

# JUSTICE | 2013-2015

## STATEWIDE CHILD WELFARE & JUVENILE JUSTICE TREND ANALYSIS

COURT IMPROVEMENT PROJECT | THROUGH THE EYES OF THE CHILD INITIATIVE



JANUARY 2016



TABLE OF CONTENTS

Through the Eyes of the Child Teams .....3

Summary..... 4

CHILD WELFARE

Petition to Protective Custody Hearing Order .....6

Petition to First Appearance Order.....8

Petition to Adjudication Hearing Order.....10

Adjudication Hearing Order to Disposition Hearing Order .....12

Disposition Hearing Order to First Review Hearing Order .....14

Petition to First Appearance/Arraignment Order.....16

Time to Case Termination .....18

JUVENILE JUSTICE

Removal to Detention Hearing Order.....21

Petition to First Appearance/Arraignment Order.....23

Petition to Adjudication Hearing Order.....25

Adjudication Hearing Order to Disposition Hearing Order .....27

Time to Case Closure.....29

# THROUGH THE EYES OF THE CHILD TEAMS



TEAM	LEAD JUDGE	COUNTIES COVERED
1st District-Beatrice	<b>Hon. Curtis Maschman</b>	Nemaha, Richardson, Johnson, Pawnee, Gage, Jefferson, Thayer, Saline
2nd District-Team 1	<b>Hon. John Steinheider</b>	Cass
2nd District-Team 2	<b>Hon. Robert O'Neal</b>	Otoe
2nd District-Team 3	<b>Hon. Robert O'Neal</b>	Sarpy
3rd District-Lancaster County	<b>Hon. Linda Porter</b>	Lancaster
4th District-Omaha	<b>Hon. Elizabeth Crnkovich</b>	Douglas
5th District-York Team <sup>°</sup>	<b>Hon. Stephen Twiss</b>	Saunders, Butler, Polk, York, Seward
5th District-Columbus Team <sup>°</sup>	<b>Hon. Stephen Twiss</b>	Colfax, Platte, Boone, Nance, Merrick, Hamilton
6th District-Team 1	<b>Hon. Kenneth Vampola</b>	Dodge
6th District-Team 2	<b>Hon. Kurt Rager</b>	Washington, Burt, Dakota, Dixon, Cedar
7th District	<b>Hon. Ross Stoffer</b>	Knox, Antelope, Pierce, Wayne, Madison, Stanton, Cuming
8th District-Team 1	<b>Hon. James Orr</b>	Keya Paha, Brown, Rock, Blaine, Cherry
8th District-Team 2	<b>Hon. Alan Brodbeck</b>	Boyd, Holt, Garfield, Wheeler, Valley, Greeley
8th District-Team 3	<b>Hon. Tami Schendt</b>	Loup, Custer, Sherman, Howard
9th District-Hall County	<b>Hon. Phillip Martin</b>	Hall
9th District-Buffalo County	<b>Hon. Gerald Jorgensen</b>	Buffalo
10th District*	<b>Hon. Michael Burns</b>	Fillmore, Clay, Nuckolls, Webster, Adams, Franklin, Kearney, Phelps, Harlan
11th District-Team 1	<b>Hon. Jeffrey Wightman</b>	Dawson, Gosper
11th District-Team 2	<b>Hon. Edward Steenburg</b>	Arthur, Keith, Perkins
11th District-Team 3	<b>Hon. Anne Paine</b>	Chase, Dundy, Hayes, Hitchcock, Red Willow, Furnas
11th District-Team 4	<b>Hon. Kent Turnbull</b>	Frontier, Lincoln, Logan, McPherson, Thomas, Hooker
12th District-Team 1	<b>Hon. Russell Harford</b>	Grant, Sheridan, Dawes, Sioux, Box Butte
12th District-Team 2	<b>Hon. Randin Roland</b>	Kimball, Cheyenne, Morrill, Garden, Deuel
12th District-Scottsbluff	<b>Hon. James Worden</b>	Scotts Bluff, Banner
Winnebago Tribal Court	<b>Hon. Patrick Runge</b>	Thurston*

<sup>°</sup> District 5 meets as one team, but has been analyzed as two teams for the annual data reports.

\* District 10 meets as three teams, but has been analyzed as a single team for the annual data reports.

\* Tribal court data unavailable. Thurston County court data included with Team 2 in the 6th Judicial District.



# SUMMARY

This report contains analysis of case progression data for the state of Nebraska's Child Welfare and Juvenile Justice cases for state fiscal years 2013, 2014, and 2015. The report examines the three year trends for the following hearings:



## **CHILD WELFARE (3A)**

Protective Custody  
First Appearance  
Adjudication  
Disposition  
Review  
Permanency  
Case Termination

## **JUVENILE JUSTICE (JJ)**

Detention  
First Appearance/Arraignment  
Adjudication  
Disposition  
Case Closure

### ***Sample***

The data are derived from JUSTICE, the court's case management system. Cases with transfer in/transfer out dates are excluded from the analysis, as are cases dismissed by the prosecution or court within 30 days of the petition. For each hearing analyzed, only cases eligible for the hearing and open long enough to progress to that particular hearing are included. As a result, the sample for each hearing is different and noted within the description.

### ***Analysis***

For **Child Welfare** *Protective Custody, First Appearance, Adjudication, Disposition, Review, and Permanency Hearings*, the analysis includes 3 year trends for median days/months to hearing, timeliness of hearing, and percent of missing data. Additionally, each hearing analysis includes a comparison of median days/months to hearing by Through the Eyes of the Child Team for the current fiscal year. For **Child Welfare** *Case Termination*, the analysis includes 3 year trends for median months, timeliness of hearing, and data for Cases Not Terminated. Median months to case termination by Through the Eyes of the Child Team for the current fiscal year is also reported.

For **Juvenile Justice** *Detention, First Appearance/Arraignment, Adjudication, and Disposition*, the analysis includes 3 year trends for median days/months to hearing, timeliness of hearing, and percent of missing data. Additionally, each hearing analysis includes a comparison of median days/months to hearing by Through the Eyes of the Child Team for the current fiscal year. For **Juvenile Justice** *Case Closure*, the analysis compares delinquency and status offense data on 3 year trends for median months and timeliness. Median months to case termination by Through the Eyes of the Child Team for the current fiscal year is also reported.



## Highlights of Findings

- » Reductions in days/months to *First Appearance, Adjudication, Disposition, Review, Permanency, and Case Termination* for **Child Welfare** cases.
- » Reductions in percent data missing for *Protective Custody, First Appearance, Disposition, Review, and Permanency* for **Child Welfare** cases.
- » Significant missing data for **Juvenile Justice** *Detention Hearings*.
- » Reductions in days/months to *Adjudication, Disposition, and Case Closure* for **Juvenile Justice** cases.

## CHILD WELFARE

SECTION STARTS ON PAGE 6



## JUVENILE JUSTICE

SECTION STARTS ON PAGE 20



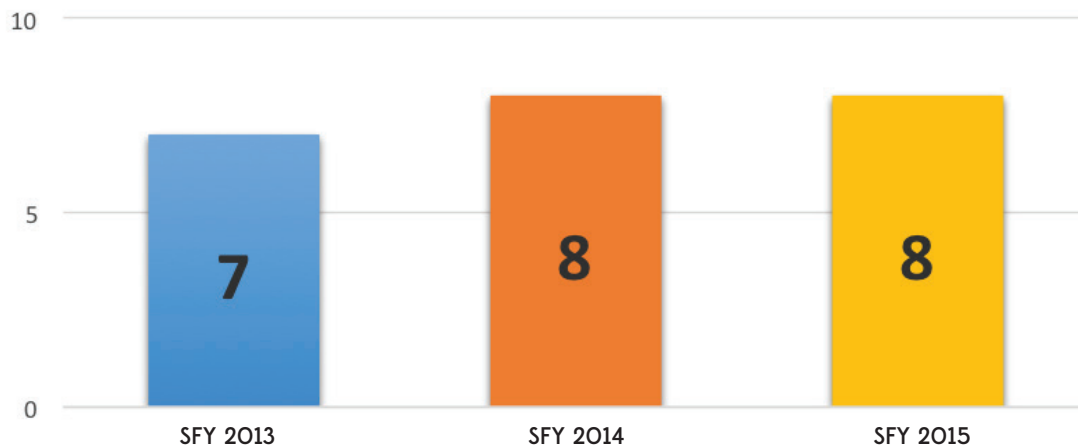
# PETITION TO PROTECTIVE CUSTODY HEARING ORDER

This analysis includes cases with a petition filed date between June 1, 2012 and May 31, 2015. It includes only cases where a child was removed from the home. Cases with 90 or more days between petition and protective custody hearing were assumed data entry errors and excluded from the analysis.

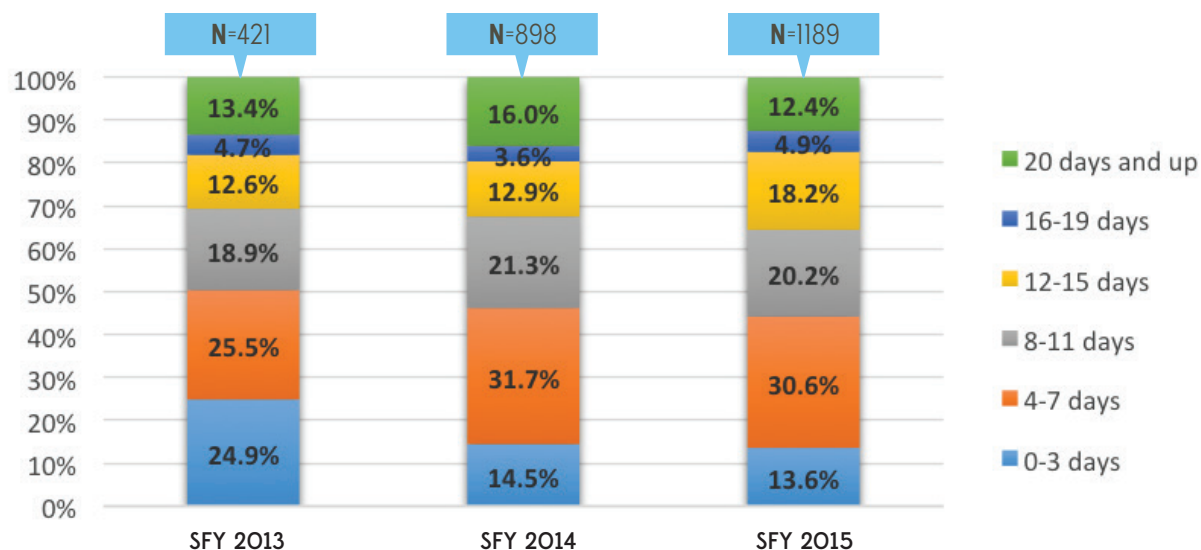


**The Protective Custody Hearing is the first hearing in any 3a case in which the child is removed. In accordance with best practices, the protective custody hearing should be held within 3 days of removal. Nebraska case law requires that this hearing is held within 14 days of removal.**

