broken system. Fix the system.' We (the Legislature) weren't knowledgeable enough to know how to fix the system, and we needed a body of volunteers and professionals working together to critique the Executive branch system. ***That's why the Foster Care Review Board had this credibility early on. It met the need we had of oversight.*** And it didn't try to elevate the Legislature into that oversight capacity. It also didn't trust an Executive branch department which we had thought, over time, had come to be broken in respect to foster children.

For the first three or four years, across party lines, across rural to urban, the Legislature hung in there. They were essentially creators and supporters of the Foster Care Review Board. (... the next instance) when the Legislature had a credible view of the work of the Foster Care Review Board was the outcomes of the Franklin Credit Union scandal. We came to see the Foster Care Review Board had more accurate information, had a deeper understanding of the system and was willing to talk about what they thought was abuse of children in the system. A number of Legislative leaders came to rely on a second generation of affirmation of Foster Care Review Board leadership in the state. ..."

Former Nebraska State Senator Loran Schmidt ...

"Senator Landis explained the organization and creation of the Foster Care Review Board, but ... you can't give enough credit to Dale and JoAnn LeBaron, Dr. Coyne, Kathy and Craig Moore, and Penny Winfield. They were the early people.

Senator Landis, Senator DeCamp, Frank Lewis ... They were always there and worked very diligently. But we had good support from a lot of the Executive branch and the Judicial system. When I look back on my time with the Legislature ... it's not very often that you can be around for 25 years and see the results of a bill you've had something to do with. We're very proud of what the Foster Care Review Board has done. It wouldn't have done what it has or be the recognized authority it is today if it were not for Carol Stitt. She gave that organization the credibility it has today.

As I look over ***the system today, that we have in place for the protection of children, it just absolutely couldn't be managed without all the volunteers, all the staff people.*** But you also have to say that the Court system makes it work. ... I never knew a single member of the Court that would throw a kid away or say that he was 'just a street kid.' I had businessmen say, 'Those are just street kids ... why do you worry about them?' That was never the attitude among the Court. ..."



**State Senator
Loran Schmidt**

to recognize with appreciation the encouragement and involvement of our partners in the Judiciary...

Chief Justice Mike Heavican of the Nebraska Supreme Court ...

"I want to especially thank all the citizen reviewers ... how important they are to the system. The whole evening tonight is a wonderful tribute to all of the people who have been involved these last 25 five years to really make this system work. **All of you, everyone involved with the foster care review system are so, so important to us.** Give yourself a round of applause. And then, one more round of applause for Carol Stitt. She has just done a fabulous job. Congratulations, Carol."



Chief Justice Mike Heavican

Judge Douglas F. Johnson, Separate Juvenile Court in Omaha, and President of the National Council of Juvenile and Family Court Judges...

"The courts need you, your eyes and ears. We need oversight. We need checks and balances. Nobody can do this alone. **The only way a judge can make a good decision is based on the evidence. We need lots of sources. You provide a very important role. Not only are you volunteers, but you are trained volunteers** who continue your on-going training all the time.



Judge Douglas F. Johnson

You partner with the Courts in so many ways, including cross stakeholder trainings throughout the years. I had a young child who was a victim of an improper restraint, was comatose in a hospital. The provider didn't think that you or anyone else should be able to go there to check on how the kids were doing- in spite of our court orders.

We appreciate what you do. I know it's hard work. I know some think you are a "hair in the butter dish," -- judges get that same rap, too.

So, I thank you, Carol, for your leadership, and the founders.

I can tell you this: The director of the Permanency Planning for the Children Department of the National Council of Juvenile and Family Court Judges had Carol's job in Oregon. She knows the national programs. She says **Nebraska's (Foster Care Review Board) is the first in the country in terms of quality, on-going training, and fulfilling its mission."**

Project Permanency has become a valuable resource in making permanency issues an important part of every child abuse and neglect case. Previously, permanency planning often began only after the parents had failed rehabilitative efforts. Valuable time and excellent permanent placements were often lost in a system overwhelmed with delays. For children locked in such a system for years it must have seemed like a life sentence. Just imagine the psychological impact on a child of delays stretched into years, multiple temporary placements and no parents or permanent parent figures. In this area our well-intentional system was certainly in need of an overhaul.

