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

**Meeting Minutes**

**June 1, 2018**

**Introduction:**

The regular meeting of the Nebraska Supreme Court Commission on Children in the Courts was called to order at 9:04 am at the Judicial Branch Education Building, 5001 Central Park Dr., Suite 200, Lincoln, NE, with Honorable Francie Riedmann and Honorable Douglas Johnson presiding.

* Roll call was taken

MEMBERS PRESENT:

Mandi Amy, Matthew Blomstedt, Jeanne Brandner, Chris Costantakos, Hon. Vernon Daniels, Tana Fey, Hon. Larry Gendler, Hon. Tom Harmon, Kim Hawekotte, Carla Heathershaw Risko, Hon. Michael Heavican, Sarah Helvey, Karen Hicks, Hon. Douglas Johnson, Corrie Kielty, J. Leef, Hon. Stefanie Martinez, Milo Mumgaard, Liz Neeley, Dr. Kirk Newring, Kathy Olson, Hon. Anne Paine, Mary Jo Pankoke, Courtney Phillips, Hon. Gary Randall, Hon. Francie Riedmann-Weis, Hon. Randin Roland, Corey Steel, Mat Wallen, Elizabeth Waterman, Azar Webb III

MEMBERS NOT PRESENT:

Ellen Brokofsky, Hon. Michael Burns, Hon. Linda Caster Senff, Hon. Rachel Daughtery, Alicia Henderson, Martin Klein, Carole McMahon-Boies, Sen. Patty Pansing Brooks, Hon. Michael Piccolo, Hon. Linda Porter, Julie Rodgers, Hon. Patrick Runge, Juliet Summers, Sen. Tony Vargas

OTHERS IN ATTENDANCE:

Matt Lewis, Stephanie Volkmer, Hazel Delgado, Traci Webber, Mary Ann Harvey, Lizeth Fraire, Debora Denny, Sheryl Connolly, Christine Christopherson, Nathan Collier, Christine Jones, Amanda Felton, Isabel Hassleback, Monica Anderson, and Ivy Svoboda

* Minutes from the December 2017 meeting were reviewed. Copies of the minutes were disseminated, reviewed, and approved unanimously during the meeting.

1. **Subcommittee Updates**

Unified Family Court Subcommittee – Hon. Douglas Johnson

* Judge Johnson gave an update on the UFC:
  + This included an overview of mandate and mission of the UFC subcommittee and a history of the UFC project
  + A stakeholder survey is being created and there is a UFC training on August 14th in Omaha to help determine how and what of the UFC can be applied to Douglas County, as well as to assess need
  + There will also be a site visit to Baltimore in August to help facilitate recommendations
  + Recommendations resulting from the training, site visit, and subcommittee work will then go to the larger commission and the Supreme Court for consideration and adoption or rejection.
* Both Corey Steel and Deb VanDyke-Ries provided commentary as to the work, application, and details surrounding this project.
* Judge Johnson estimated that a multi-tiered response would be likely for application to the Douglas County system, as well as the Nebraska court system on the whole.

Guardian ad Litem Subcommittee – Chris Costantakos

* Chris Constantakos gave an update for the GAL subcommittee:
  + There were several motions and changes to the bridge orders passed by December SCCCC but three additional concerns were raised:
    - There is a need for an order so that the court can move for a bridge order by its own motion
    - How are forms changed that have already been submitted but additional edits are necessary, specifically the edits regarding party designations?
    - How will district court judges know what to do when a bridge order come up in their court rooms? Also, do the district courts need their own receipt order?
  + There were two new orders developed at last subcommittee meeting:
    - A bridge order hearing notice by a court’s own motion
    - A district court order
  + In the last legislative session an amendment was adopted that provided for the waiver of additional filing fees where it was ambiguous in statute as to whether new filing fees were incurred. Other clarifications were also included in this amendment effort.

Education Subcommittee – Hon. Larry Gendler

* The Education Court Report was created six years ago.
* Recently did a survey to see if people are using the report – judges, county attorneys, DHHS staff, probation, and education stakeholders
  + Initial findings were presented
  + The Survey focused on 3 points –
    - What is working and what is not;
    - Reentry: what is happening when enrolling youth back in school;
    - Parents or surrogates: what decision are they making when enrolling them back in schools?
  + Judges responding: 50% said they do not use it, 35% said they frequently use it.
  + County attorneys: 39% do not use it.
* Going to regroup and have recommendations.
* Stakeholders commented on what might be helpful to include in the report that is not already included
  + Also commented on what might be helpful to not include.
* Next meeting in July to see where things are at and how to move forward. Especially need to figure out how to make sure people know this is important.
* Discussion ensued – the Subcommittee is taking suggestions.
* Communication is better with the schools, but there is still room for improvement.