## MEDIAN DAYS



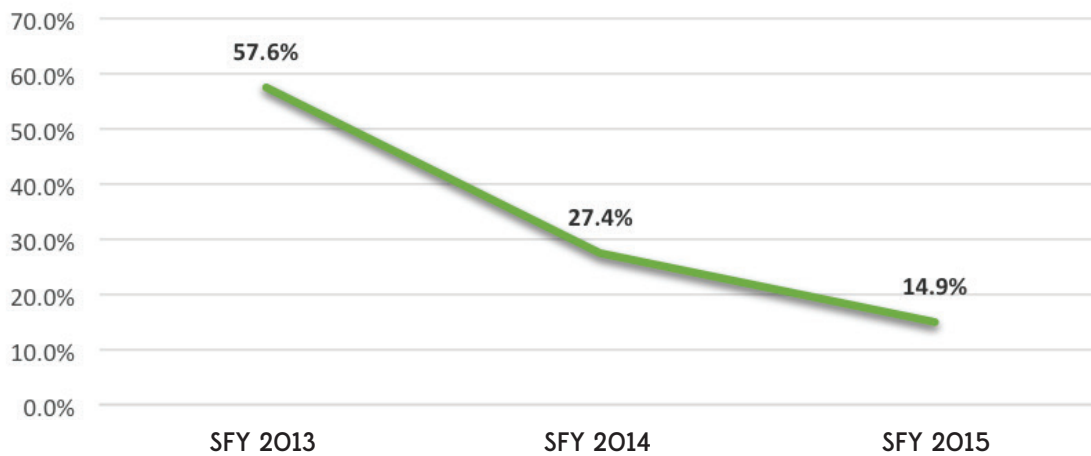
## TIMELINESS



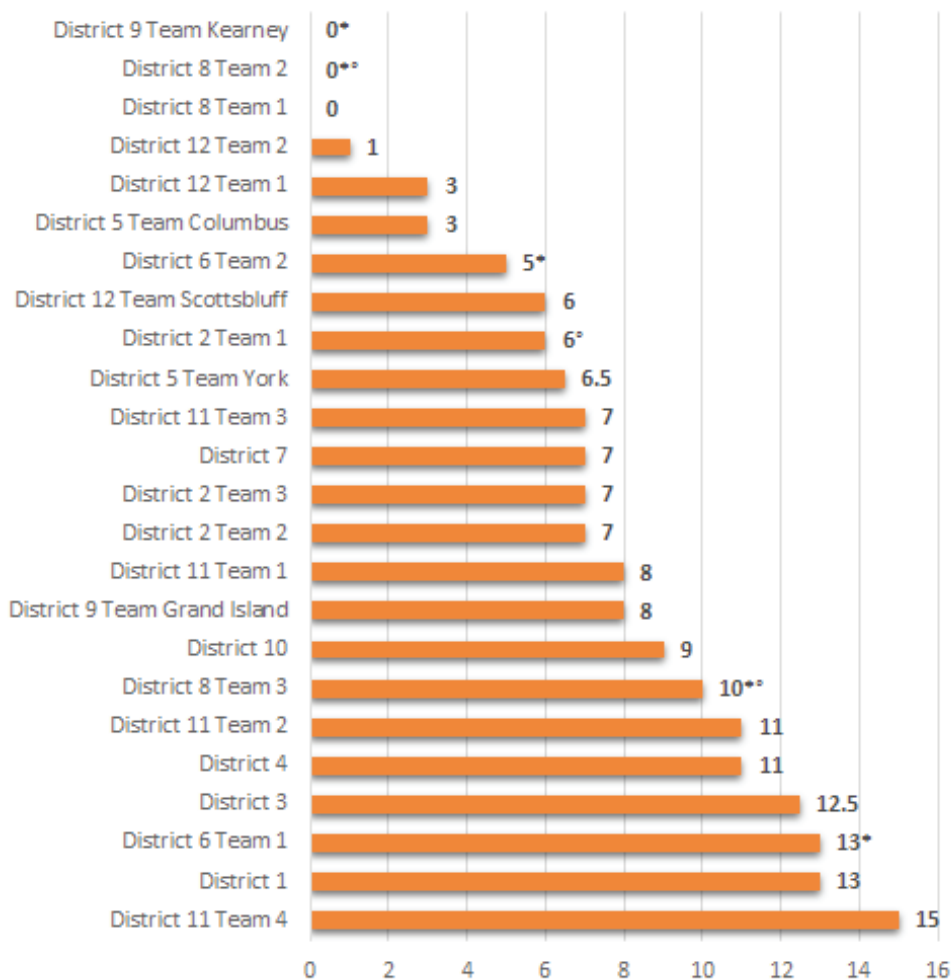
# PETITION TO PROTECTIVE CUSTODY HEARING ORDER



## PERCENT OF MISSING DATA



## MEDIAN DAYS BY TEAM



SFY 2015

\* 30% or more missing data.  
° 5 or fewer cases.

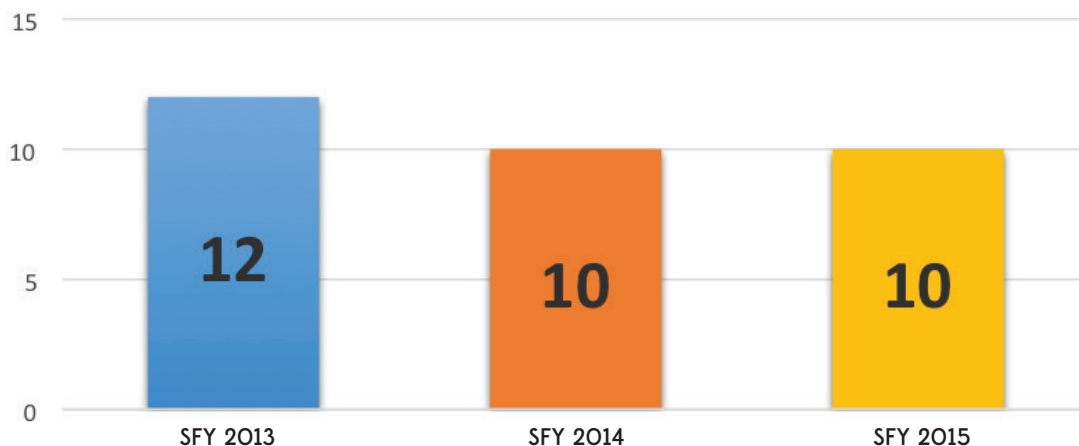
# PETITION TO FIRST APPEARANCE ORDER

This analysis includes cases with a petition filed date between June 1, 2012 and May 31, 2015. Cases dismissed by the prosecutor within 30 days of the file date are excluded. Cases with more than 120 days from petition to first appearance were assumed data entry errors and excluded from the analysis.

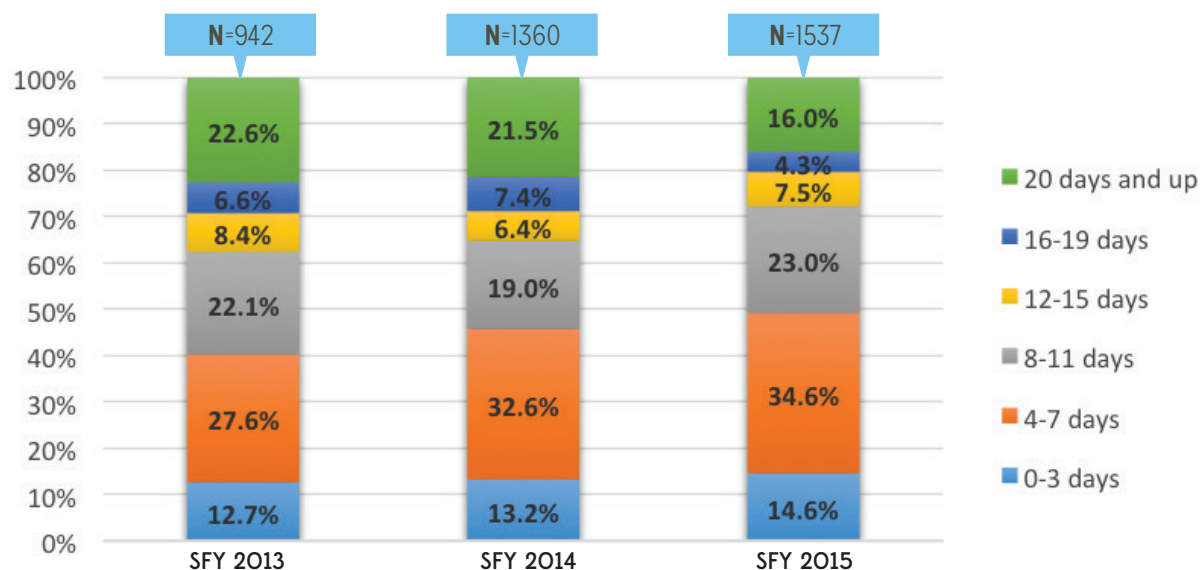


**The First Appearance Hearing is the first hearing at which one or both parents make a formal appearance in the case. The judge informs the parents of their rights and possible dispositions of the case. This hearing may happen at the same time as the Protective Custody Hearing if the children were removed, or may happen at a later date if the parents did not appear or were not served with a petition.**

## MEDIAN DAYS



## TIMELINESS

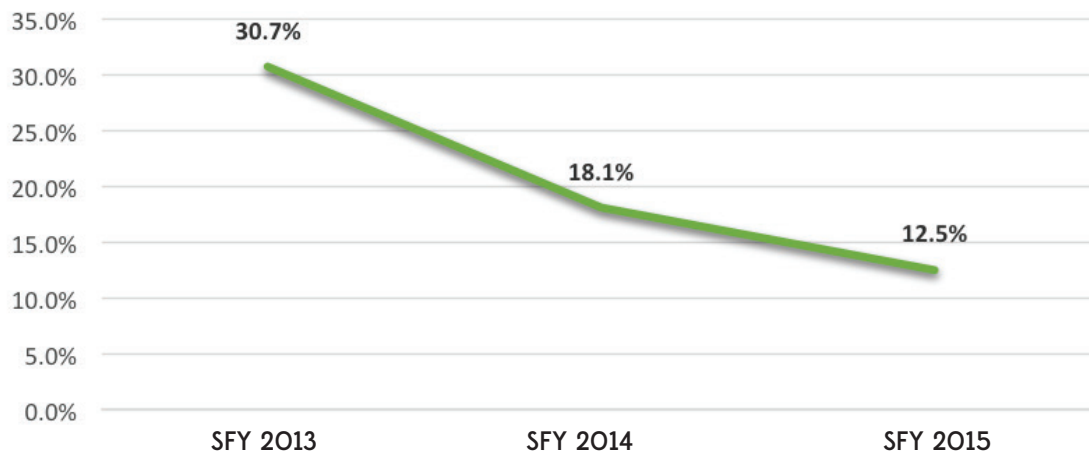




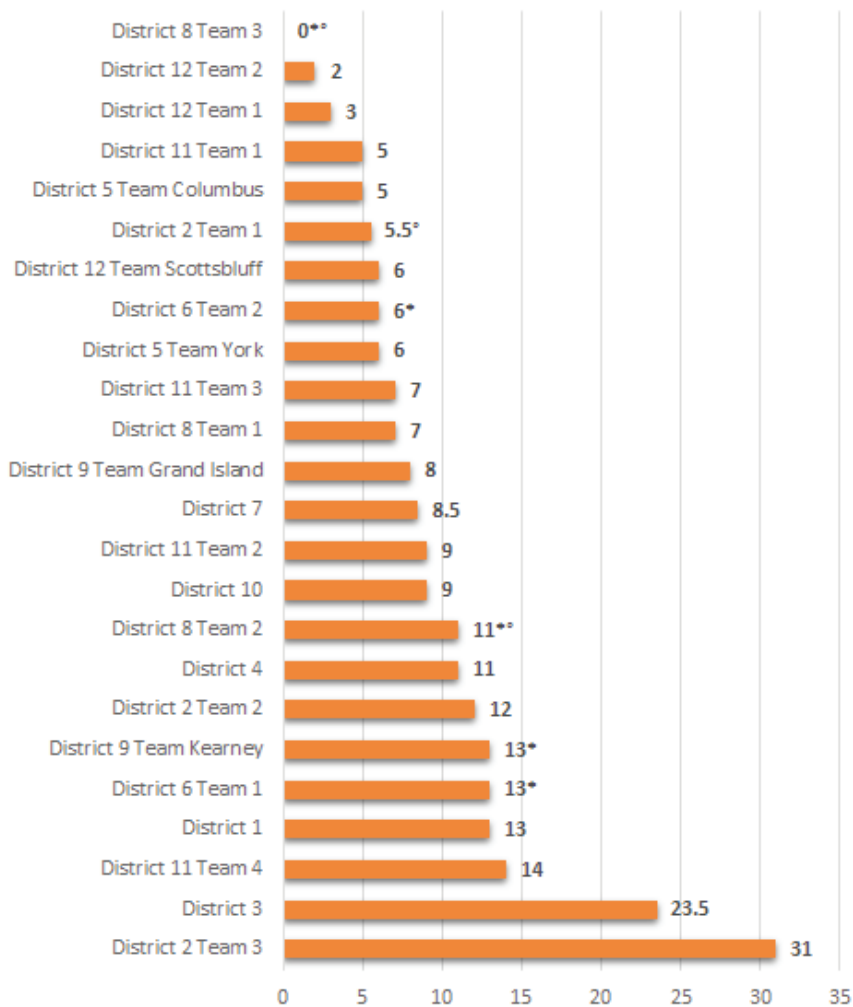
# PETITION TO FIRST APPEARANCE ORDER



## PERCENT OF MISSING DATA



## MEDIAN DAYS BY TEAM



SFY 2015

**\* 30% or more missing data.  
° 5 or fewer cases.**

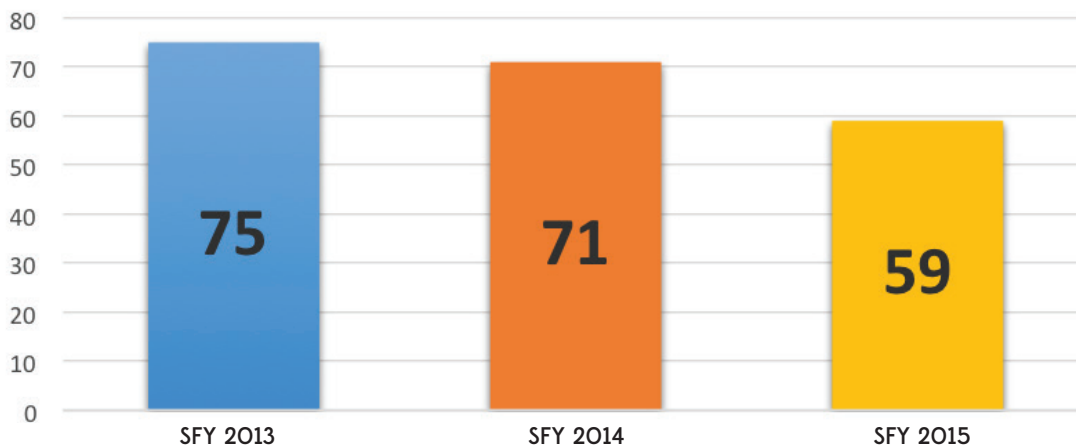
# PETITION TO ADJUDICATION HEARING ORDER

This analysis includes cases with a petition filed date between April 1, 2012 and March 31, 2015. Cases dismissed by the prosecutor within 30 days of the file date are excluded. Cases with more than 1 year between petition and adjudication were assumed data entry errors and excluded from the analysis.

