



January 20, 2016

Senator Les Seiler
Chair, Judiciary Committee
Room 1113, State Capitol
Lincoln, NE 68509

Chairman Seiler and members of the Judiciary Committee,

My name is Sarah Helvey and I am a Staff Attorney and Director of the Child Welfare Program at Nebraska Appleseed. Nebraska Appleseed is a nonprofit organization that fights for justice and opportunity for all Nebraskans.

On behalf of Nebraska Appleseed, I am here to testify in support of LB 845.

As some of you are aware, tomorrow the hearing on LB 746 will be held before the Health and Human Services Committee. Much of LB 746 is focused on implementing new federal law, the Preventing Sex Trafficking and Strengthening Families Act, with regard to promoting “normalcy” for children and youth in the foster care system. The goal of this is to reduce bureaucratic barriers kids in foster care face to participating in many of the normal, everyday experiences that kids have growing up, like getting a driver’s license, sleeping over at a friend’s house, or having a part-time job. Research has shown that these experiences are actually very important to kids’ healthy social development. While these new normalcy requirements do not specifically apply to most detained youth in the juvenile justice system, stakeholders have identified and will be discussing, as part of a task force established under the Nebraska Children’s Commission, the need to look at how normalcy can be improved on the juvenile justice side.

With that background, we testify today because solitary confinement in an institution is one of the least “normal” experiences we can think of. And that has consequences for the healthy development of youth and their ability to successfully transition to adulthood. We now know from research that the adolescent brain does not stop developing until a young person is roughly 25 years old.¹ Furthermore, as outlined in the excellent report by the ACLU of Nebraska, being left in isolation is especially traumatic for children whose brains have not finished developing.²

Sen. Pansing-Brooks' bill, LB 845, is a good first step in helping the Nebraska Legislature better understand how we currently use, and can work towards limiting, solitary confinement in the juvenile justice system. We support the provisions of this bill that require written approval and reporting by higher-level administrators when placing a child into isolation. We believe that this will lead to fewer situations where a child is inappropriately placed in solitary confinement.

Furthermore, we support the provisions of this bill that require detention facilities to file quarterly reports outlining their use of room confinement. This will ensure that there is greater accountability and transparency for these institutions and will allow the Legislature to fully understand how room confinement is being utilized in Nebraska. Similarly, we support the provisions of this bill that require the Inspector General to review all of the data related to room confinement and assess the use of these practices throughout the state and identify policy and practice recommendations.

Through greater oversight and accountability, we believe Nebraska will be able reduce its unnecessary use of isolation for juveniles and come into alignment with national best practices. As Nebraska works to improve normalcy for children and youth in foster care, we should also make sure we are improving practices and eliminating the most harmful barriers to normalcy in the juvenile justice system.

We want to thank Senator Pansing-Brooks and the Committee for your efforts on behalf of children and youth in Nebraska, and respectfully request that you vote to advance LB 845 out of committee.

Sincerely,
NEBRASKA APPLESEED

Sarah Helvey, J.D., M.S.
Director, Child Welfare Program

¹ Jim Casey Youth Opportunities Initiative, *The Adolescent Brain: New Research and Its Implications for Young People Transitioning from Foster Care* (2011).

² American Civil Liberties Union of Nebraska, *Growing Up Locked Down* (2016).