The Foster Care Review Board has been a primary innovator and essential provider of expertise at training efforts throughout Nebraska.

Judge G.Glenn Camerer
Scotts Bluff County and Juvenile Court



Vital partners who worked to protect and expand citizen reviews of foster children (l to r): Judge John Icenogle, Judge Jean Lovell, Carol Stitt, and Lynn Rex of the League of Nebraska Municipalities.

The Hon. John Icenogle of the 9th Judicial District in Nebraska...

"The primary mentor are parents, but when parents won't fulfill that role, it becomes necessary for families, outside families and the state to fulfill that role and help children grow up as healthy as possible and reach their individual potential.

One of the things we know is that we have a system. It is built on best of intentions; everyone in that system wants to help children. But we now realize that systems built with good intentions and without the oversight can and will fail. **The Foster Care Review Board is the one entity assigned the task of providing oversight.** It conducts the most meaningful reviews for children in placement. It tirelessly has recruited and educated hundreds of volunteers who selflessly contribute hours of time and great effort to protect children and the system itself. It identifies problems and seeks solutions, which in part has included the education of the judiciary.

The work of the Board is not accomplished by an individual or completed in Lincoln. It's **done across the entire state by the volunteers who monitor placements and programs and ensure judges have the information necessary to protect and help our children. For these efforts the judiciary of our state thanks all of the volunteers and staff of the Board for your concern and time,** and we hope you continue to be an integral part of our child protection system for a long time.



The Hon. John P. Icenogle



Judge Gerald G. Rouse

Judge Gerald Rouse, Dist. 5 County Court [Seward] ...

"We were fortunate to go beyond the judiciary and the bar association and reach out to people like Carol [Stitt] who was very, very productive, and others to give input on things to do and training for guardians ad litem, attorneys who would become guardians ad litem. Later on we were able to do a state-wide GAL training through the NETV program. Over 250 participated in five or six spots around Nebraska. Foster Care Review Board has been for years, what I consider, an auditing agency that takes care of protecting our children and holding not only the agency and guardians ad litem but also the court system accountable because we get to read those forms that say this child has been in out-of-home placement and been in so many different placements, and it's like

'oops, I'd better get moving on this and get things going.'

I'd like to say that for **those who volunteer on the foster care review board as volunteers, giving your time because you care about children, our most vulnerable citizens, the ones who are going through the court system, makes you, as far as I'm concerned, an angel.**

So, again, thank you very much for your hard work."



Judge Rouse (left) greets JoAnn LeBaron (right). Back row (l to r): Judge John Icenogle, Joel Gajardo, and Carol Stitt.

Pictured right (l to r): Mrs. Vampola, Dodge County Judge Kenneth Vampola, Seward County Judge Gerald Rouse, and Lancaster County Juvenile Court Judge Linda Porter.



History of the State Foster Care Review Board cont'd. from page one

Two early advocates for improving foster care, JoAnn LeBaron and Dr. Ann Coyne, were foster parents for 15 years before the creation of the Foster Care Review Board. They wanted to create an association of foster and adoptive parents and sought to get the names and addresses of foster parents in Nebraska. Persons in authority would not give them that information. The Governor at that time refused. They learned that the law states the name of anyone who is paid by the state is public information. They looked through the books at DSS for anyone receiving \$65.00 or a multiple of that amount (the amount paid to foster parents) and wrote down their names and addresses. They got 200 names across the state. When the time came to organize for the FCRB, they already had the names of foster families. Then, after much work by the LeBaron family with members of the Nebraska Legislature, LB 714 was passed, creating the Foster Care Review Board (FCRB).



Left to right: JoAnn LeBaron and Dr. Ann Coyne

Historic Milestones of the Foster Care Review Board

1982 to 1983 – The Early Years: Developing the Tracking and Review Processes

Early supporters of the FCRB concept were a most unlikely group of allies, including the Treasurer of the Republican Party in Nebraska, and a card-carrying Nebraskans for Peace activist. They shared a common passion for foster children. They came together to found the FCRB, and helped defeat numerous early attempts to eliminate or silence the FCRB.