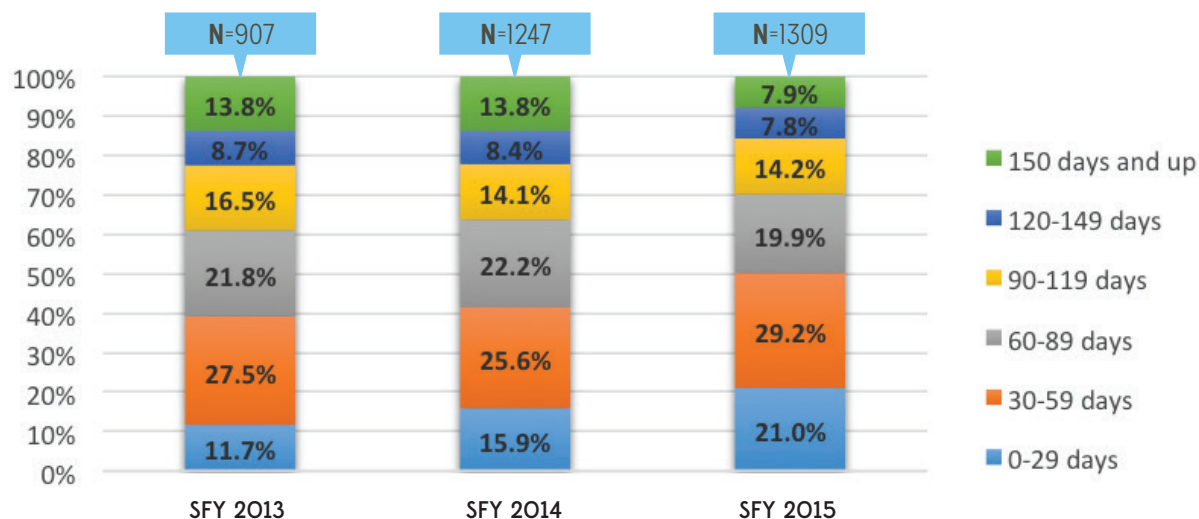


**The Adjudication Hearing is the hearing at which the judge determines whether the allegations in the petition are true and thus support state intervention on behalf of the children. Parents may admit or deny the allegations in the petition. Nebraska Revised Statute §43-278 requires the adjudication hearing to be held within 90 days of the filing of the petition, unless there is good cause to extend the time period.**

## MEDIAN DAYS



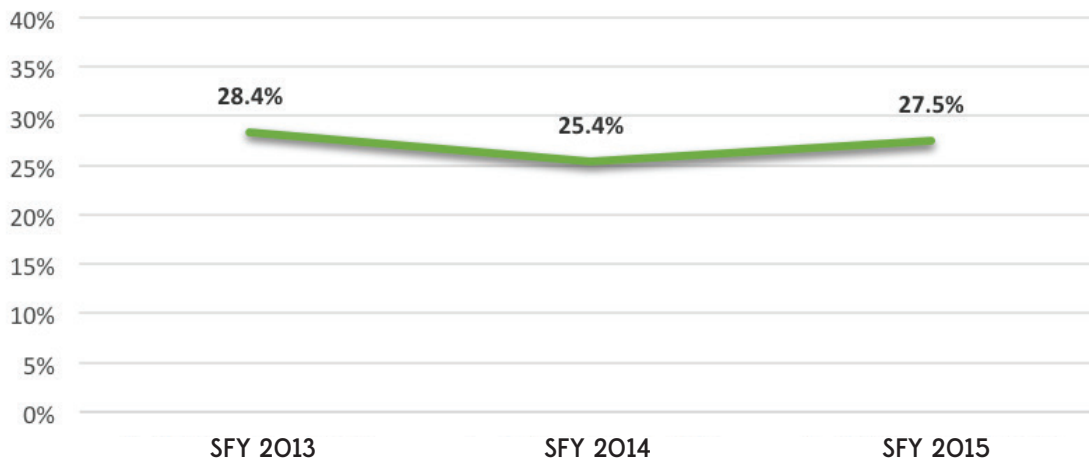
## TIMELINESS



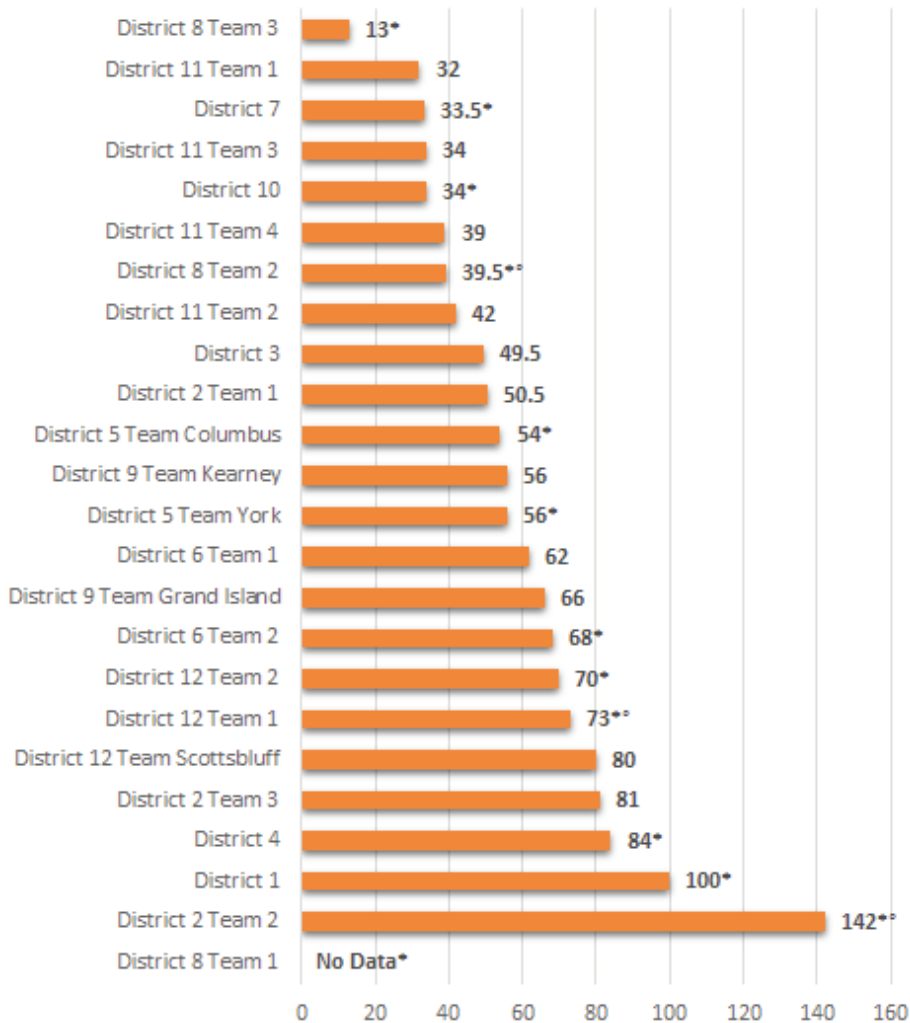
# PETITION TO ADJUDICATION HEARING ORDER



## PERCENT OF MISSING DATA



## MEDIAN DAYS BY TEAM



SFY 2015

\* 30% or more missing data.  
 ° 5 or fewer cases.

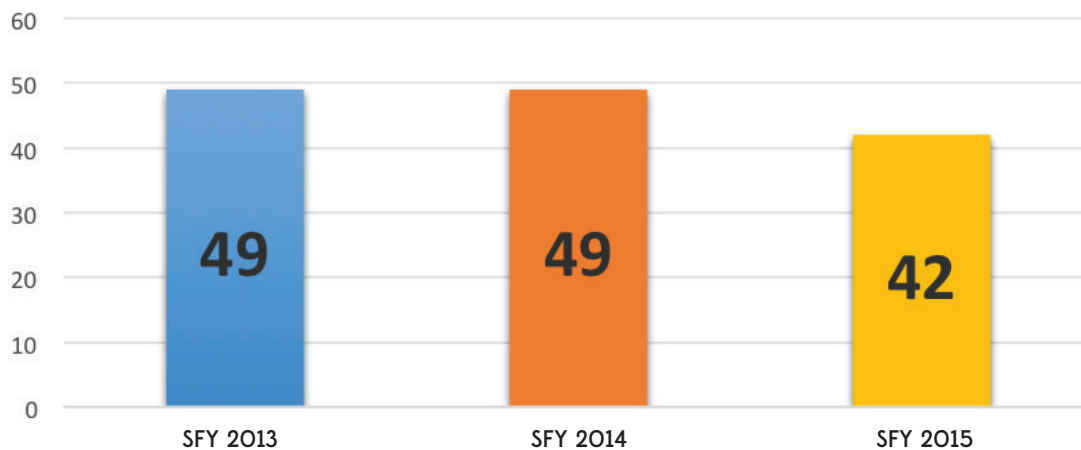
# ADJUDICATION HEARING ORDER TO DISPOSITION HEARING ORDER



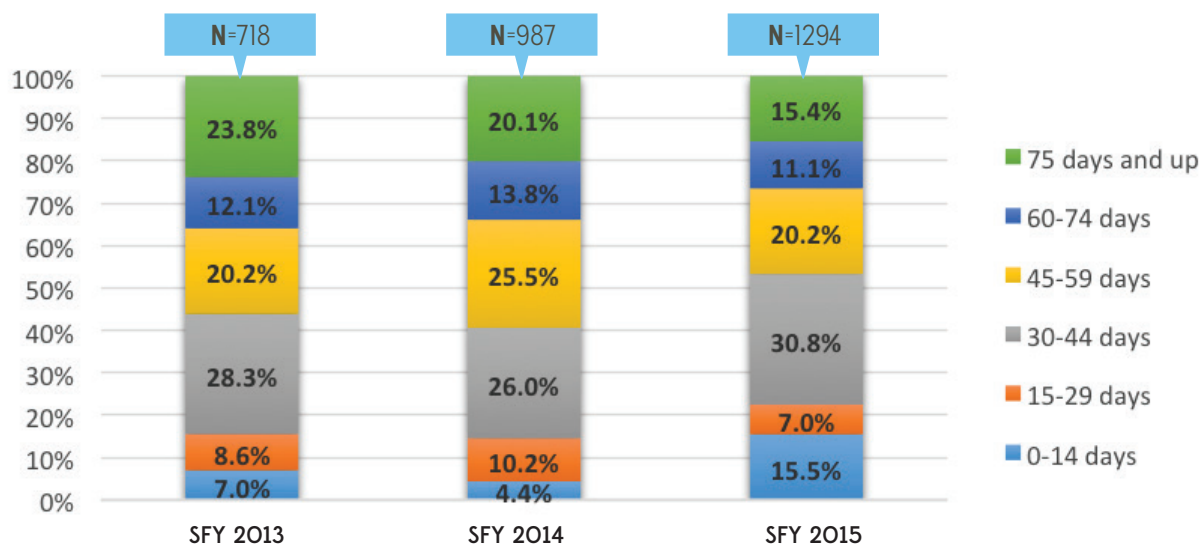
This analysis includes cases with an adjudication hearing order date between April 1, 2012 and March 31, 2015. Cases with more than one year between adjudication and disposition were assumed data entry errors and excluded from the analysis.

