

Supreme Court Commission on Children in the Courts

Summary of December 17, 2010 Meeting
Meeting held by telephone conference call

Present: Co-Chair Chief Judge Rett Inbody, Co-Chair Judge Douglas Johnson, Judge Vernon Daniels, Judge Curtis Evans, Judge Lawrence Gendler, Judge James Orr, Judge Anne Paine, Judge Linda Porter, Judge Randin Roland, Judge Linda Senff, Judge Kenneth Vampola, Lynnette Boyle, Ellen Brokofsky, Debora Brownyard, Sheryl Connelly, Christine Costantakos, Robert Goodwin, Kelli Hauptman, Sarah Helvey, Carla Heathershaw-Risko, Franceska Cassell (for Sen. Gwen Howard), Gwen Hurst-Anderson, Carole McMahon-Boies, Kathy Bigsby Moore, David Pantos, Todd Reckling, Richard Stafford, Heidi Orr (for Carolyn Stitt), Janice Walker, and Vicky Weisz

Tribal-State Court Collaborations Sub-Committee

Judge Orr reported that he has had several planning conversations with Gina Jackson from the National Council of Juvenile and Family Court Judges and with Judge Runge and others. Judge Orr has been encouraged to reach out to tribal judges individually and to wait to bring the sub-committee together until there is better representation from the tribes. Judge Orr has begun making contacts and reports receptive responses. Sarah Helvey suggested that Judge Orr and perhaps other subcommittee members attend a Nebraska ICWA meeting. She will follow-up with specifics. Deb Brownyard suggested that in addition to contacting tribal judges, that Judge Orr consider reaching out to tribal council members. Chief Judge Inbody and Judge Johnson expressed appreciation for Judge Orr's careful and respectful approach to this effort.

Collaborative Practices in Child Welfare Sub-Committee

Judge Roland presented a memo outlining the topics that the subcommittee has addressed and those it wishes to address with support from the Commission. Kelli Hauptman described findings from an online survey of Nebraska judges and attorneys regarding their perceptions of collaborative practices used in 3a cases. Deb Brownyard discussed some of the fiscal sustainability issues facing collaborative practices and proposed some options for the Commission's consideration.

The Commission took the following actions:

1. Endorsed a Letter of Inquiry to the Annie E. Casey Foundation to consider a proposal for a three-year Nebraska project to track the impact of collaborative practices on federal and state child permanency outcomes. The subcommittee is asked to make initial inquiries to the National Council of Juvenile and Family Court Judges (NCJFCJ) regarding the feasibility of NCJFCJ's partnering with Nebraska on this project.
2. Endorsed the following topics to be addressed by the subcommittee:
 - a. What is the current utilization of collaborative practices in Nebraska's juvenile courts?

- b. Review: How are collaborative practices beneficial in achieving permanency goals for children and effectiveness in juvenile courts?
 - c. Are there national standards or guidelines that could inform Nebraska's implementation and practice?
 - d. How can DOCKET and JUSTICE be coded to allow judges and courts to track the use and application of collaborative practices?
 - e. What information would be helpful for judges and courts in regard to collaborative child welfare practices? A bench information packet?
 - f. How does Nebraska sustain the current use of collaborative practices?
3. Supported further contract negotiations to amend the Pilot (12-month permanency conferences and termination of parental rights conferences) to sustain those resources through June 30, 2011; approximately \$45,000.
 4. Supported the renewal of the Initial Pre-Hearing Conference, Pilot (see above), and Family Group Conferencing contracts for a two-year period of July 1, 2-11-June 30, 2013.

Delinquency Guidelines Subcommittee

Judges Inbody and Johnson commented on some further considerations regarding the Delinquency Guidelines that had been approved at the June, 2010 Commission meeting. Several issues were discussed. The Commission asks the subcommittee to address the following issues in the Guidelines:

1. Whether the Nebraska Juvenile Code allows graduated sanctions. If not, and graduated sanctions are needed, then recommendations for statutory changes.
2. Problems with the 24-hour detention hearing timeline in rural areas. Whether, despite legislative authority for telephonic and video hearings, there are resources in county courts to support reliable availability of these technologies.
3. Whether a revocation process for OJS youth can be developed that parallels the revocation process for youth on probation.
4. If there are any other areas in the Guidelines that the subcommittee finds needing further analysis, the subcommittee may provide that analyses and potential recommendations.

Guardians ad Litem Subcommittee

Judge Paine reported that the subcommittee has had two meetings and an email discussion and is expected to have a report to the Commission at the June, 2011 meeting that addresses its review of the NACC report and any suggested recommendations. Judge Inbody noted that Chief Justice Heavican expressed concerns that GAL practice lacks uniformity across the state. Judge Inbody urged the subcommittee to address the lack of uniformity.

Immigration Subcommittee

Vicky Weisz reported on behalf of Judge Runge, that the subcommittee is being re-organized and has not met. However, arrangements have been made for Kristen Jackson to return to the state to provide training on Immigration issues in Juvenile Court in Grand Island (May 3) and in the Omaha/Lincoln vicinity (May 4).

Case Progression Standards Subcommittee

Chief Judge Inbody discussed the memo from Terri Brown that reported on predominately negative written comments that were provided by judges in response to the publication of the proposed amendments to Appendix B, Case Progression Standards, of the current Nebraska Code of Judicial Conduct (the case progression standards and reporting requirements recommended by this Commission). The Supreme Court asked the Commission to review their recommendation in light of these negative responses.

The Commission discussed whether the standards should be made aspirational, rather than required, and if so whether they should be further tightened to reflect national best practices; whether a reporting requirement should still be included to a) identify problem areas, b) identify kinds of cases that need more time, and c) encourage judges to meet the guidelines; whether particular court event timelines should be prioritized (e.g. adjudications); and whether some language should be included in the guidelines that would clarify that failure to meet the guidelines would not be grounds for disciplinary action.

The Commission is referring these questions/issues back to the subcommittee for further study and recommendations. Judges Johnson, Evans, and Senff volunteered to join the subcommittee.