

## **Health and Human Services Committee**

**LB 821**

**February 1, 2012**

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**Department of Health and Human Services**

Good afternoon Senator Campbell and members of the Health and Human Services Committee. My name is Kerry Winterer (K-e-r-r-y W-i-n-t-e-r-e-r) and I am the CEO of the Department of Health and Human Services. I am here today to testify in opposition to LB 821 specific to creating a separate Department of Children's Services.

The Department's division directors and I cannot disagree with what the Committee hopes to accomplish with this bill. We share the Committee's goal of providing coordinated and seamless services to Nebraska's children. The reorganizations in 1997 and 2007 each took steps to improve coordination of Nebraska's health and human services programs and service delivery. Each division's focus is on its work, but because they are in the same department they are able to coordinate issues across divisions when necessary. As a result, each division better understands the challenges faced by other divisions in providing their specific services to children, families and individuals. Division directors meet regularly to learn about the issues facing other divisions and discuss ways to address issues as a Department, and we have identified specific ways the Divisions can better coordinate their services. And, this coordination works its way down through administrators, program managers and staff.

Many of the issues that impact children involve the entire family and support systems. DHHS divisions each provide a continuum of specific and often complex services that follow individuals. For example:

- The proposed bill defines children as up to 18 years of age; yet, people with developmental disabilities must remain on the childrens' waiver until age 22. Planning for transition from children's services to adult services begins as early as age 14, and many people with developmental disabilities maintain the same service coordinator throughout the transition process and into adulthood. Dividing oversight for services for children 18 and under from the other individuals served by the children's waiver will pose significant regulatory difficulties. Additionally, it may disrupt the process from children's services into adult services.
- A child's Medicaid eligibility, with some very small exceptions, is determined based on the family's income. Separating eligibility functions between children and adults creates more duplication for clients and staff at a time when we are struggling to make eligibility processes more consumer friendly and time efficient.

- Many Public Health programs serve both children and adults. These include pregnant women, new mothers, and women of child-bearing age. A determination would need to be made whether any one of these programs is considered primarily a child-serving program. These include but aren't limited to WIC, Title X/Family Planning, Title V/Maternal and Child Health Block Grant, ACA Home Visiting, and the Commodity Supplemental Food Program (CSFP). An example is the WIC program, where a pregnant woman has received services and then after birth, there would need to be a transition of follow up services for the new mother separate from services for the newborn.
- Behavioral Health services for youth and adults are included in contracts with the Regional Behavioral Health Authorities, and they are currently involved early in transition planning for continuity of services. Separating these contracts may cause a further bifurcation of services between the child and adult systems of care.

Our opposition to LB 821 is based on the concern that creating a new agency to serve only children will result in fragmenting services focused on the family, and that creating such an agency is the only approach to improving the system. The bill mandates that the Commission draft legislation to create the agency without due consideration to whether this is the best approach. In addition to studying the creation of a new agency, I believe it would benefit the Legislature to consider other alternatives including studying the creation of a new division within the department to focus on the child welfare system. The Governor and the department would be happy to work with the committee explore ways to provide additional focus and emphasis on children's services.

With regard to the creation of a children's commission, I welcome the opportunity to coordinate multiple partners to create a strategic plan for reforming our child welfare system. While we might not agree on the specifics of membership and size of the commission, the bill recognizes the multiple parties involved in the child welfare system including all branches and agencies of government, foster care review board, service providers, advocates, county attorneys, and others. All parties have thoughts on what the priorities and goals should be. My agency would welcome the opportunity to bring the multiple partners together for a shared vision and goal for the child welfare system, and in fact have done that in our efforts to reform the system with our Partners Advisory Council.

Finally, the committee needs to be mindful of the constitutional questions that come with creating a commission that includes members of the executive, legislative and judicial branches. It is possible the bill as currently drafted violates the separation of powers doctrine contained in the Nebraska Constitution.

Thank you for the opportunity to be here today. I'm be happy to answer any questions you may have.