**The Disposition Hearing is the hearing at which the court formally determines the custody of the child and orders the parent to comply with the terms of the case plan. The National Council of Juvenile and Family Court Judges recommends that the disposition hearing take place within 30 days of the adjudication hearing.**

## MEDIAN DAYS



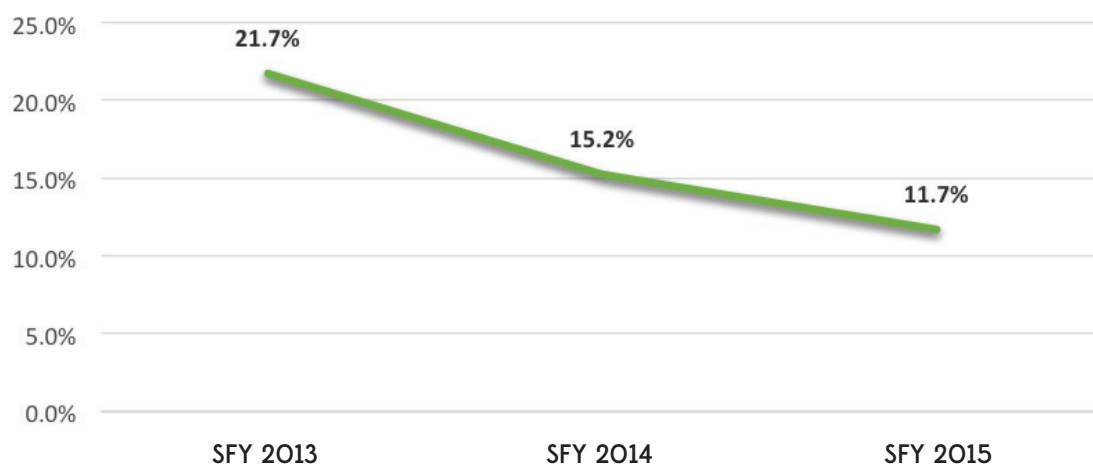
## TIMELINESS



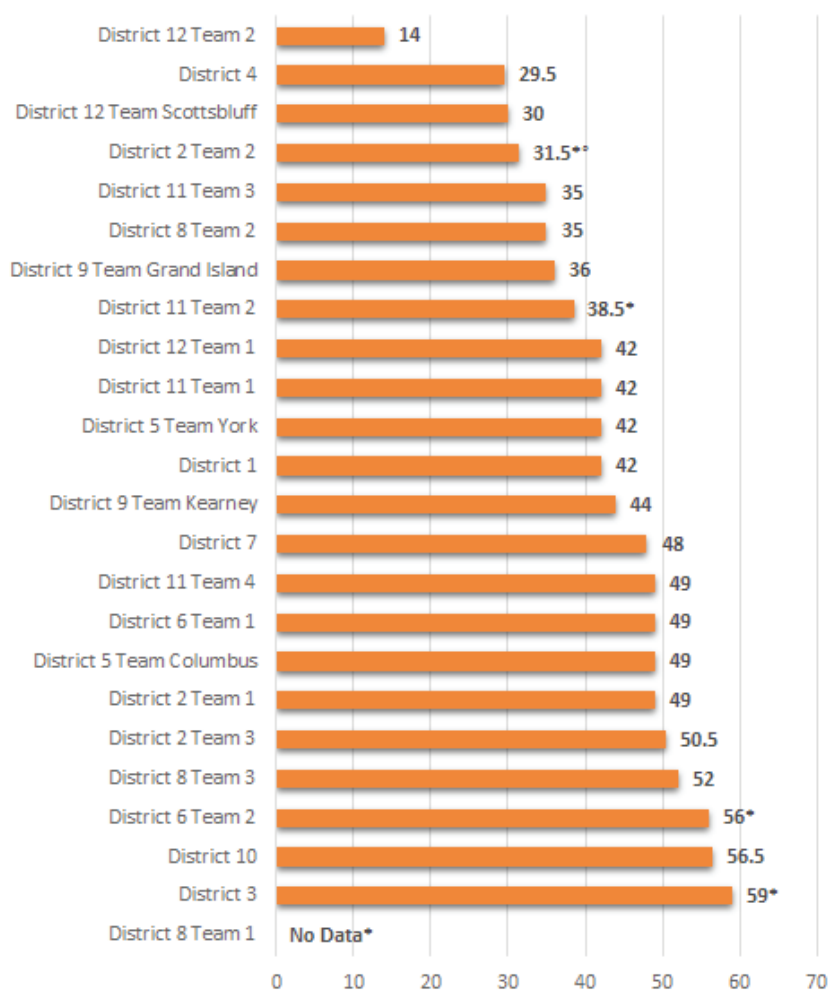
# ADJUDICATION HEARING ORDER TO DISPOSITION HEARING ORDER



## PERCENT OF MISSING DATA



## MEDIAN DAYS BY TEAM



**NOTE:** Court Improvement Project staff, working with JUSTICE staff, have identified an issue with DOCKET that may be affecting timeliness data for Adjudication to Disposition if the originally scheduled Adjudication Hearing was continued to a later date. This issue only affects courts using DOCKET, and the overall effect size is small. We are working with JUSTICE/DOCKET staff to fix the problem.

**SFY 2015**

**\* 30% or more missing data.  
° 5 or fewer cases.**



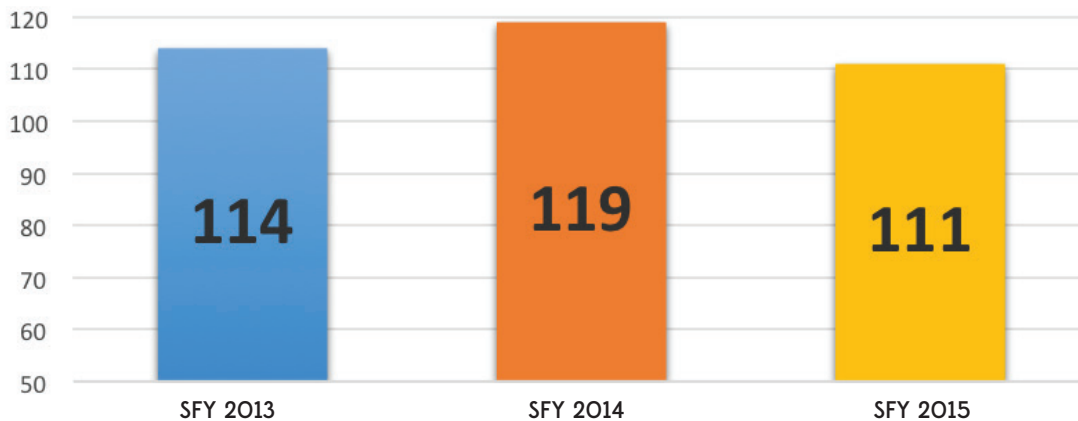
# DISPOSITION HEARING ORDER TO FIRST REVIEW HEARING ORDER



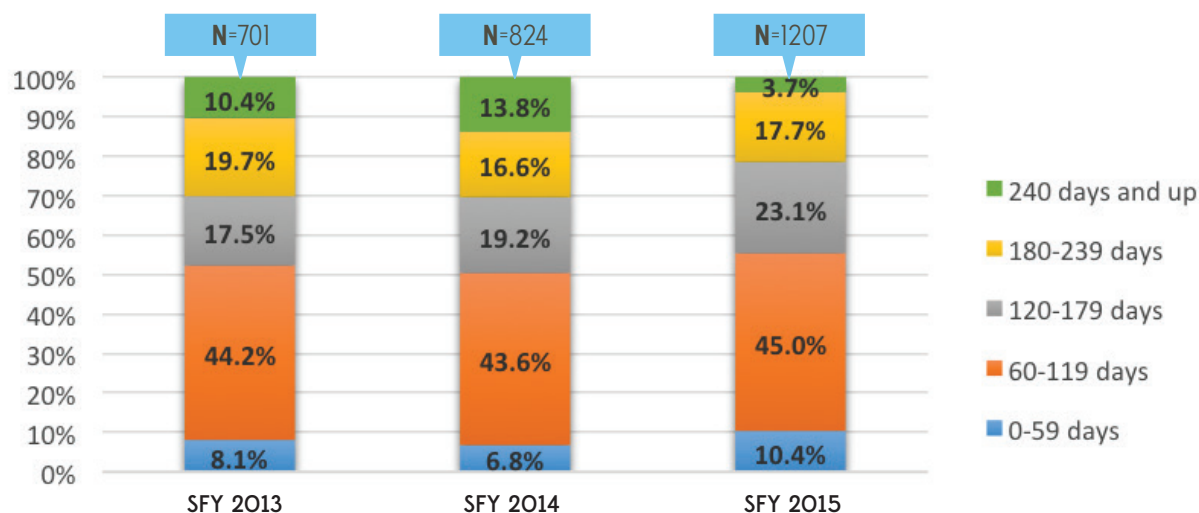
This analysis includes cases with a disposition hearing order date between January 1, 2012 and December 31, 2014. Cases with more than 2 years between disposition and review hearing were assumed data entry errors and excluded from the analysis.

**A Review Hearing is when the court reviews the status of the case, the parties' progress, and the adequacy of the offered services. Nebraska Revised Statute §43-278 requires the court to review every case not less than once every 6 months.**