Case Progression Standards Subcommittee – Hon. Randy Roland

* Judge Roland and Jane Sutherland gave an overview of the work that they have done on the standards
* There is a report being created for judges about their case progression on juvenile cases
* This should be more user friendly than the county judge reports
* A sample of the report was shared
  + Will go monthly to Judge, two weeks in advance to the Clerk Magistrate so they can address missing data before it goes to judge
  + Provides details on each case that was counted
  + Report will flag ICWA and transfer cases
  + For judges who cover multiple counties, the report breaks down cases by county

Parenting Act Subcommittee – Hon. Gary Randall

* Different studies done on temporary hearings within divorce – very pivotal. Often the order on temp custody becomes permanent, whether or not it’s best for the children.
* Have done research on this issue
* Cannot just create a form – will have to have judges and practitioners take some time to look at these issues, in some cases this may be a trial, but not always best for relationships. There will be more to come on this issue.

State-Tribal Relations Subcommittee – Mary Ann Harvey for Hon. Patrick Runge

* Mary Ann Harvey gave an update for the subcommittee:
  + There have been new members that have come on to the subcommittee helping to fill out the roster.
  + Currently the subcommittee is looking at custody orders between tribes and state court jurisdictions –
    - There has been case by case success leading in the direction of adopting a statewide protocol to aid judges in the event that the situation arises
    - Judge Runge will be putting that protocol together. It will then pass to the larger subcommittee and then to the larger SCCCC for discussion and eventual adoption or rejection.
* Corey Steel included in this update details about the Tribal Forum on Wednesday August 1 with representatives from Nebraska, Iowa, and South Dakota; federal HHS representatives from Kansas City; and state HHS and probation representatives with the goal of focusing on state court and tribal relations primarily in the area of juvenile justice but also touching on more general matters.
* Discussion:
  + Representatives from Department of Education would like to participate in these meetings, as there is a big school component at play between state school jurisdictions and tribes.
  + Sarah Helvey gave an update on the formation of NICWIC and its search for a director.

Guardianship Subcommittee – Hon. Anne Paine

* This subcommittee has been working to propose a protocol for guardianships, as everyone across the state handles guardianships differently. The protocol currently includes that if the guardianship stems from a 3(a) case, that the case will stay with the juvenile court to allow everyone to get involved as needed. The guardian will provide an annual report, the GAL will be maintained, but the attorneys for parents would not stay in place, but could be reappointed if needed.
* Termination of guardianship section needs to be modified at this point.
* Discussion ensued about the burden of proof for demonstrating need for guardianship and appointment of attorneys for guardians as well as age of child for consent. There were also questions about who are necessary parties to guardianships.
* There was also discussion about whether guardianship provides the same feeling as permanency for youth
* Related to comments from youth representative, there was discussion about level of GAL practice across the state.
* Conclusion and next steps:
  + Bring final draft to the larger group for presentation with edits and approval

LUNCH

1. **Agency Updates**

CIP Update – Deb VanDyke-Ries

* A video detailing the ongoing projects, programs, and efforts of CIP. It can be viewed on CIP’s youtube page.
* Deb outlined the status and progress of the CIP/DHHS Joint Project. Currently, the three participating teams (Lancaster, Norfolk, and Lexington) will be doing a workgroup session in Lincoln on June 19th to go over the data findings and statewide interventions, as well as determining what local intervention should be enacted to reduce time to permanency to within the federal standard.
* Deb gave an update on the Bring Up Nebraska initiative. For this effort, federal HHS and CIP came to town and are working on a new plan to help make changes across the state related to the Bring Up Nebraska targets and programming. Nebraska CIP has participated in regional meetings to learn more and build relationships.
* Deb went to a SAMSA meeting in Kansas City looking at CARA and CAPTA programming.
* July will have CIP annual meeting in Washington, D.C. Deb and others will be going to build relationships and develop the Children and Families’ Plan. There will also be a session to look at the CIP strategic plan with those present and discuss further improvement and development.
* A lecture series with Sarah Helvey is being planned for the summer that will touch on the federal Families First Services Prevention Act that will come into effect in Fall 2019.

