

**Legislative Bill 972 Testimony**  
**Judiciary Committee**  
**January 26, 2012**

**Kerry T. Winterer, CEO**  
**Department of Health and Human Services**

Good afternoon, Senator Ashford and members of the Judiciary Committee. I am Kerry Winterer, (K-E-R-R-Y W-I-N-T-E-R-E-R), Chief Executive Officer of the Department of Health and Human Services (DHHS). I too would like to thank Senator Ashford and Senator Hadley for introducing LB 972, and I am here to testify in support.

I do not want to repeat what has already been said today, however I would be remiss in not mentioning that the YRTCs have talented and dedicated staff whose goal is to help juveniles make positive changes. With that said, I believe the staff would be better served under the Department of Correctional Services.

The focus of DHHS needs to be on children in the community, especially on youth who have been neglected and abused. As members of this Committee are aware, significant discussions are occurring on the proper delivery of juvenile justice and the role of our Office of Juvenile Services (OJS). As an example, later today you will hear testimony on LB 985, introduced by Senator Krist, related to the Nebraska Juvenile Services Delivery Project, which is meant in part to prevent unneeded commitment of youth to OJS and to provide supervision by the Office of Probation Administration.

This is part of a general rethinking of the role of DHHS and who best to provide services to the OJS population. If successful, the pilot project could lead to a shift of OJS personnel and funding to the courts. As CEO of DHHS, I would prefer that the focus of DHHS be on youth who are neglected and abused, and the role of the YRTCs better fits elsewhere. Fortunately, with the Department of Correctional Services, we have an agency dedicated to the safe management of facilities and rehabilitation of offenders. I believe a transfer is an important step in juvenile justice reform and it would benefit both the youth and staff at the YRTCs.

Thank you to the committee for giving me the time to speak to you on this very important issue. If you have any questions, I would be happy to answer them. Thank you.

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Jana Peterson

Facility Administrator, Youth Rehabilitation and Treatment Center – Kearney  
Department of Health and Human Services

Good afternoon, Senator Ashford and members of the Judiciary Committee, my name is Jana Peterson (J-A-N-A P-E-T-E-R-S-O-N). I am the Facility Administrator at the Youth Rehabilitation and Treatment Center in Kearney, Nebraska for delinquent male juvenile offenders. I would like to thank Senator Ashford for introducing LB 972. I am here to testify in support of LB 972.

I have been employed with the Department of Health and Human Services the past 25 years. My job responsibilities during that time have included working with children and their families in the areas of abuse and neglect, delinquency and ungovernable behavior. The positions I have held include the following;

- Youth Security Specialist II
- Youth Counselor I
- Children and Family Service Worker
- Children and Family Service Supervisor
- Children and Family Service Administrator
- Director of Programming
- Facility Operating Officer
- Facility Administrator

I have been able to collaborate with other State Agencies such as State Probation and the Department of Corrections as well as local governmental and community partners to better serve our youth, their families and the people of this State. Since returning to YRTC-Kearney in 2008 in a leadership position, I have seen an increase of the number of juveniles entering the facility with mental health, substance abuse, assaultive aggressive behaviors and gang affiliation. We are seeing an increase in the number of youth on youth assaults and youth on staff assaults. This increase interferes with the primary goal at YRTC-Kearney of rehabilitation and treatment as it necessitates us to place more focus and emphasis on safety and security. With the transfer of YRTC-Kearney to Department of Correctional Services our staff would be considered public safety officers and if youth assaulted a staff the consequences for their actions would mirror that of a public safety officer. We acknowledge the Department of Correctional Services has expertise in the area of correction oriented management of adult facilities, to include

the Nebraska Correctional Youth Facility. They may be better equipped to address the security and safety concerns we have been experiencing at Kearney.

At YRTC-K we have dedicated and talented staff that focus daily on helping juveniles make positive changes. Currently, YRTC-Kearney is accredited with the American Correctional Association and we work closely with the Counsel of Juvenile Correction Administrators Performance Based Standards (PbS) to ensure effective treatment and programming.

Over the past several years, the YRTC-K facility has taught and implemented a cognitive evidence based program called EQUIP and updated our discipline model. EQUIP was one of several models that was recommended by two nationally know consultants who evaluated our program in 2008. Based on our new programming and discipline model we have been able to normalize our approach to youth. They receive incentives as well as consequences for their behaviors. Even though there is a need for enhance safety and security at the facility, I believe it is critical that the facility continues to provide rehabilitation and treatment programming to the juveniles we serve. In an effort to correct the need for more security and clinical staff, DHHS submitted a deficit request, which is included in LB 968, for 9 - Youth Security Specialist II, 1 - Registered nurse, 5 – License Mental Health Practitioners for Kearney. We also searched for vacancies within the Office of Juvenile Services budget and we were able to provide seven additional staff for the following positions - 5 - Youth Security Specialist II and 2 - Youth Security Specialist I.

I support the decision to transfer the YRTC-Kearney Facility to the Department of Corrections. I have been involved in meetings over the past several months between Department of Health and Human Services and the Department of Correctional Services to plan the implementation of an effective and smooth transition. It is my understanding the transfer will not eliminate current rehabilitation and treatment programs or staff at the facility.

In closing, I want to thank Senator Ashford for developing and introducing this bill. I would also like to thank the committee for the time in allowing me to express my thoughts. If you have questions I will be happy to answer them for you.