## MEDIAN DAYS



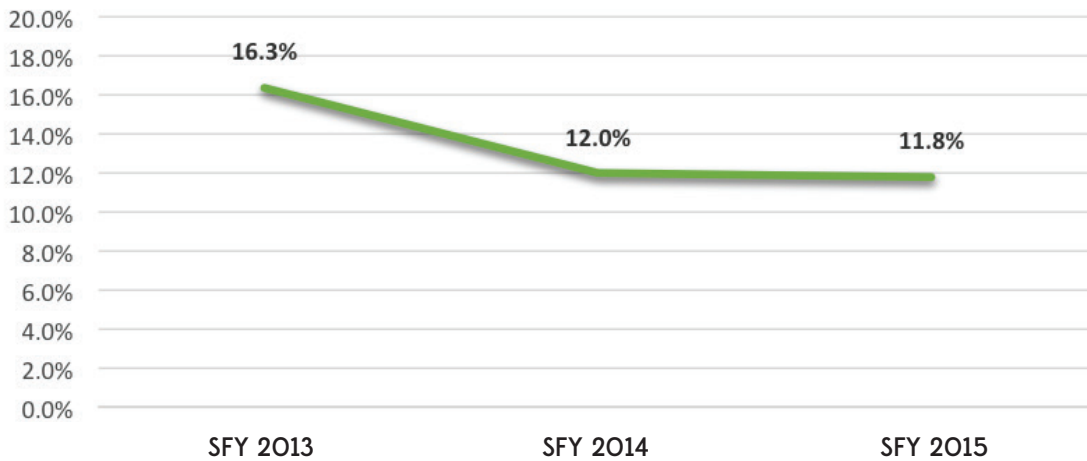
## TIMELINESS



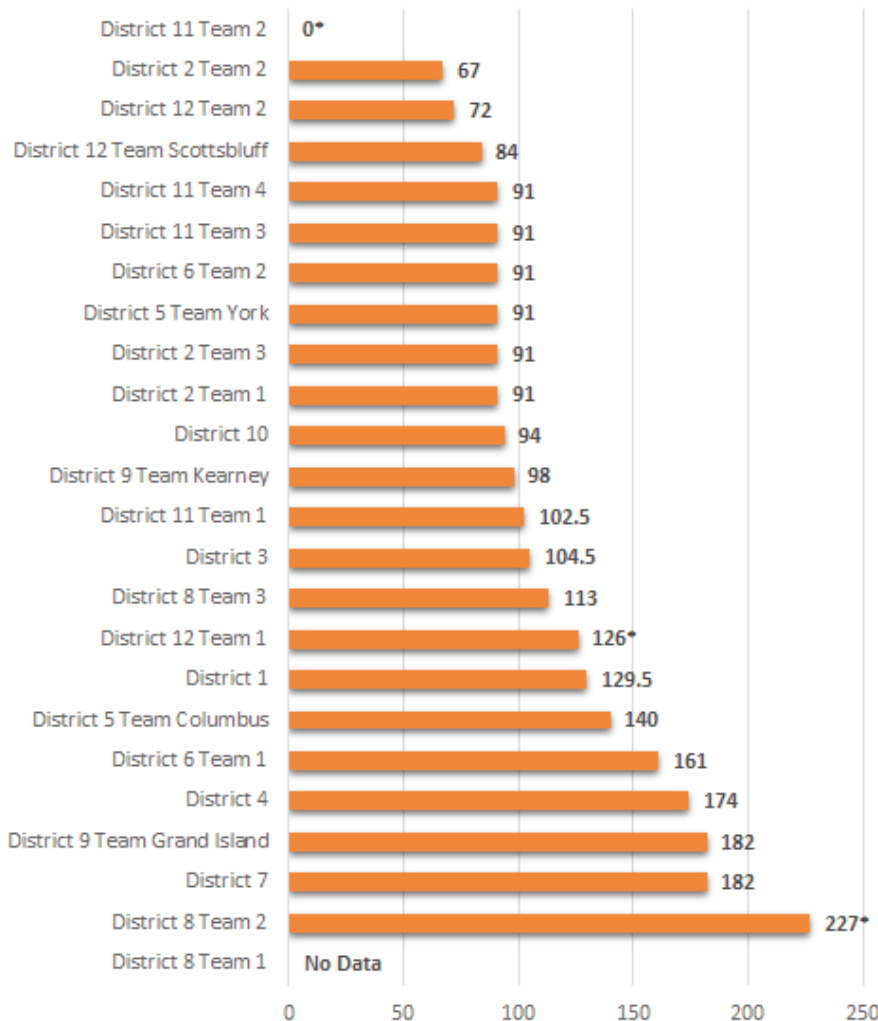
# DISPOSITION HEARING ORDER TO FIRST REVIEW HEARING ORDER



## PERCENT OF MISSING DATA



## MEDIAN DAYS BY TEAM



SFY 2015

\* 30% or more missing data.  
° 5 or fewer cases.

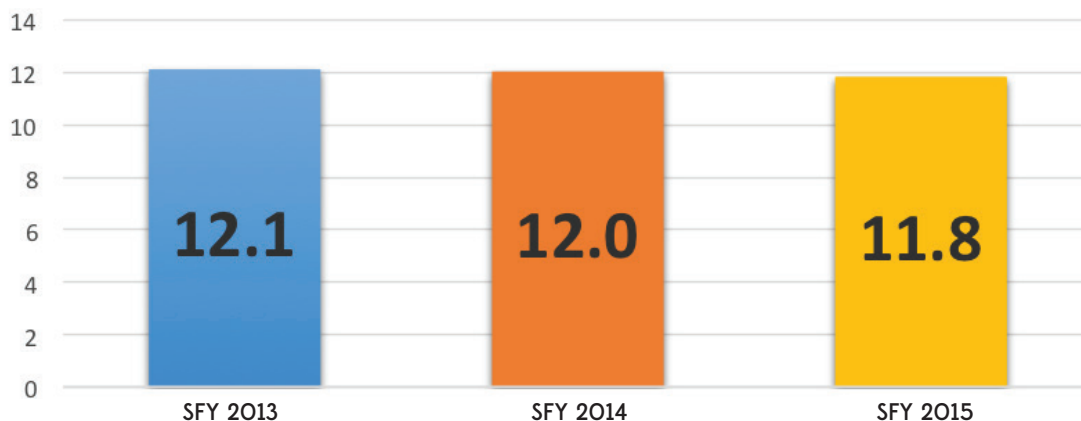
# FIRST REMOVAL TO FIRST PERMANENCY HEARING ORDER



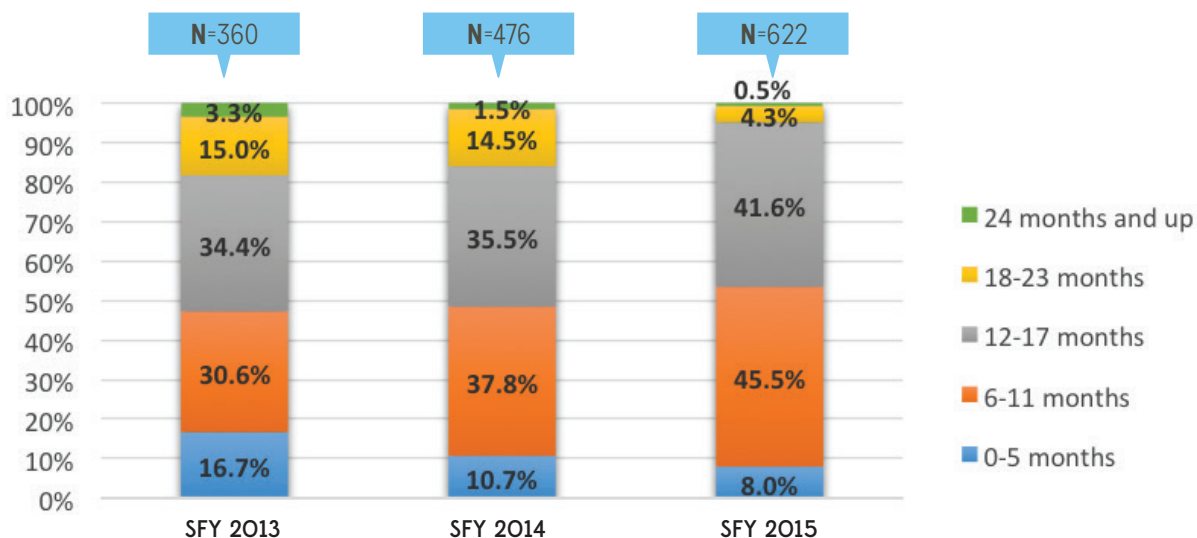
This analysis includes cases with a petition filed date between January 1, 2011 and December 31, 2013. Cases that were dismissed within 90 days of the file date, did not have a removal date, or were closed in less than one year are not included. Cases with more than 2 years between first removal and first permanency hearing were assumed data entry errors and excluded from the analysis.

**A Permanency Hearing is where the judge reviews the permanency plan for each child and determines the permanency goal. Nebraska Revised Statute §43-1312 and federal IV-E law requires a permanency hearing no later than 12 months after the child enters foster care and annually thereafter.**

## MEDIAN MONTHS



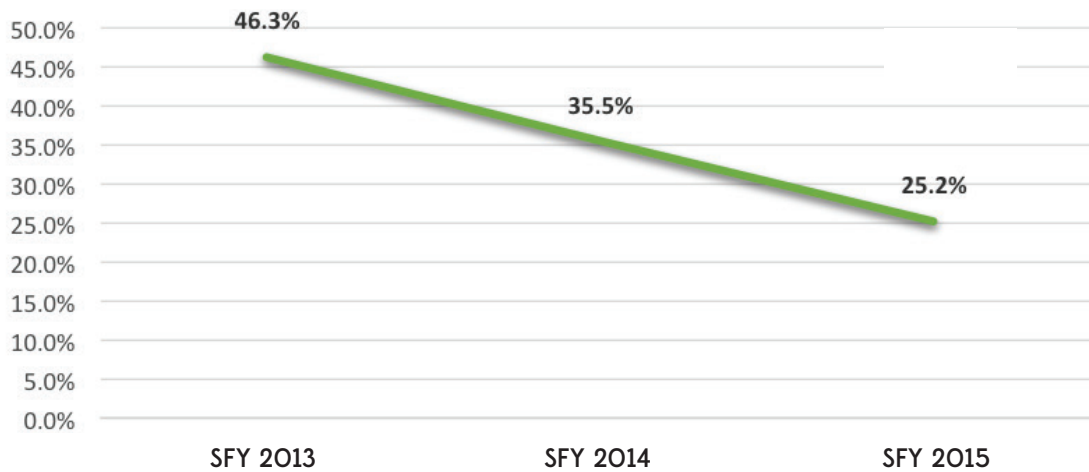
## TIMELINESS



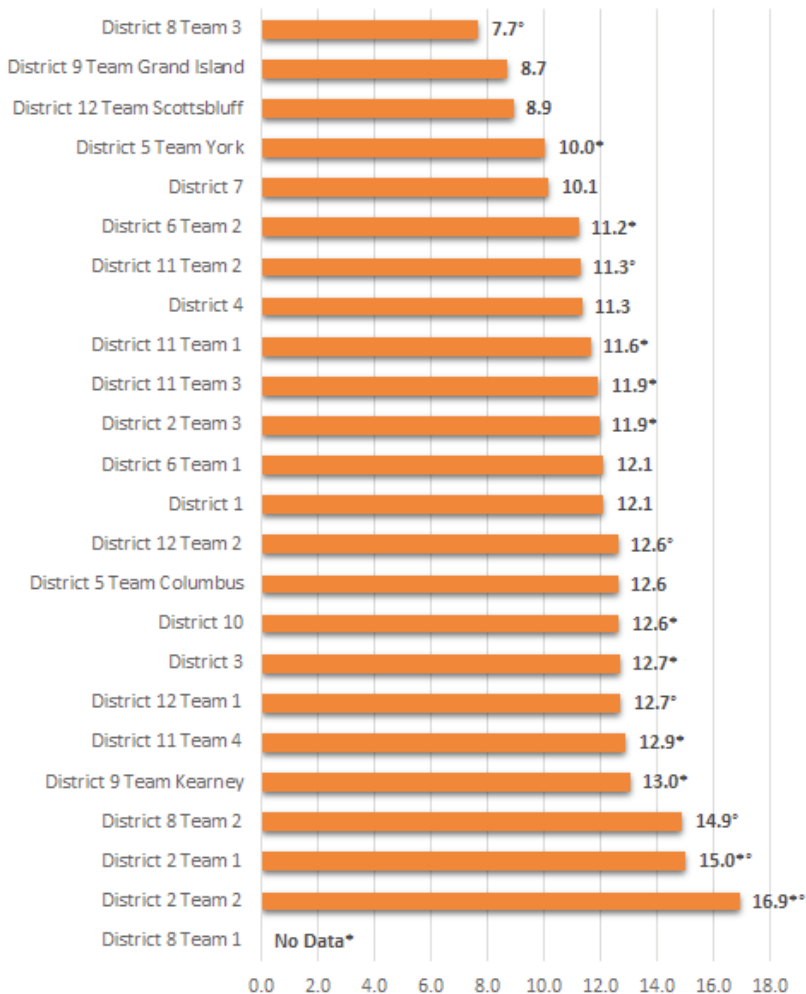
# FIRST REMOVAL TO FIRST PERMANENCY HEARING ORDER



## PERCENT OF MISSING DATA



## MEDIAN MONTHS BY TEAM



SFY 2015

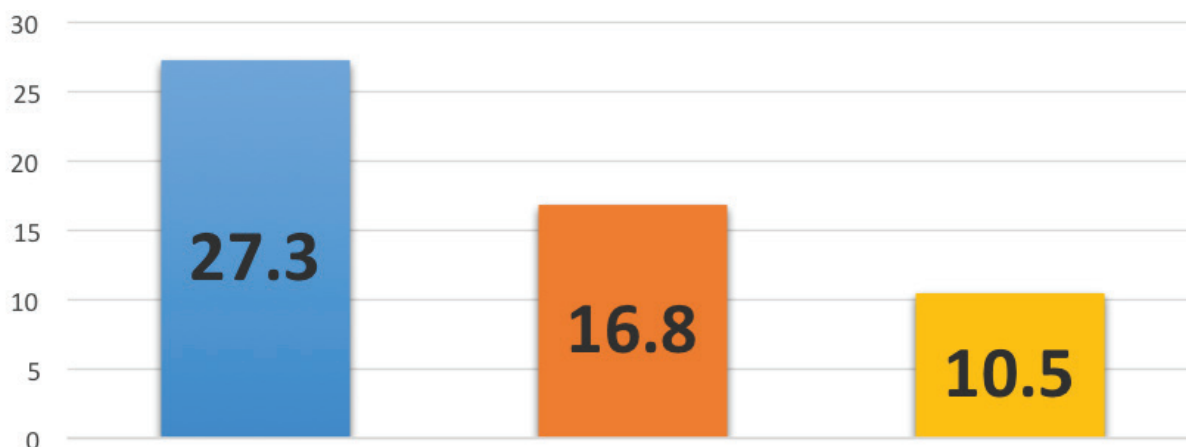
\* 30% or more missing data.  
° 5 or fewer cases.