Probation Update

* Jeanne gave an update about the ongoing effort of the Administrative office of Probation and Probation statewide:
  + Services and access to probation services is a primary focus for the AOP currently
    - Probation is looking at the Spring services surveys to understand where the service gaps are and talking to the judiciary to understand the service gaps
    - The service matching piece is proving to be especially difficult, especially in areas that already are experiencing a lack of services
    - Kinship placements with funding assistance with expedited home assessments are in the works and will hopefully be started in the 11th and 12th Judicial Districts next week
    - In-home services continue to be built up but placements are proving tough due to need and placement closures
    - Kari and Jeanne have been traveling the state to meet with judges for one-on-one sessions to work on this service gap issue and hope to make progress in the near future to address the needs and concerns expressed by the judiciary.
  + Developmentally Disabled youth issue – Jeanne detailed that these youth aren’t always qualifying for the right services but find their way into the juvenile justice system. Probation is aware of the issue and attempting to come up with solutions to the problem.
  + There have been two recent research studies involving new probation tools and effects
    - The Youth Level of Service validation study by Dr. Weiner has been completed, the results are out, and a full report is now available
    - Overall, the YLS study shows that it is a valid tool
    - There has been a recidivism analysis as well and while it isn’t comparative to other jurisdictions, it is a long-term analysis of recidivism trends as defined in Nebraska. Using the definition provided by the Supreme Court, the recidivism rate is 25.9% in Nebraska.
  + The second annual detailed analysis of probation/juvenile justice data has been put together. Overall, it shows
    - A reduction in status offenses by over 450 cases
    - Overrides in detention screening tool are down compared to last year
    - Time on probation increased
    - Number of out-of-home placements saw slight reductions
    - Out-of-state placements are also down.
  + The Probation System Study by the Robert F. Kennedy Center in Lancaster County has been completed and the report is available.
    - The main focus areas for improvement are:
      * Using adolescent develop in probation and court policy and practice
      * Increasing family and youth engagement
      * Cross and inter-system collaboration could use more work, especially with regard to data sharing, information sharing, and trainings
      * Eliminating the feedback loop between administration and line officers to help better understand frontline needs, progress, setbacks, and successes.
      * Improving intake process and procedure
    - The evaluation of court orders showed that there need to be improvements in making the language, number of probation terms, complexity of orders more accessible, as well as tailoring of orders and conditions to individual youth
    - A greater use of and reliance on the risk assessment tool is needed to inform practices and recommendations
    - More robust quality assurance practice should be developed
    - Lancaster County was the focus of this study but many of the conclusions could be applied to statewide probation practice. Thus, a statewide application of improvements will be explored.
  + Probation also gave details and goals for the Tribal Court Forum and Tri-State Juvenile Justice Meeting detailed above by Corey Steel
* Discussion:
  + FCRO report on out-of-home placements also shows a major decrease in Lancaster County
  + Judge Gendler detailed concerns that he has about access to services and resources, especially in the 11th and 12th Districts. There is a lack of shelter beds, respite care, family support workers, real therapeutic placements, and a serious conversation about how to fix this problem has not occurred.
    - Jeanne agreed and noted that sustainability of services in the rural parts of the state can be tough and that sometimes the only bed available is a detention facility
    - There is a motion by Sarah Helvey, seconded by Kathy Olsen, to form a subcommittee to look into the issue of adequate access to services statewide and develop recommendations. A unanimous vote in favor follows.
    - The Office of Dispute Resolution is piloting on a program on June 4th to see if there are out-of-home placement kids that can be directed elsewhere with family group conferencing.
    - Judge Johnson suggests seeking approval with the Supreme Court first about forming a subcommittee to look into the issue. This approach is supported by many of the membership. Overall, concerns are voiced about lack of investment in rural areas, communities, and education. Some of the initiative should be about being more vocal about asking for investment and resources.

