**Nebraska Supreme Court Commission on Children in the Courts**

**Meeting Minutes**

**December 13, 2024**

**Introduction:** The regular meeting of the Nebraska Supreme Court Commission on Children in the Courts was called to order at 9 a.m., with Honorable Francie Riedmann and Honorable Roger Heideman presiding.

**MEMBERS PRESENT**:

Hon. Roger Heideman, Hon. Francie Riedmann, Mandi Amy, Maralee Bradley, Stephanie Branham, Jennifer Carter, Christine Costantakos, Andrea Evans, Tana Fye, Lisa Gonzalez, Monika Gross, Hon. Tom Harmon, Sarah Helvey, Camas Holder (for Dr. Alyssa Bish), Darla Johnson, Hon. Matt Kahler, Corrie Kielty, Jamie Legates, Audrey Long, Jean McNeil (for Hazell Rodriguez), Hon. Andrea Miller, Liz Neeley, Dr. Kirk Newring, Kathy Olson, Chris Reid, CJ Roberts, Kari Rumbaugh, Michaela Skogerboe, Hon. Ross Stoffer, Juliet Summers, Ivy Svoboda

**MEMBERS NOT PRESENT**:

Hon. Linda Bauer, Claire Bazata, Matthew Blomstedt, Jordan Bocock, Senator Carolyn Bosn, Dr. Steve Corsi, Senator George Dungan, Destiny Ellis, Chief Justice Funke, Hon. Molly Keane, Dr. Brian Maher, Hon. Stefanie Martinez, Jacob McKirdy, Deb Minardi, Hon. Anne Paine, Mary Jo Pankoke, Hon. Michael Piccolo, Lina Renteria, Hon. Randin Roland, Corey Steel, Hon. Mary Stevens, Elizabeth Waterman

**OTHERS IN ATTENDANCE**:

Brandon Helding, Mary Pat Coe, Theresa Cusic, Hon. Candice Novak, Deb VanDyke-Ries, Stephanie Volkmer, Traci Webber

Minutes from the June 2024, meeting were reviewed. Copies of the minutes were previously disseminated, reviewed, and approved unanimously during the meeting.

**SUBCOMMITTEE AND AGENGY UPDATES:**

**Guardian ad Litem Subcommittee Update** – *Chris Costantakos*

After the last commission meeting in June 2024, 6 topic areas were sent to Chris Costantakos for the subcommittee to consider. The GAL subcommittee has met several times since June 2024.

1. SC Rule 3-309 (Counsel for Discipline - juvenile court/court appointed). Counsel for Discipline is unable to investigate allegations of misconduct against current court-appointed attorneys in active juvenile cases. Discussion of concerns about the potential misuse of disciplinary complaints to undermine effective GALs. The subcommittee agreed there was no need to address this topic. GAL practice standards provide a mechanism by which complaint can be brought to the juvenile court’s attention.

2. GAL reports are commonly not part of the record for Court of Appeals cases. Consensus that these reports are primarily attorney-driven, and if not requested, they are not included in appellate reviews.

3. Promotion of GAL opportunities in rural/frontier areas. Discussion that the Omaha Bar Association might create a brochure.

4. Review or update of new GAL education. There have been no major changes in the juvenile code impacting GAL representation, nor any major changes in appellate decisions impacting GAL representation. However, there is a need to develop education for GALs for parents.

5. Guidelines for GALs for parents in juvenile court. Subcommittee actively working on draft guidelines. Two unresolved issues remain: whether to mandate that a GAL for a parent must submit a written report at each hearing and what, if any, training should be required for a GAL for a parent. Commission members generally express that mandating GALs for parents to submit a report is not feasible. General discussion that a mandatory report may hurt the parent, which interferes with the GALs ability to engage with parent. GAL for a parent walks a fine line to ensure the parent has all the services they need, while also not hurting the parent’s ability to reunify with their child. Additionally, a GAL report for one parent might be used by the other parent, who may not have a GAL. Discussion that training for GAL for parent should include some mental health specific education and training on how to analyze mental health evaluations.