# TIME TO CASE TERMINATION

This analysis includes cases with a petition filed date between January 1, 2011 and December 31, 2013. Cases dismissed by the prosecutor within 30 days of the file date are excluded.

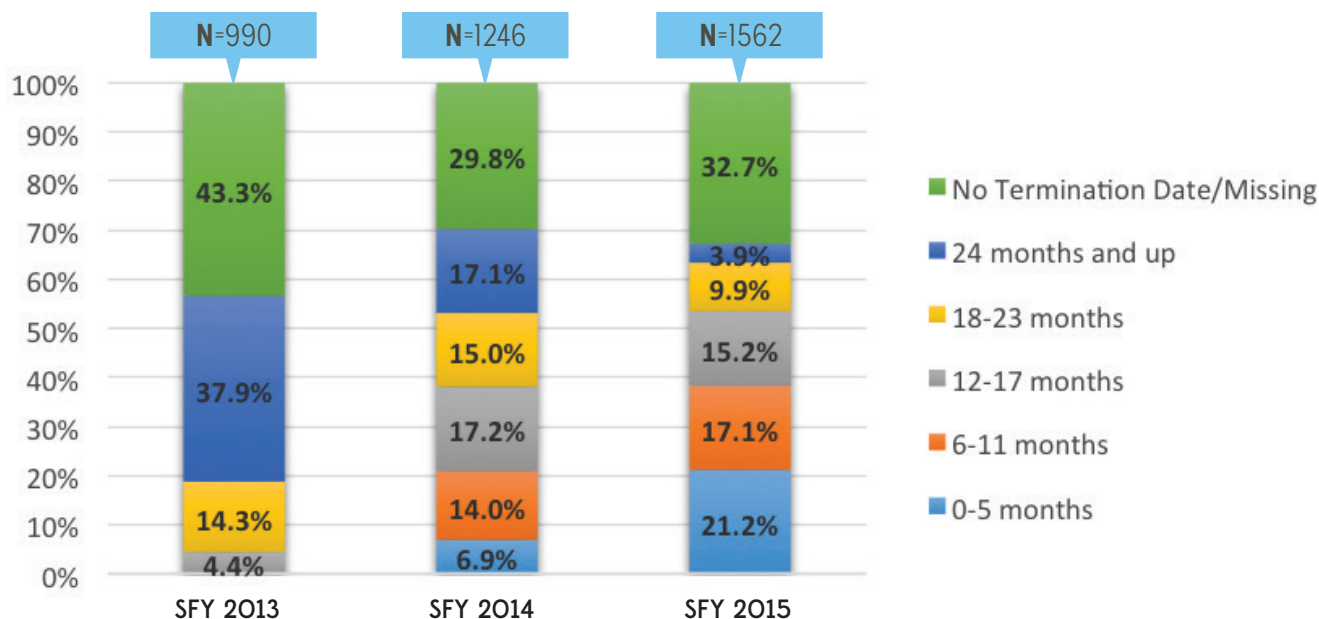


## MEDIAN MONTHS\*



\* Only includes cases that have a "Case Termination Date" in JUSTICE.

## TIMELINESS



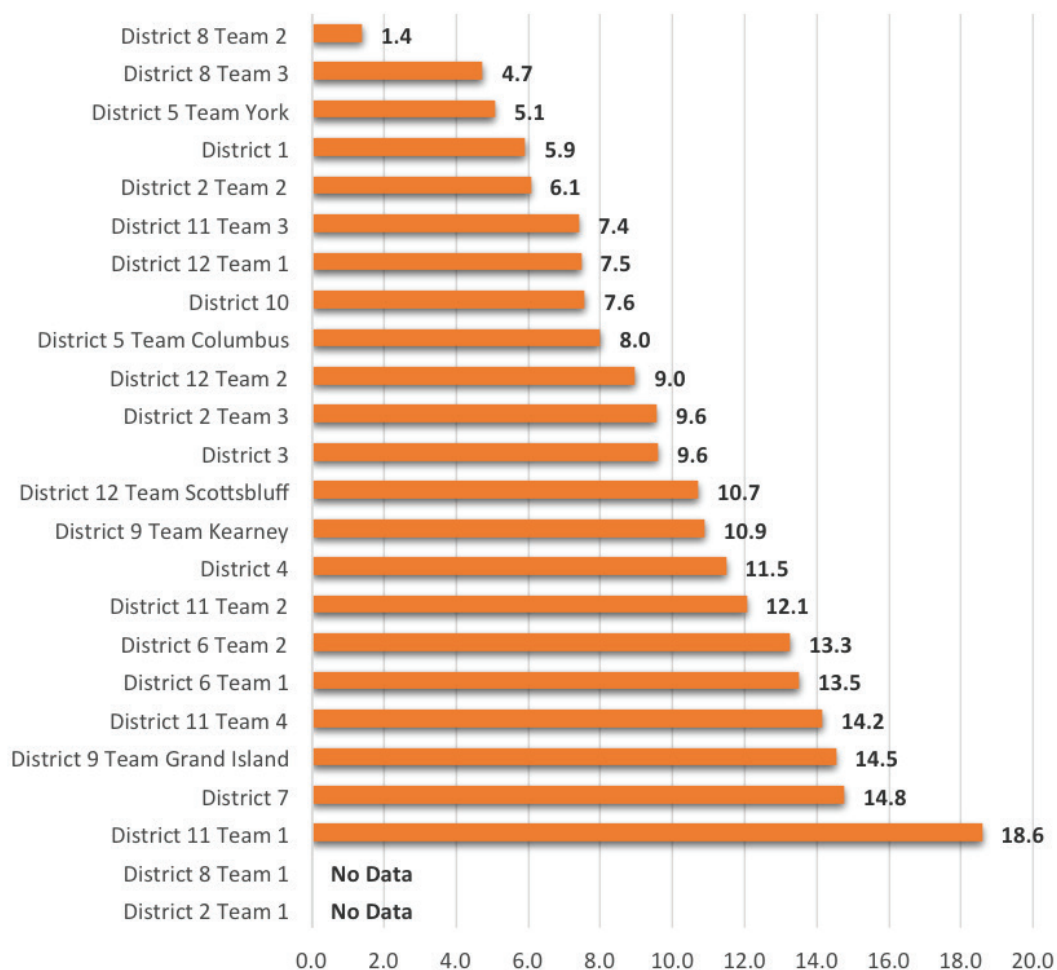


# TIME TO CASE TERMINATION



Case Status of all Cases Not Terminated by June 30, 2015			
	January 2012 - December 2012	January 2013 - December 2013	January 2014 - December 2014
Appealed	1	5	12
Closed	334	234	183
Mandate	4	1	3
Open	16	13	20
Reopened	72	111	281
Waiting	2	7	12
Total Cases Not Terminated	429	371	511

## MEDIAN MONTHS BY TEAM



SFY 2015

# JUVENILE JUSTICE



# REMOVAL TO DETENTION HEARING ORDER

This analysis includes cases with a petition filed date between June 1, 2012 and May 31, 2015. It includes only cases where a child was removed from the home. Cases with 90 or more days between removal and detention hearing were assumed data entry errors and excluded from the analysis.



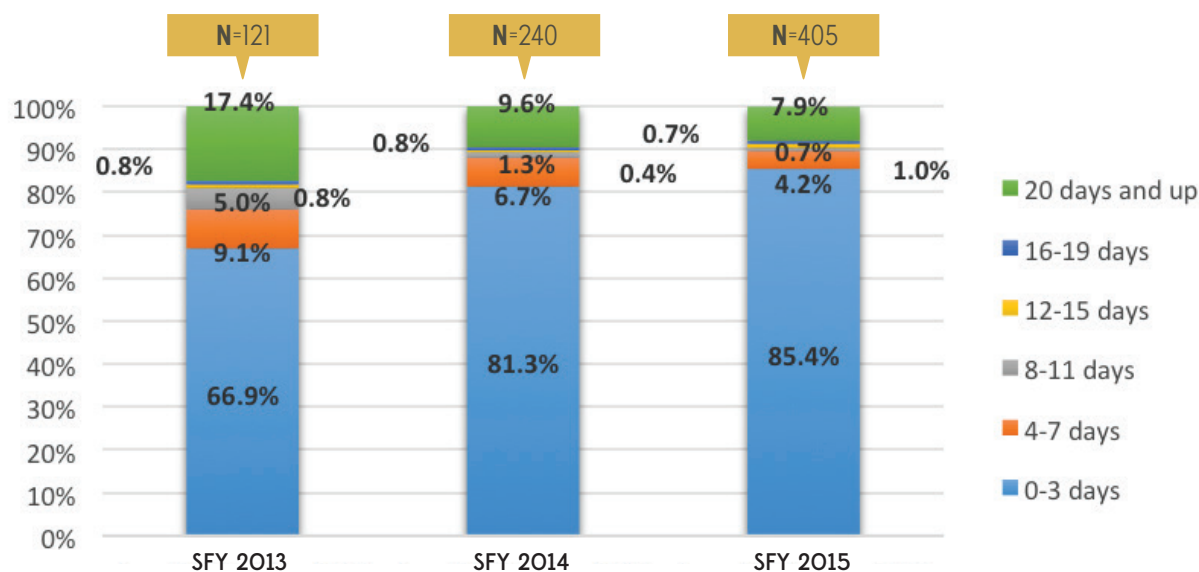
**The Detention Hearing is the first hearing in any Juvenile Justice case when the juvenile has been detained. According to Supreme Court Rule S6-104, juveniles should not be detained for more than 48 hours without a probable cause finding from the appropriate judicial authority.**

## MEDIAN DAYS



*Due to the significant amount of missing data for Removal to Detention Hearing, the Median Days and Timeliness data may be inaccurate.*