Starting in 1983, the FCRB, with assistance from founder Dr. Ann Coyne, developed a national model independent tracking system. This gave the FCRB statistics about the children and knowledge of which children to assign for review.

The review system was developed focusing on the child's perspective, the first local board members were trained, and the first reviews took place.

1985 to Present – Partnering with the Judiciary on Education Programs

Beginning in 1985, the FCRB conducted a number of workshops on bonding and attachment, child development, and child sexual abuse for county judges, guardians ad litem, and county attorneys, including the first such workshop in the nation. With the assistance of the FCRB, the National Council of Juvenile and Family Court Judges duplicated the workshops nationwide.

1987 – 1991 – Working with the Legislature on the Franklin Investigation, System Advocacy, Legal Standing Enacted, Unique Education Programs

During 1987-1991, the FCRB received allegations of an organized ring of child abuse. The allegations were turned over to law enforcement, the FBI, and the County Attorney's Office. When law enforcement failed to act, the allegations were brought to the Legislature, which created the Franklin Credit Union investigation. A grand jury was held. The investigation ended with the death of investigator Gary Caradori and his son.

Because of this situation, the Legislature came to rely on the FCRB as a trusted source of information and fact-based recommendations.

In 1990, utilizing information provided by the FCRB, the Legislature enacted a number of protections, such as:

- ▶ granting the FCRB **legal standing**,
- ▶ funding four additional local boards,
- ▶ authorizing the review of children's cases at the time they entered out-of-home care (a result of the early review project),
- ▶ **creating the Child Protection Unit in the Attorney General's office** to investigate and prosecute criminal child abuse cases,

- ▶ **mandating child abuse training for county attorneys,**
- ▶ funding foster parent education, additional caseworkers, and additional juvenile court judges,
- ▶ extending the statute of limitations on child sexual abuse.

Further, in a rare move, in 1990 the Legislature canceled committee hearings so that senators could attend an FCRB-sponsored symposium on child sexual abuse, which was also attended by district and county court judges and child welfare professionals.

1992 – Volunteers Create Friends of Foster Children Foundation

In 1992, volunteers who served on local boards joined with former board members and other advocates to form the non-profit Friends of Foster Children Foundation, Inc. The Foundation continues to provide grants to fill the needs of foster children.

1995 – Court of Appeals Finds the FCRB’s Recommendations Should Be Considered by the Courts

In 1995, the FCRB took legal standing in the case of a child who DSS planned to move from the only foster parents he had known due to the foster mother’s diagnosis of a terminal illness. The 1995 court of appeals ruling included the following quote, *“The Foster Care Review Act and the Board would be empty vessels indeed if the Board’s recommendations were not considered by the Court. Thus we do not take the Board’s emphatic stand against the DSS plan to be a meaningless gesture.”*

1995 - 1996 – Legislature Chooses Citizen Review as Nebraska’s Sole Review Type, Funds the FCRB to Conduct All Reviews

In 1996, LB 642, sponsored by Senator Mike Avery, passed, designating the FCRB as the responsible party for reviewing the cases of all children in out-of-home care, and increased the funding to allow for additional reviews. Governor Nelson signed this legislation.

Gov. Ben Nelson, center, with foster children and others, at FCRB’s 15th Anniversary celebration



1996 - 1998 – FCRB Invited to Testify Before Congress, Adoption and Safe Families Act Implemented

In 1996, the FCRB was the only Board in the country asked to testify before the Congressional Ways and Means Committee on information used to create the federal Adoption and Safe Families Act (ASFA) because of the FCRB’s stance in opposition to mandatory plans of reunification for all children, and its statistical data on children who return to foster care. The federal law was passed in 1997, the state version in 1998.

1995-1997 – FCRB Finds Outcomes Deteriorated Due to Simultaneous Merger of Five State Agencies into DHHS, Implementation of N-FOCUS Computer System, and Implementation of Contracts for Children’s Placements and Services

In 1996, the FCRB expressed concerns that the Five Agency Merger would take resources from services for children and families. The transition was far from smooth, dramatically affecting the FCRB’s operations and the lives of children under the state’s care.

