

April 3, 2020

Chief Executive Officer Danette Smith
Executive Strategic Advisor Dustin Zabokrtsky
Nebraska Department of Health and Human Services
State Office Building

Dear CEO Smith and Mr. Zabokrtsky;

In a letter dated March 20, 2020, advocates urged the Department to take steps to protect youth at our Youth Rehabilitation and Treatment Centers (YRTC). We are appreciative of the steps you have already taken, including instituting daily temperature checks for staff and youth, which appear to have kept a staff member from having symptomatic contact with others at the facility.

However, in light of medical evidence that COVID-19 can be transmitted up to 48 hours prior to development of symptoms such as a fever, we greatly fear that the news of today's positive diagnosis means that youth and staff at the facility were already potentially exposed in the days leading up to the individual's identified fever and subsequent positive test for COVID-19.

Moreover, whether or not youth and staff were exposed in this instance, the coronavirus and associated COVID-19 disease is a ticking time bomb for youth and staff in facilities. This will not be the only threat to the health and safety of those living and working at YRTCs, and we would urge you again to take immediate, urgent, strategic steps to discharge all or as many youth as possible to safer settings. This will have the corollary effect of also allowing more staff to remain safely at home.

To that end, we would reiterate our recommendations from the letter dated March 20, 2020:

- **Renew the request to courts to halt new admissions to YRTC until the crisis has passed.** We have separately written to the Supreme Court and Court Administration highlighting this recommendation. COVID-19 is a public health crisis, and not a safe or appropriate moment to bring new youth into the YRTC setting.
- **Initiate discharge proceedings for all youth currently committed, and collaborate with Probation, attorneys and courts to create and implement speedy transition plans that provide for youth and community safety.** Plans should ensure discharged youth have a place to live, will have their basic and treatment needs met, and receive immediate and continuing access to medical care and ongoing supports and supervision as necessary.
- **Institute an emergency discharge process for youth who demonstrate COVID-19 symptoms, who have chronic illnesses, such as asthma or diabetes; other serious illnesses; or are otherwise in need of medical care.** The safety risk to youth and staff at the YRTCs presented by COVID-19 cannot be overstated, and those most at risk cannot wait for a 60-day discharge hearing.
- **Ensure that any quarantine of potentially exposed youth is not the equivalent of solitary confinement.** Recognizing the difficulty of providing quarantines in a secure setting, it is crucial for youth mental health and ongoing rehabilitation that steps taken to protect physical safety do not result in abusive practices like solitary confinement. Any environment in which youth must remain while

quarantined should nonetheless comport with the provisions passed into law by LB 230 earlier this legislative session.

• **Maintain unlimited family contact for youth by electronic and telephonic means until discharge occurs.** Ensuring access to family and support networks through guaranteed and plentiful access to calls is a necessary measure to maintain safety during a time of fear, stress, and emotional strain. This is particularly crucial for any youth who may be quarantined due to the exposure identified today.

This is an unprecedented challenge to our state and the traditional workings of our juvenile court processes, and we greatly fear that inaction will lead to tragedy. Further, please provide daily updates on the number of boys and girls at YRTC-Kearney, YRTC-Geneva, and YRTC-Lincoln. Thank you for your leadership thus far, and we strongly urge you to take further steps to protect the young people entrusted to your care and the staff who work with them.

Sincerely,

Juliet Summers, Voices for Children in Nebraska
Danielle Conrad, ACLU of Nebraska
Sarah Helvey, Nebraska Appleseed
Jasmine Harris, RISE Nebraska
Christine Henningsen, juvenile attorney
Dominique Morgan, Black and Pink
Laurie Ponce Lage, Coalition for a Strong Nebraska
Cammy Watkins, Inclusive Communities
Edison McDonald, The Arc of Nebraska
Eric Evans, Disability Rights Nebraska