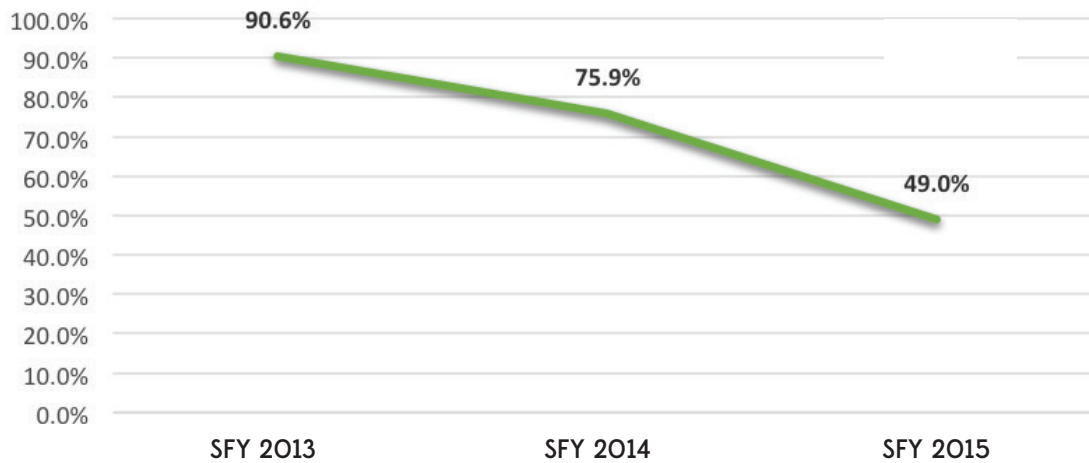
## TIMELINESS



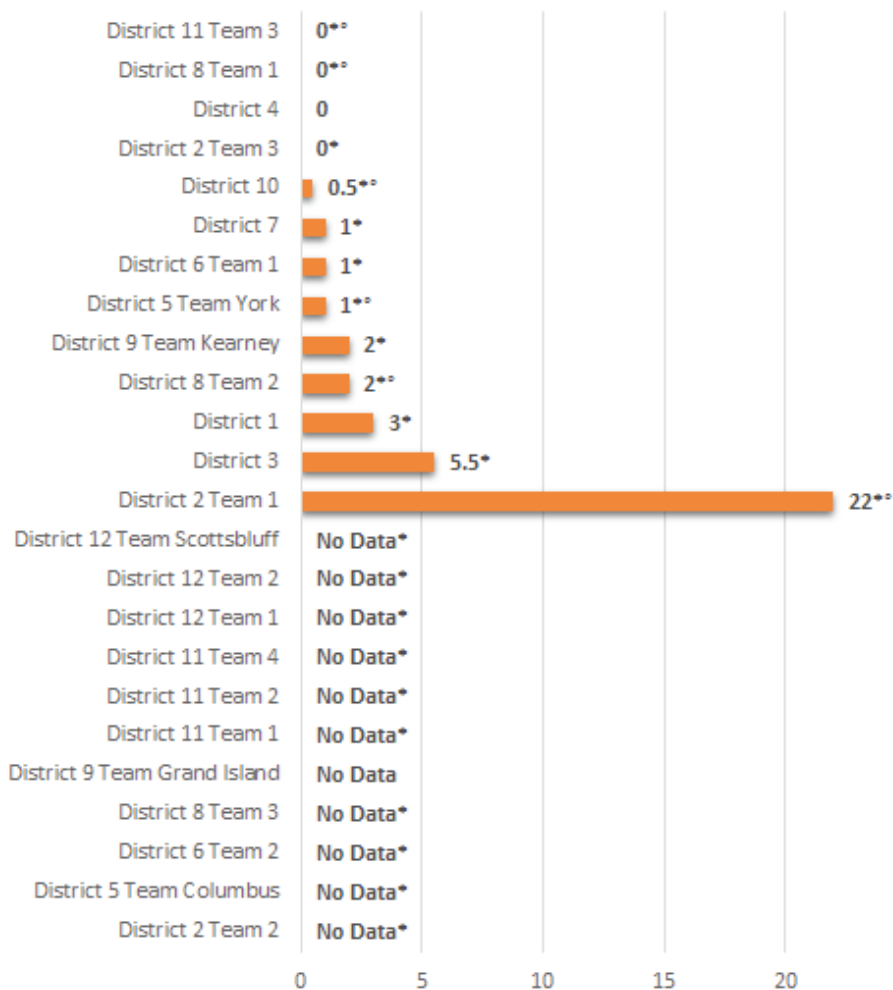
# REMOVAL TO DETENTION HEARING ORDER



## PERCENT OF MISSING DATA



## MEDIAN DAYS BY TEAM



SFY 2015

\* 30% or more missing data.  
° 5 or fewer cases.

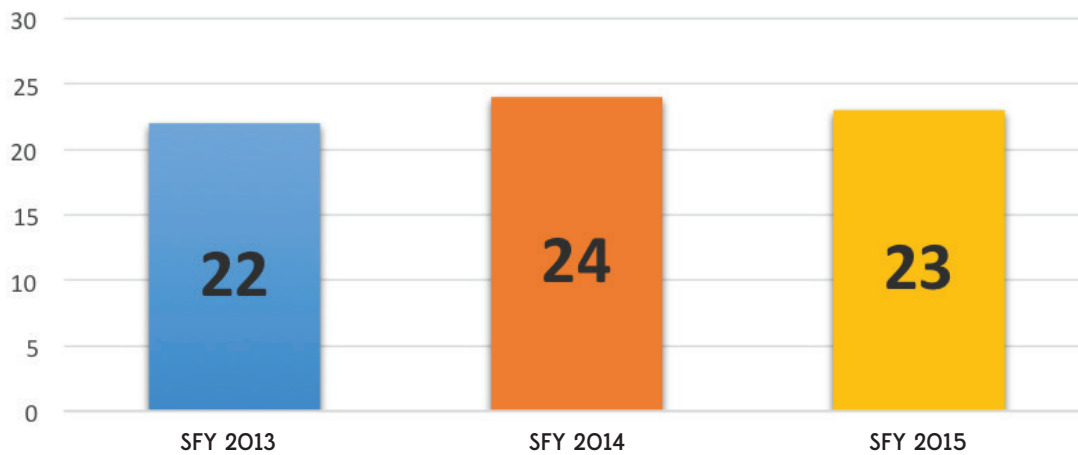
# PETITION TO FIRST APPEARANCE/ARRAIGNMENT ORDER



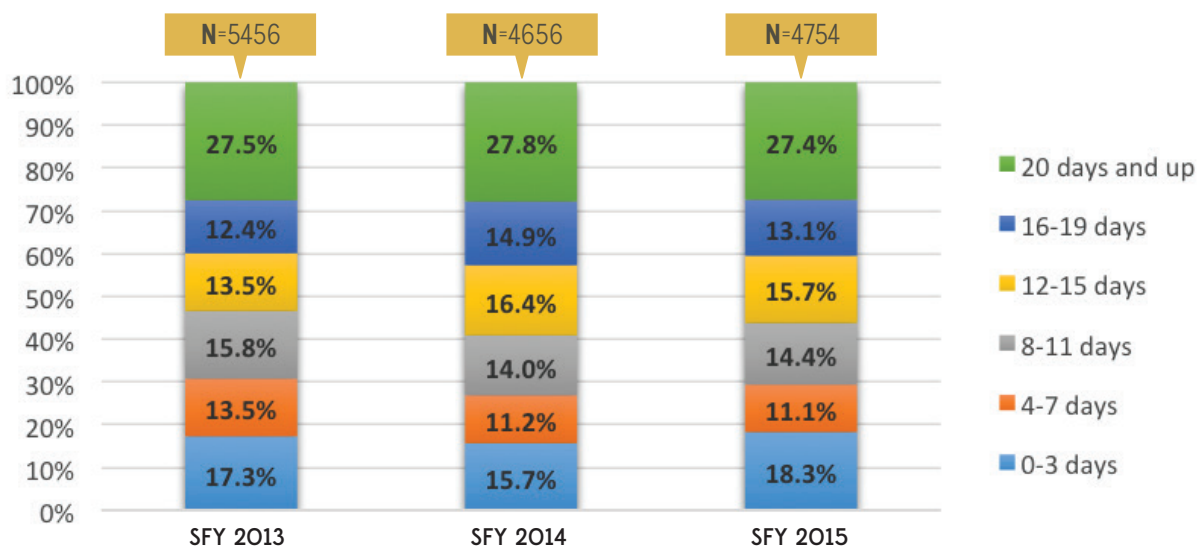
This analysis includes cases with a petition filed date between June 1, 2012 and May 31, 2015. Cases dismissed within 30 days of the file date are excluded. Cases with more than 120 days from petition to first appearance were assumed data entry errors and excluded from the analysis.

**The First Appearance/Arraignment Hearing is the hearing in which the juvenile is advised of the allegations contained within the petition and his/her due process rights. This may happen at the same time as the detention hearing for juveniles who are detained, or may happen at a later date.**

## MEDIAN DAYS



## TIMELINESS

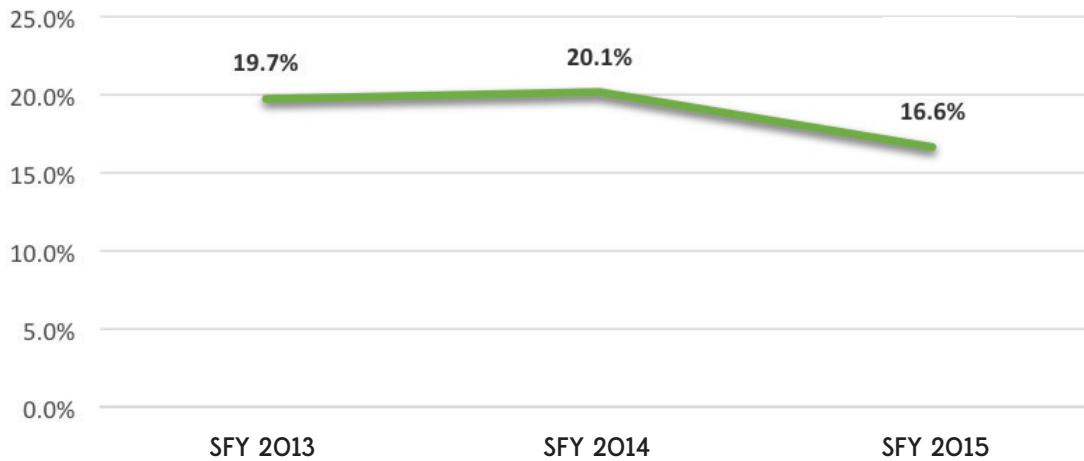




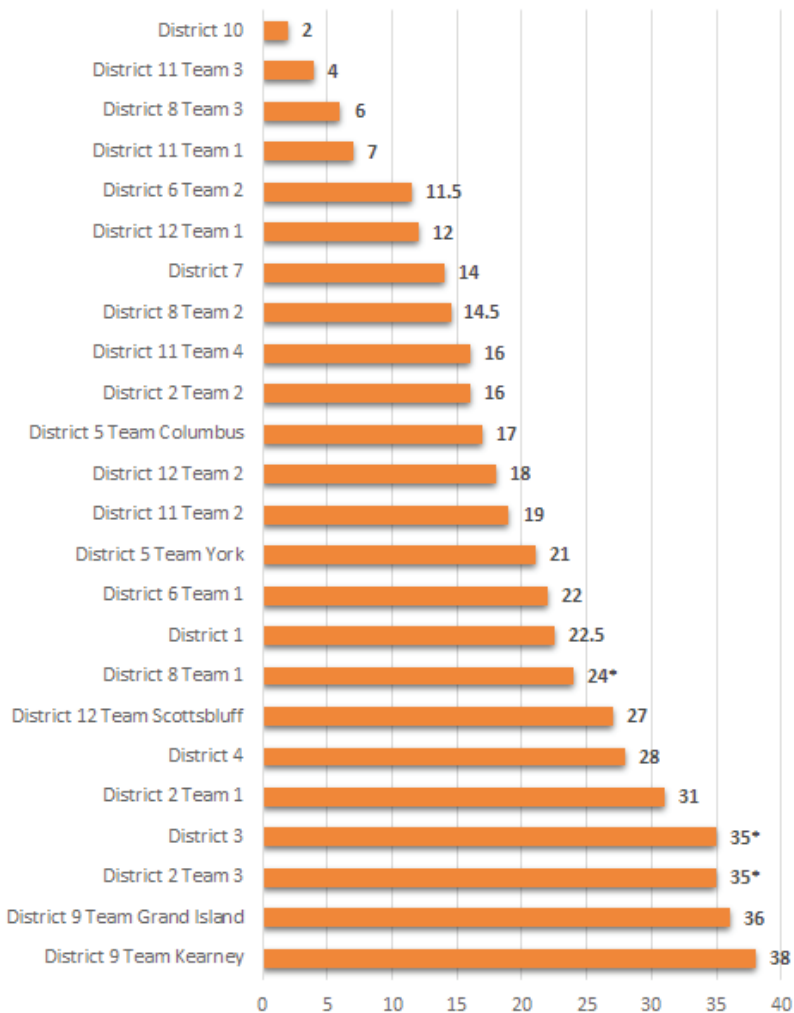
# PETITION TO FIRST APPEARANCE/ARRAIGNMENT ORDER



## PERCENT OF MISSING DATA



## MEDIAN DAYS BY TEAM



SFY 2015

\* 30% or more missing data.  
° 5 or fewer cases.

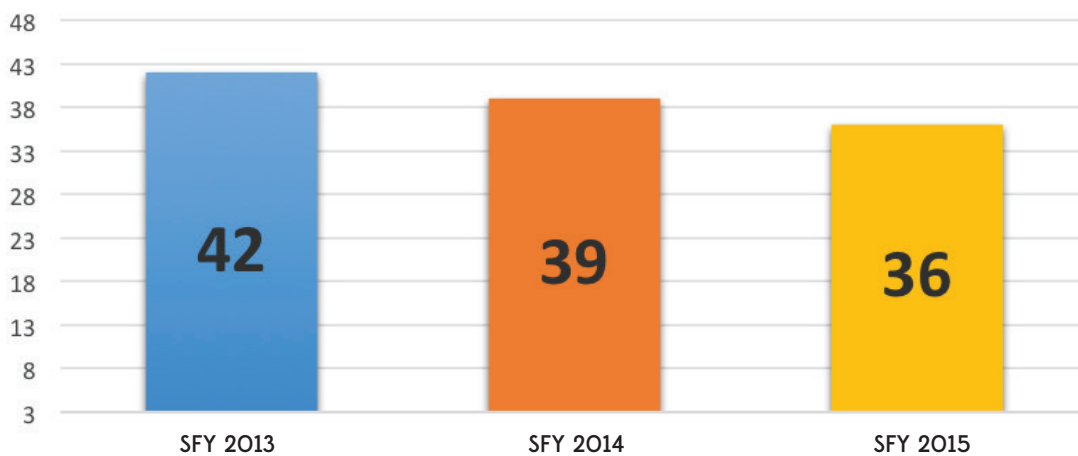
# PETITION TO ADJUDICATION HEARING ORDER

This analysis includes cases with a petition filed date between April 1, 2012 and March 31, 2015. Cases dismissed within 30 days of the file date are excluded. Cases with more than 1 year between petition and adjudication were assumed data entry errors and excluded from the analysis.