In 1997-98, DSS implemented the N-FOCUS computer system, without making provisions for reports to the FCRB. For many years after implementation, the rate of error and omissions on the reports required numerous workarounds and additional staff time to verify information used to track children.

During this time, DHHS also began to contract with the private sector to provide core case management duties without a system of oversight. The practice placed children at risk due to fragmented case management, diminished accountability, and a deterioration in the quantity and quality of services.

1999 -2002 – Federal Auditors Find FCRB to Be a Strength

During 1999-2002, the FCRB underwent a federal audit as a recipient of federal IV-E funds, which found the FCRB's reviews to be timely, reinforced many of the agency's top concerns, and found the FCRB to be the strength in the state child welfare system.



Former state board members (l to r): Margaret Connealy, Susan Gilmore, Carol Stitt, Vicki Powell, Debbie McBride, Linda Lund, Barbara Heckman, and Kay Lynn Goldner

2002 -2005 – Budget Cuts Impact Agency

Beginning in 2002, the FCRB experienced serious budget cuts, losing five reviewers and two support staff. Later, two more reviewers were released as a result of lost federal funds.

During this time, local board members continued to identify numerous concerns regarding restraints on children in foster care, and regarding the lack of oversight of contracted placements and services.

2003 -2006 – Federal Requirements Met Regarding FCRB Tracking System

From 2003-2006, the FCRB worked to change the FCRB's tracking system to be on the N-FOCUS platform in order to meet federal mandates. This was a major change that affected tracking, reviewing, and creating reports. Due to diligent work by staff, data continued to be collected and reported out.

2003 – Project Permanency, Focusing on Young Children, Begins

Project Permanency, where trained local board members visit foster homes to assure safety and provide additional information on behaviors common to young foster children, began in 2003.

2003 -2004 – Research Partnership with Governor Johanns to Improve Protection of Children

In 2003-2004, CPS issues were examined. At the request of the Governor and the DHHS Director, the FCRB researched child deaths to determine what the system knew and when. The FCRB brought the information to the attention of the Governor, DHHS, and the Legislature. Governor Johanns authorized that the FCRB conduct further research, which it did on more than 4,000 child abuse reports. In 2004, the Legislature and Governor appropriated an additional \$3.5 million for CPS workers, provided for training for law enforcement, and funded seven child advocacy center coordinators.



Left to right: JoAnn LeBaron, Kay Lynn Goldner, Burrell Williams, Gov. Johanns, Carol Stitt, John Seyfarth, and Peg Connealy

2005 to Present – Partnerships With the Courts Continue

At the requests of several courts, starting in 2005, the FCRB greatly increased its presence in courts, with three court appearances in 2000, and 629 in 2008.

FCRB staff and management participated in the Supreme Court's summit on children. Staff members became part of the subsequent Through the Eyes of the Child Regional teams.

The FCRB identified issues relative to cases of aggravated circumstances, and has been working with DHHS, county attorneys, and the Courts to increase understanding of this provision of law.

The FCRB identified issues with the representation given by some guardians ad litem (GALs). The FCRB Director was part of the Supreme Court committee that formulated guidelines, which the Supreme Court issued. The FCRB is communicating any concerns about the representation for a child being reviewed to the judge involved in the child's cases.



Douglas County Juvenile and Family Court Judges (l to r): Judge Vernon Daniels, Judge Elizabeth Crnkovich, Judge Christopher Kelly, Judge Wadie Thomas, and Judge Douglas Johnson

2005 to Present – Issues Continue to Be Identified for the Legislature, Contract Oversight Issues Continue

The FCRB identified issues with transportation and visitation supervision being provided by contractors, and took this information to DHHS and policy-makers. The Legislature, under the leadership of Senator Tom Hansen, conducted a special study of this system. Subsequently, a bill was enacted requiring background checks on drivers.

2006 -2008 – Partnering with Governor Heineman, Chief Justice Heavican, and DHHS Director Todd Landry to improve permanency outcomes.