DHHS Update – CEO Courtney Phillips

* Currently working on wrapping up work from legislative session, specifically around IV-E and licensing. DHHS received some funding to support the work. Also currently planning budget and business plan.
* Child and Family Services
  + FFPSA – should be receiving an invite 6/11 for a stakeholder session on this and creating strategies. Want everyone at the table.
    - Nice to see the federal government invest in prevention.
  + ACF meeting
    - Really interested in hearing from states; what’s working, what could be flexible; if there are ideas on regulations. Please let DHHS know so that they can relate any issues to ACF.
  + Program Improvement Plan based on CFSR review is currently in process.
  + QIC – workforce issues grant is in process.
  + Alternative Response: implemented in all counties except Thurston – plan to implement there at the end of 2018.
    - Seeing good initial response
    - Evaluation in process with CCFL
  + Helpful to partner with CIP to have access to judges
* Economic Assistance
  + ACCESS Nebraska – meeting SNAP timelines
    - Families are getting food when they need it.
* Bring up Nebraska
  + Care portal – churches and other faith based organizations can help families prevent need for child welfare intervention.
  + Seeing families have lack of support – faith based services can meet some of these needs
* Medicaid
  + Heritage Health is looking at quality measures now. Working to wraparound the families through the plans.
* System of Care
  + Service provision – how to coordinate between different agencies? How to make sure that minute differences don’t leave out any groups

Department of Education Update – Commissioner Matthew Blomstedt

* Strategic plan outlines set of goals for youth in the court and their role
* Champions for equity – pushing to serve all students of different backgrounds are served equitably
* Discussed the services that education provides for the adults and youth
* Every student succeeds plan is waiting to pass
* Highlights of some projects:
  + Superintendent report – informs superintendent more appropriately of students who are state wards
  + State ward education fund – 80% of money goes to court involved youth, to ensure that these youth are served and needs are met. They have to work closely with probation and DHHS. DOE would like to track who is responsible for the youth as they change in the system. To do this, DOE needs to use their data systems to track youth and their resources. Education systems are now collecting data to create a system to allow for a “real time” data snapshot to know where youth are from when going from one setting to another.
  + Systems of Care effort grant by SAMPSSHA called the *Advancing Wellness and Resiliency* is currently being written.
  + In the future, DOE wants to look at academic data differently to ensure that goals are being shared with the courts and maybe being able to track and automate what court involved youth are doing.

Legislative Update – Mary Ann Harvey and Matt Lewis

* A 2018 Legislative Session Summary packet was provided to the commission. This package includes summaries of all proposed legislation pertaining to children in court during the 2018 legislative session.
  + See handout online:
    - Light blue: Passed
    - Gold: Vetoed
    - LB670 has a breakdown towards the end of the document
  + April legislative webinar is on Nebraska Court Improvement Project’s YouTube page
* Juvenile Justice
  + Matt Lewis gave a brief overview of all bills/resolutions pertaining to Juvenile Justice. See handout online for details.
* Child Welfare
  + Mary Ann Harvey gave a brief overview of all bills/resolutions pertaining to Child Welfare. See handout online for details.

Director Wallen: DHHS is ensuring that FCRO is sharing data necessary for the new bills. They are already trying to place siblings together and are working towards keeping families together.

Jeanie: LB670 and LB990 were of interest to probation

Sarah Helvey: how can siblings exercise their right to intervene, can we create a form?

Judge Daniels: should the court appoint counsel? It was suggested this might be a good idea.

Liz Neely: Would a pro se form be enough? It may be something the state Bar Association can take on.

Judge Daniels: Discussed LB1112 and the language in it and the definition of danger.

Sarah Helvey: will work with voices and CIP and develop some recommendations of youth of color.

Liz Neely: DMC data group has developed what questions can be answered with the data.

New Business

* Creation of new subcommittee regarding Access to Services: Sarah Helvey motioned and Kathy Olson seconded to create a subcommittee to look at services in Nebraska. Motion carries; Chairs to take to Supreme Court for approval.

Families First Prevention Services Act – Director Matt Wallen

* Passed in February of 2018 and invests federal money into prevention services for families to prevent entry into foster care. It promotes permanency through prevention. DHHS will be working with families in their homes to prevent removals. FFPSA creates a category: candidates for foster care and provides a federal match for in home services.
* There is also money available for transitions from foster care.
* A certain percentage of the services must be promising or well supported practices.
* It will require robust data collection.
* DHHS wants stakeholder input and to be transparent. They have created implementation teams – will ask stakeholders to participate.
* There will also be changes to IV-E and IV-B funding.
* Currently awaiting the program instruction.
* Also requires a reduction in use of congregate care – QRTP requirements. Court oversight required here.

CIP role, Deb VanDyke-Ries

* Education of court stakeholders is required
* Will be partnering to ensure that happens

The meeting was adjourned at 1:30pm.

The next meeting is December 7, 2018 at Judicial Branch Education in Lincoln.