6. Education for GALs for children in district court and county court proceedings. The subcommittee is collecting information from Judges and looking at statutory guidelines. There are 3 models when appointing a GAL: juvenile court is automatic, district court is discretionary, and probate matters are statutory. Looking at a way to streamline appointments. GALs in juvenile court and probate court must be licensed attorneys. In district court, it is not clear whether the GAL must be an attorney or can be a layperson.

Compensation for GALs varies based on court, county, and Judge. GALs in juvenile court are compensated by the county. GALs in district court are compensated as set forth in the order appointing the GAL. GALs in probate are compensated as set forth by the court and could be payment by county, parties, or estate of the individual.

Going forward, the subcommittee is collecting information and creating a judicial survey to see if standard guidelines across the state and all three courts would be helpful. Questions to be included in the survey: how often do you appoint a GAL for a child, do you require a motion, in your order appointing GAL do you set forth the issues to be investigated by the GAL, do you outline terms of payment, and do you appoint from a list of attorneys?

Judge Harmon explains that in his orders appointing GALs, he specifically outlines what he expects of the GAL, asks both parents to contribute money up front, and for purposes of an investigation, he always puts in order the access GAL will have to school records, psychological records, etc.

Historically, training for probate GAL certification has been exclusive to elder law issues. When attorneys applied for probate GAL certification using juvenile education, Attorney Services rejected the certification. Darla Johson with Attorney Services reports that juvenile related education is being accepted for probate certification. Attorneys just need to have a conversation with her and explain how the education applies to their work.

**Guardianship Subcommittee Update** – *Hon. Thomas Harmon, Hon. Anne Paine*

Since the June 2024 Supreme Court Commission on Children in the Courts meeting, the best practices were sent to the County Court Judges Bench Book Committee for inclusion and were subsequently added to the bench book.

Judge Harmon, Judge Paine, Deb VanDyke-Ries, and Office of Public Guardian (OPG) Director Marla Fisher and OPG Education Coordinator Erin Wiesen met to discuss the development of education for guardianships established in Juvenile Court, based on best practices. The content outline has been drafted, and Erin will begin developing modules in 2025. Content experts, such as attorneys, foster parents, and service providers will be a resource for OPG in developing the modules.

**Education Subcommittee Update** – *Dr. Matt Blomstedt, Hon. Denise Kracl*

The Education subcommittee, via a small work group and partnership with CIP, developed and hosted two conferences in the fall of 2024. The theme for both conferences was Educational Issues for System Involved Youth. The first conference was held on September 30, 2024, at the Embassy Conference Center in LaVista. Dr. Shawn Ginwright gave the keynote address that was based on his book The Four Pivots. Dr. Ginwright’s moving and inspiring keynote was very well received. Attendees then had many breakout sessions to choose from: Youth Voice Panel, Intersection of Special Education and Student Discipline, Mental Health, Impact of Brain Injury on JJ Youth, YRTC, Reflective Practice and others. The second conference was held in Bridgeport, Nebraska on October 2, 2024, at the Prairie Winds Community Center. Amy Bishop, who is an education advocate for system involved youth, was the keynote speaker. Amy’s keynote was loosely based on her book, "Educational Planning for Court-Involved Youth: A Guide for Counties, Systems and Individuals," as well as her experiences for the last 15 years helping youth. The breakout sessions in Bridgeport included the Fragile Child program, Intersection of Special Education and Student Discipline, Impact of Brain Injury on JJ Youth, Panel of Experts re Educational Issues of System Involved Youth and others. Both conferences were very well attended by a diverse section of stakeholders, including many educators. The committee will discuss the possibility of further conferences of this nature in the future.

The Education subcommittee also continues to monitor the progress of LB 705, the data sharing bill, and LB 1173, reimaging child welfare led by the Stephens Group.