Governor Heineman with 2007 State Board members. FCRB honored Governor Heineman in 2008 for prioritizing children birth to age five and for his work to reform the foster care system.



Carol Stitt greeting Chief Justice Mike Heavican, and former DHHS Director Todd Landry, far right.

In 2006, the FCRB conducted a special study of children age birth through five, and presented the findings to DHHS and the Governor. Governor Heineman subsequently prioritized the cases of children age birth through five as part of his initiative to reform foster care.

In 2008, the Governor directed a joint study of children who had been in out-of-home care for two years or more. As a consequence of the study, over 400 children's plans changed to a more appropriate permanency goal, resulting in historic levels of adoptions, going from 462 in 2007 to 561 in 2008. Additionally, more attention is being given to cases that involve aggravated circumstances (where courts can rule that efforts to reunify are not required due to specific case situations).

2009 – Supreme Court Affirms FCRB Responsibility and Authority to Visit Children's Placements and Report on Conditions for Children, and the Attorney General Finds That Such Visits May be Completed by Local Board Members or Staff

In November 2006, a DHHS contractor that provided children's placements for DHHS sued the FCRB to prevent it from visiting facilities or reporting on conditions for children. The District Court's summary judgment was in favor of the FCRB. The contractor appealed. The Supreme Court of Nebraska heard the appeal in the spring of 2009. The Supreme Court ruled in favor of the FCRB and found that *"The State, as the legal custodian of such children, has an obligation to see that they are receiving proper care, and foster care providers have an obligation to the children and to the State to provide such care. The Legislature has empowered the State Board and its designated local affiliates with oversight responsibilities for foster care placements, including specific authority to conduct home visits."*

In the spring of 2009, the Attorney General issued an opinion that the FCRB could conduct facility visits, and may delegate its authority to conduct such visits by using FCRB staff as well as non-employee FCRB volunteers.

**Statistics From 1983 to 2008
25 Years of Amazing Work!**

FCRB **tracked 82,517 individual children** who have been in foster care. Many of these 82,517 children had been in care multiple times. FCRB **conducted 99,309 comprehensive reviews** of children's cases. Local board members **volunteered over 498,534 hours of service** to Nebraska's children in foster care (at least a \$7.5 million contribution.)

Nebraska Supreme Court rules on OMNI lawsuit

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

A recent Nebraska Supreme Court case has clarified and affirmed the authority of the Nebraska Foster Care Review Board to visit and observe foster care facilities in which State wards are placed. Neb. Rev. Stat. §43-1302 grants statutory authority to members of the State Board to “visit and observe” foster care facilities in order to ascertain whether the physical, psychological and social needs of each foster child are being met. The Board has exercised this authority in the past by visits to group homes, from time to time, and more recently through its “Project Permanency” visits to foster homes.

The Board’s ability to exercise its statutory authority to visit and observe foster care facilities was challenged in a lawsuit brought by a business corporation, one of its officers, and two individuals affiliated with the corporation in the capacity of foster parents.¹ The corporation operates enhanced treatment group homes in Nebraska to foster care for State wards. Under contract with the Nebraska Department of Health and Human Services, the corporate plaintiff accepts placement of children who are in the custody of the Nebraska Department of Health and Human Services through juvenile court orders.

The primary thrust of the lawsuit revolved around the plaintiffs’ claim that the Nebraska Foster Care Review Board, as a State agency, must enact rules and regulations that would narrow the scope of its statutory authority to visit and observe foster care facilities. For example, such regulations could include restrictions governing the time, place and manner of visits by Board members to foster care facilities, including a requirement that the foster care facility receive advance notice of the Board’s intent to conduct such visits. The plaintiffs alleged that until constitutionally acceptable “rules and regulations” are enacted, any visits by the Board to the plaintiffs’ facilities would violate the plaintiffs’ right of privacy, as such visits would constitute “warrantless searches” in violation of both the Federal and State constitutions. The plaintiffs also sought an injunction against the Foster Care Review Board to prohibit its members from visiting any of the plaintiffs’ group homes or foster care facilities until such time as such rules and regulations were adopted by the Board.

