

Judiciary Committee

LB 411

February 24, 2017

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Department of Health and Human Services

Good afternoon, Senator Ebke, and members of the Judiciary Committee. My name is Doug Weinberg (D-O-U-G W-E-I-N-B-E-R-G) and I am the Director of the Division of Children and Family Services in the Department of Health and Human Services (DHHS).

I am here to testify in opposition to LB 411 which will require additional work for DHHS CFS Specialists to file with the court a written sibling placement report and notify the siblings in addition to interested parties of all placement changes. The bill would allow siblings to intervene as a party to the case for the purpose of sibling placements, visitation and ongoing interaction, and gives the sibling the ability to appeal the court's determination.

LB 411 would allow a sibling, including any previously unknown siblings, to intervene as a party to the case for the purpose of sibling placement and visitation and appeal the court's determination regarding placement. Our agency anticipates additional hearings, continuances, and appeals, which will delay a child's permanency. If a child has more than one sibling, each sibling could intervene and appeal a court's placement or visitation ruling, even if the child has been placed with a sibling. This will have a direct impact on the child's permanency as the child cannot achieve permanency until the appeal is finalized, which could take six months to a year, or longer.

The bill will change provisions relating to joint-sibling placement; provides additional duties for the DHHS employees; and changes provisions relating to appeals. Section 43-1311.02 already requires sibling placements and DHHS to advise the court with the reasons why a joint sibling placement would be contrary to the safety or well-being of any siblings. To require DHHS to submit a specific report on this information would create additional work for CFS Specialists who are already working at capacity.

LB 411 also requires DHHS to give notice to all siblings of any placement change. Even if the parent has declined interest in placement and made it clear they do not wish to have further contact, this bill would require DHHS to continue to pursue them about placement in the event of an additional placement change, without regard to their request. This would also create additional work for the CFS Specialist to notify all parents (biological, legal and adoptive) of siblings and half-siblings about any placement change, which could include a significant number of individuals.

I must make note of the fiscal impact of the bill. I respectfully differ from the view of your Fiscal Office that the costs of this bill could be absorbed. My agency estimates a new \$2.8 million dollar General Fund cost in Fiscal Year 2017-2018, and another nearly \$3 million dollars in

General Fund costs in fiscal year 2018-2019. The Department is not in any fiscal position to absorb this much of an impact. I will work closely with your fiscal analyst to reconcile the large disparity in our views of the bill.

Placing siblings together is a critical component of DHHS' Practice Model and aligns with federal policy and regulations. Since June 2013, DHHS has increased the percentage of state wards placed with at least one sibling from 77.9 percent to 83.3 percent, and increased the percentage of state wards placed with all their siblings from 56.3 percent to 65.4 percent.

I'm happy to answer any questions you may have.