**Equity Subcommittee Update** – *Hon. Mary Stevens, Andrea Evans*

Co-chair Andrea Evans provided an update on the work of the equity subcommittee. Subcommittee members have met several times this year, with a focus on two priorities: examine and improve outcomes for system involved Black Indigenous People of Color (BIPOC) and unconscious bias and implicit bias education for all court stakeholders (including culture of poverty, microaggressions). The subcommittee has had robust conversations regarding inclusive language, diversity in the legal profession, and discussion of data. Co-chair Evans emphasized the importance of utilizing data and information that we have access to, such as reports from Voices for Children. The subcommittee is currently developing an action plan to identify tangible objectives, activities, resources, timeframes, barriers and responsibility.

**Legislation Update**

Sarah Helvey provided a brief update on what to expect for the next legislative session. Appleseed is working on some things, but she felt it was too early to share. However, in broad strokes she said too look for – a change in the definition of neglect; mandatory reporting; social security disability benefits and notification of same of state wards; access to vital documents. She also felt that property taxes may overshadow everything as well as budget cuts. Juliet Summers added that she felt the governor may focus on education, property taxes and budget cuts that will impact our families. Many expressed concerns over the budget cuts and how that would impact the most vulnerable children and families.

***Presentation*** - Juvenile Competency – *Dr. Kirk Newring*

**Parenting Coordination Subcommittee Update** – *Hon. Stefanie Martinez*

No report given.

**Probation Update**

The annual Juv Probation Services report was distributed to members of the committee. Highlighted in the report: fundamental measures of best practice; the JJSEN initiative and its roll out to the state; art contest; spotlights on employees; graduated response and Cedars reception center.

It was noted that probation numbers are increasing now after Covid. PDIs have also increased which they see as a good thing sense this gives the judge the information needed on the youth. The successful discharge rate remains in the high 80% range.

It was also announced that Deb Minardi will be retiring at the end of January 2025.

Other items of note: new behavioral screening (MAYSI 2); an environmental scan is being done in districts 11 and 12; CIP, HHS and Probation are partnering to roll out training for B2i changes (adding some probation youth); the Risk instrument is being validated by UNO JJI, interviews with judges, attorneys and LE are currently underway.

Andrea had some questions on the MAYSI 2 and what questions were part of the assessment, she was concerned about the impact poverty had on a family and how that impacted how a youth may be treated when in the system.

**CIP Update**

Deb VanDyke-Ries provided an update on the Quality Improvement Center on Engaging Youth in Finding Permanency (QIC-EY) project. CIP is working to develop a youth engagement toolkit to include: training (QIC-EY modules sent out on CIP listserv), identify and promote avenues for participation (youth court questionnaire, technology, etc.), notice of hearing, preparing youth for court, and evaluation of participation and experience in court. The overall goal is to increase participation of youth in their court case. CIP is looking to partner with Through the Eyes of the Child teams to help develop and implement the toolkit.

National Center for State Courts – Upstream Project: brings stakeholders together to identify what a community needs to support families prior to coming into the court system. Mapping produces an action plan. Judge Paine’s Through the Eyes of the Child team held a mapping in January 2024. Judge Roland’s Through the Eyes of the Child team held a mapping in November 2024. Action plan included: expansion of Hope Squad (program in the schools to have peers be a support for other students who might be struggling), Handle with Care/Fragile Child (communication between school and law enforcement when there has been law enforcement contact with the family), and addressing lack of mental health resources and 1184 teams. Judge Linda Bauer’s team will be hosting a mapping in April 2025. CIP’s goal is to facilitate 2-3 mappings each year.

Children’s Summit is September 23rd and 24th, 2025, in Kearney, NE. September 25th is a Judges only day for education. Planning committee working to develop content for the conference.