It is noteworthy that the plaintiffs did not challenge the constitutionality of any specific visit to their facilities in the past, but sought injunctive relief with respect to any **future** visits that the Board might want to conduct. There was also evidence in

the case that the Board had conducted a “Project Permanency” visit to a child who had been placed in the foster home of the two plaintiffs who are foster parents, and that those plaintiffs testified that the visit had been conducted by Board members in a very professional manner.

The lawsuit was dismissed by the district court upon a pretrial motion filed by the Board. The plaintiffs appealed, but the Nebraska Supreme Court upheld the judgment of the district court, which dismissed the plaintiff’s lawsuit.

The case raises an interesting question: can one who is paid to provide foster care for children who are wards of the State, defeat the Board’s legitimate authority to ascertain the quality of care being provided to those children by relying upon a claimed right of privacy?

The Nebraska Supreme Court answered that question generally in the negative. The Court pointed out that the existence of a constitutionally protected interest in privacy depends upon whether the person claiming the interest has a legitimate or justifiable “expectation of privacy” in the place the government seeks to enter, and explained:

“The reasonable expectation of privacy of a person or firm who is paid to provide foster care for children who are wards of the State is far more attenuated, as to the place where the care is provided, than that of a regulated seller of firearms, liquor, or motor vehicle parts. **The State, as the legal custodian of such children, has an obligation to see that they are receiving proper care, and foster care providers have an obligation to the children and to the State to provide such care. The Legislature has empowered the State Board and its designated local affiliates with oversight responsibilities for foster care placements, including specific authority to conduct home visits.**”¹

The Court held that the State has a “special need” to visit foster care facilities arising from the State’s obligation to see that children entrusted to its legal custody are receiving proper care from those who contract to provide such care.

In addition, in a recent Opinion issued by the Nebraska Attorney General, the Board may delegate its authority to conduct its Project Permanency visits by using both FCRB staff as well as non-employee FCRB volunteers, as the State Board may designate.²

¹ OMNI Behavioral Health, et.al. v. Nebraska Foster Care Review Board, 277 Neb. 641 (2009)

² Opinion of Nebraska Attorney General, dated April 15, 2009

From the Chair of State Foster Care Review Board of Directors...

In the 25 years that the Foster Care Review Board has tracked and reviewed children in out of home care in Nebraska, there have been many changes in the way in which the State has provided care for those children.

The Division of Children and Family Services is now moving through a process of privatizing many of the services for children and families. Contracts are being developed that will give case coordination responsibilities to private and non-profit contractors across the State. Each contractor will be responsible for providing a range of services, either directly or through sub-contracts, and reporting back to a State case-manager and the Courts about the progress of the case.

At the Board meeting on May 1st the State Board passed a resolution recognizing that some contractors have provided excellent services to families and children in the past, but that there have also been dramatic failures, and that there is a long, well-documented history of the State's failure to adequately monitor those contracts.

The State Board authorized our Executive Director and her staff to work with the Division of Children



Georgina Scurfield
Chair of the State Foster Care Review Board of Directors

and Family Services and all of the many contractors to plan for continued tracking and reviewing of cases, so the important work of the Review Board can continue.

The planned changes make the work of reviewing and tracking children more important than ever. The Foster Care Review Board will monitor the impact of the privatization and will continue to have a

unique role to play in providing information to all Nebraskans about the needs of children in the State.

The State Board sends their thanks to the Staff of the Foster Care Review Board for their commitment and dedication, and to the many local volunteer Board members who give their time and compassion so generously. Improving the lives of children is always at the heart of the work!

Georgie Scurfield
Chair,
State Foster Care Review
Board of Directors



2009 State FCRB Board of Directors

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Chair
Director of Sarpy
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Child Clinical Psychologist,
Associate Professor of
Psychology UNL
Lincoln

David Schroeder
Local Board Member
Reporter, Host KRVN Radio
Lexington

From me to you ...

First, thank you for your service to children. **The Foster Care Review Board has been blessed over the past 25 years with many courageous supporters – volunteers, foster parents, professionals in child welfare, and members of the legislative, executive and judiciary branches of Nebraska government. Many of them were with us when we celebrated our history.**

As I reflect over those years, **I am filled with gratitude, respect, and admiration for our local board member volunteers.** The dedication it takes to meet each month and read the details of some of the appalling conditions that led to children being removed from home is incredible. As one staff person said, it is like a part-time job – and a tough one at that. Thank you seems scant praise for such service and dedication.

The FCRB has also been blessed with some amazing staff members. These staff vigilantly track children, assign them for review, pursue the information that local board members need to make their findings, and assure review consistency. After reviews, they enter review information on the tracking system, prepare final reports for the legal parties, staff cases, attend court, and prepare information for the annual report, courts, and others. They also take care of the details of payroll, accounting, and filing, and support our governing board.

We begin our next 25 years at a solid starting point, including:

Under Governor Heineman's direction, we continue partnering with DHHS to identify and address issues



Carolyn K. Stitt
Executive Director

with children's cases, using the problem-solving environment created through the special studies.

We continue working with the Legislature to address issues such as the need for background checks of children's transportation providers, and expanding the definition of aggravated circumstances.

We continue partnering with the Courts under Chief Justice Heavican's direction to monitor GAL performance, and report identified issues to the courts involved.

We continue independently tracking children in out-of-home care, compiling data on the performance of the entire Nebraska child welfare system and providing statistical information and analysis to members of the child welfare system, researchers and the public. **We continue providing comprehensive external reviews** of individual children's cases from the perspective of the child's best interests, and working to review more children while following up on cases reviewed.

As we look to the future we need everyone communicating for better outcomes. As our Board Chair, Georgie Scurfield, said in her letter, the challenges of privatization for out-of-home placements and services will be great.

While there will be obstacles to overcome, the next quarter century of our history has started; **let's continue asking the tough questions and working together to improve our system.**

A handwritten signature in black ink, which appears to read "Carolyn K. Stitt". The signature is fluid and cursive.

In loving memory and honor of

JoAnn LeBaron

November 13, 1924 – March 15, 2009

**Dedicated foster and adoptive parent,
tireless advocate for child welfare reform, and a
Founder of the Nebraska Foster Care Review Board**



JoAnn LeBaron at the 25th Anniversary celebration of the Foster Care Review Board.

JoAnn LeBaron and her late husband, Dale, over the years provided a loving home to 39 foster children and adopted four of them. JoAnn was very aware of the realities of children being moved in and out of foster care and between foster parents. She was very concerned that no one was keeping track of the children or their histories. The children were not being accounted for by the public agencies charged with their care, and they were not receiving needed services.

Due to their experiences with the system, JoAnn and Dale were instrumental in the 1960s in creating the Nebraska Foster and Adoptive Parents Association. JoAnn tenaciously lobbied over a period of 15 years for formation of the State Foster Care Review Board, which was created in 1982. She had an abiding faith that citizens could come together to spur system reform, as well as to advocate for the individual children reviewed. JoAnn and Dale used their considerable influence to bring the plight of children

in foster care to the attention of State Senators, Governors, Judges, and other persons who were in a position to work toward system improvements.

Foster Care Review Board of Directors Member Judy Meter commented in her introduction of JoAnn, "She has been involved in advocating for improvements in the child welfare system for over 40 years. She represents citizen involvement in the governmental process that is a role model for Nebraska and its citizens."

JoAnn was present and was honored at the September 12, 2008, 25th Anniversary celebration of the founding of the State Foster Care Review Board. She passed away on March 15, 2009. JoAnn's courage, tenacity, and unwavering dedication to children continues to be an inspiration to volunteers and staff.

"It doesn't matter what kind of car I drive or how much money I have in the bank. What matters is if I make a difference for one child."

– JoAnn LeBaron,
comment at the Foster Care Review Board
25th Anniversary celebration



Left: 1982 – Dale and JoAnn with a Nebraska foster child, Gov. Thone and State Senator John DeCamp at the signing of the FCRB legislation.

Right: At the 25th Anniversary celebration, Senator Mike Johanns and his wife, Stephanie, presented the special award to JoAnn LeBaron for her 25 years of service.