CIP has developed guidelines for the Through the Eyes of the Child teams, which will be helpful as new judges come on board. Through the Eyes of the Child teams updates:

* Judge Matney’s team hosted a one-day conference in November 2024. Over 40 participants and 20 were attorneys
* Judge Klein’s team hosting a training in January 2025, in Fremont
* Judge Zendejas’s Winnebago Tribe team is working to re-identify focus after turnover in judicial leadership
* Judge Corey’s team is hosting the Safe and Together CORE training in early April 2025. Can train 40 participants focused on child welfare domestic violence cases. Grand Island will have a team of 20, and have spots open for 20 others in the surrounding community.
* Judge Peterson and Judge Homolka’s team has developed a foster parent recruitment video
* Judge Stoffer’s team working with the Bridges out of Poverty program
* Judge Rademacher’s team is using expertise of retired UNK professor to understand root cause of truancy

CIP 2024 education – all recorded and available on CIP YouTube. Upcoming education includes: special immigrant juvenile status, GAL 101, 201, 301, and legislative webinar.

**Department of Health and Human Services Update**

The Nebraska Department of Health and Human Services (DHHS) Division ​of Children and Family Services (CFS) is implementing the Safety Assessment and Family Evaluation (SAFE) Model - an evidence-based approach that strengthens Nebraska's ​child welfare efforts using research and proven practices to make informed decisions.

Each component of the SAFE Model has specific objectives and decision points designed to identify children who are unsafe, ensure their protection by using the least intrusive methods, and help caregivers strengthen their protective roles. The SAFE Model provides a framework for making safety determinations by evaluating the balance between potential dangers and protective factors.

CFS will implement the SAFE Model statewide in 2025. Supervisor first, then staff later in the year. There will be partner trainings as well. There will also be enhancements to NFOCUS.

*This SAFE Model Resources website will be continuously updated with the latest information to keep you informed and well prepared as we progress with implementing the SAFE Model.*

<https://dhhs.ne.gov/Pages/New-Assessment-Model.aspx>

***Presentation*** - CFSR Discussion – Sheila Kadoi

**Case Progression Subcommittee** **Update** – *Hon. Matt Kahler, Hazel Delgado*

Hon. Matthew Kahler provided an overview of the case progression reports, which go out monthly to provide each judge with a snapshot of his/her juvenile caseload. These reports provide judges with the opportunity to see how their docket stands in comparison to the case progression guidelines. Last year a suggestion was made to adjust the guidelines related to termination of parental rights. Current case progression guidelines state that the time between the filing of a Motion to Terminate Parental Rights and submission for decision should be no more than 90 days. Feedback was received that when a case gets to the point of termination, sometimes service is not even effectuated on parents within 90 days. Additionally, not all courts have juvenile cases each day, which can impact processing.

The subcommittee proposed a change in language to the Supreme Court and received feedback from the Court to develop specific parameters on when cases should be decided by. Proposed changes to §6-104 were included in the printed meeting materials. Subcomittee seeking approval from the Commission to re-submit language changes to the Supreme Court. A formal motion was made and the motion was carried.

Subcommittee submitted a survey in the Spring regarding exception hearings. The survey aimed to gather information from Judges on the process in their county when the court finds no exception, but no petition to terminate parent rights is filed. The subcommittee received feedback that there is no desire from the bench to change legislation or change case progression guidelines, as it seems this specific issue is limited to a few counties.

**Department of Education Update** – *Dr. Maher*

No report given.

**New Business**

Judge Riedmann shared information on the nonprofit Friends of the Children. Friends of the Children is a mentorship program for high-risk youth, which started in Oregon. Each mentor/friend is assigned 8 children and commits 4 hours each week to each child. Currently there are 40 chapters across the nation and Omaha is next on their list. $750,000 commitment from Lozier Foundation, which is half of what is needed to get a chapter started in Nebraska. The empirical evidence surrounding the program is impressive, specifically in relation to high school completion rate and enrollment in college/gainful employment. Next steps to establish an Omaha chapter is to first establish a board, then hire 3 friends each subsequent year. This is paid employment for the mentors, $45,000-60,000 each year. Average friend lasts 5 years.

Next meeting – June 13, 2025