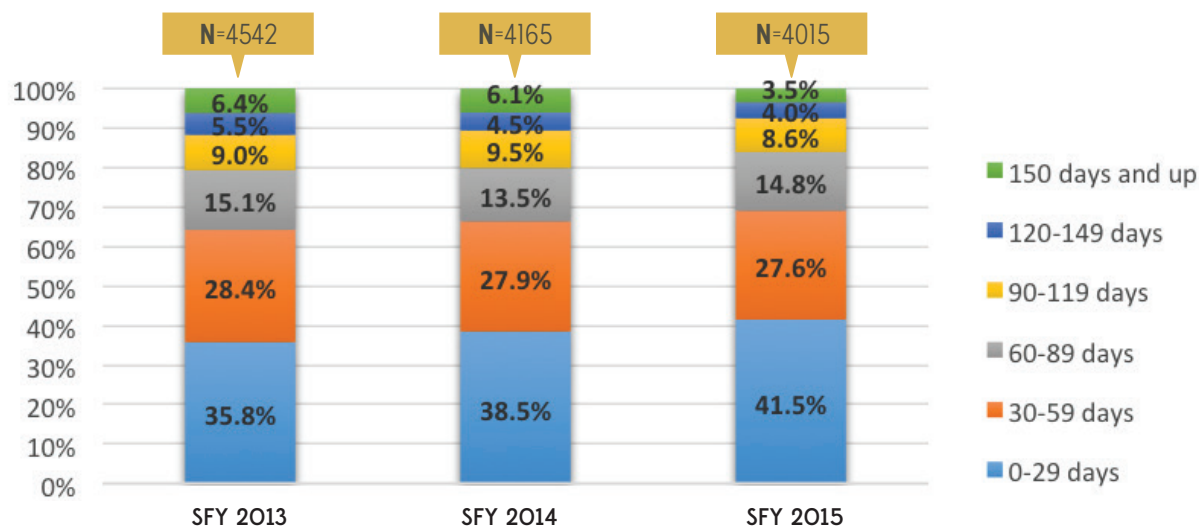


**The Adjudication Hearing is the hearing at which the court determines whether the juvenile comes within the meaning of Nebraska Revised Statute §43-247. This may be a formal trial, or the juvenile may admit to part or all of the allegations. Supreme Court Rule §6-104 requires the adjudication hearing to be held within 180 days of the filing of the petition.**

## MEDIAN DAYS



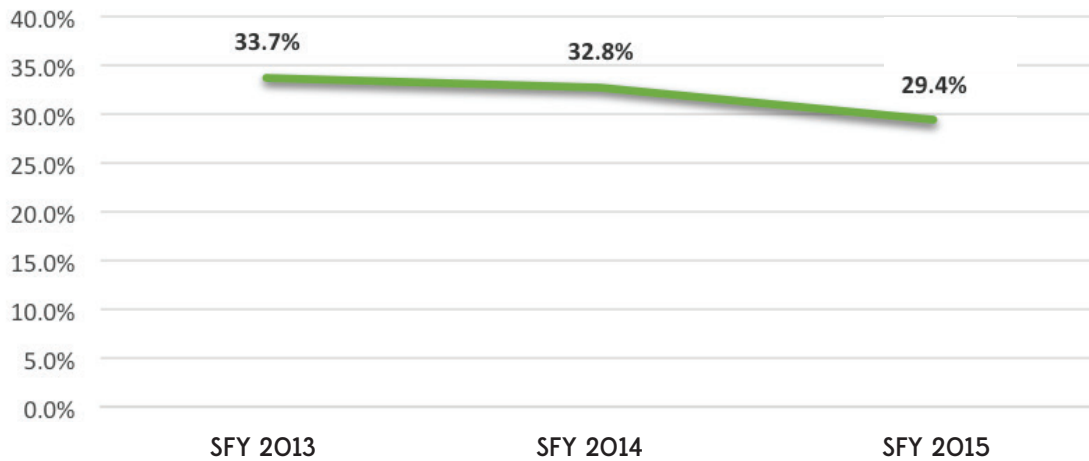
## TIMELINESS



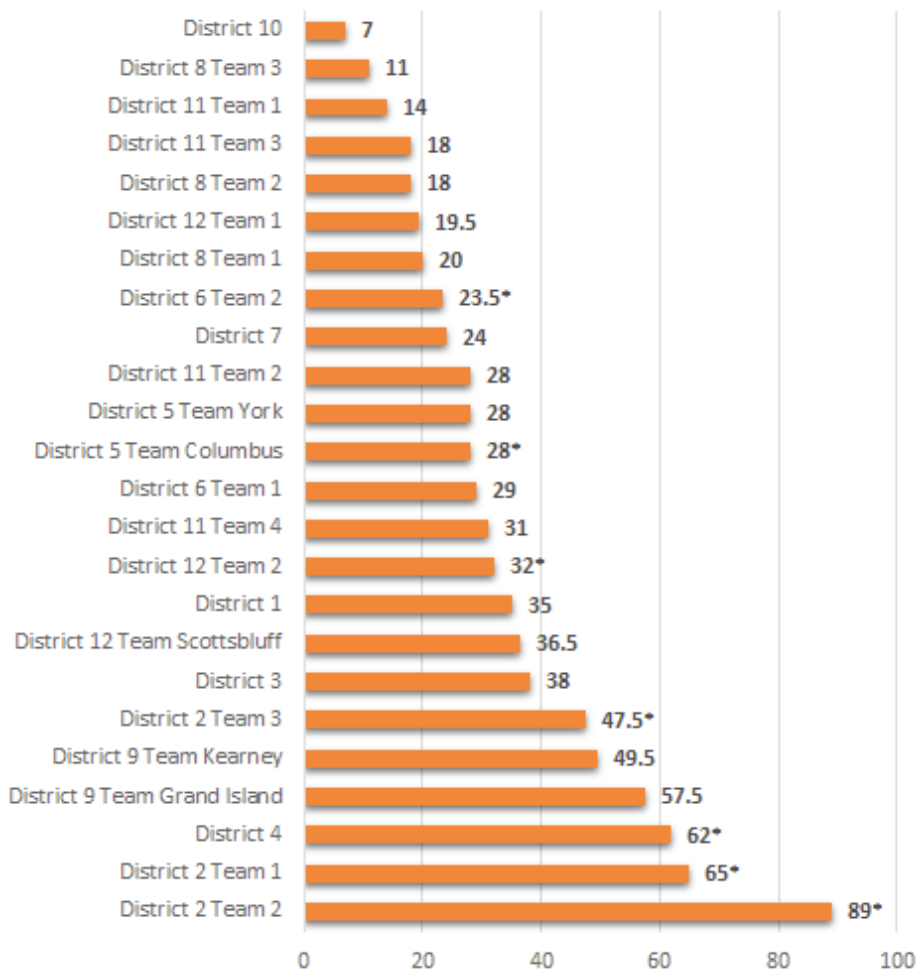
# PETITION TO ADJUDICATION HEARING ORDER



## PERCENT OF MISSING DATA



## MEDIAN DAYS BY TEAM



**NOTE:** Court Improvement Project staff, working with JUSTICE staff, have identified an issue with DOCKET that may be affecting timeliness data for Adjudication to Disposition if the originally scheduled Adjudication Hearing was continued to a later date. This issue only affects courts using DOCKET, and the overall effect size is small. We are working with JUSTICE/DOCKET staff to fix the problem.

**SFY 2015**

**\* 30% or more missing data.  
° 5 or fewer cases.**

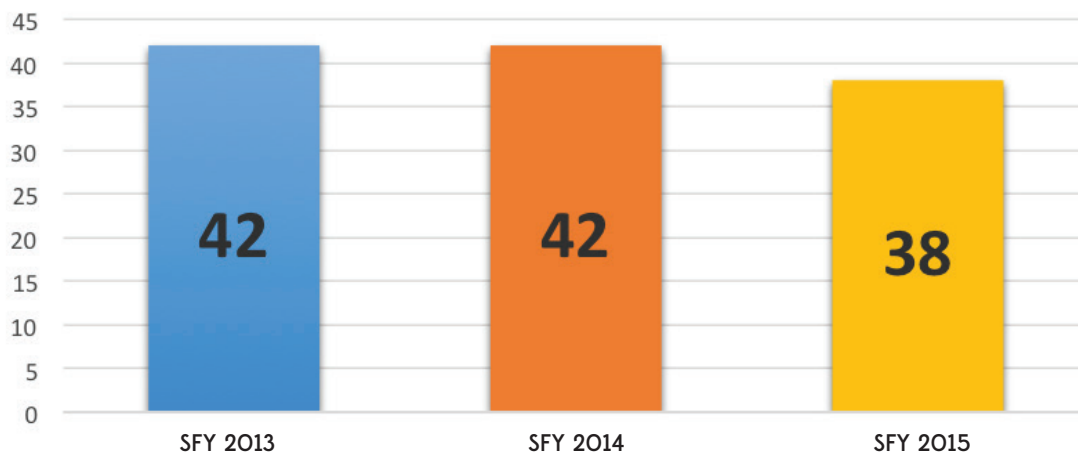
# ADJUDICATION HEARING ORDER TO DISPOSITION HEARING ORDER



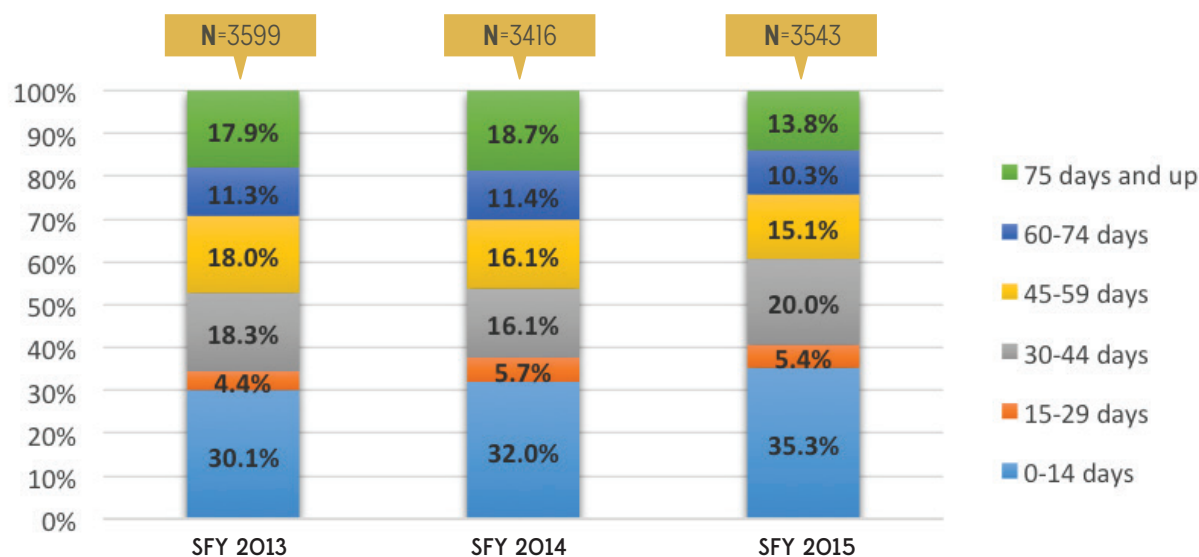
This analysis includes cases with an adjudication hearing order date between April 1, 2012 and March 31, 2015. Cases with more than one year between adjudication and disposition were assumed data entry errors and excluded from the analysis.

**The Disposition Hearing is the hearing at which the court determines what services or rehabilitation efforts the juvenile will receive if the adjudication hearing determined the juvenile meets the criteria of Nebraska Revised Statute §43-247. Supreme Court Rule §6-104 requires the disposition hearing to be held within 60 days of the adjudication hearing unless there is good cause to extend beyond 60 days.**

## MEDIAN DAYS



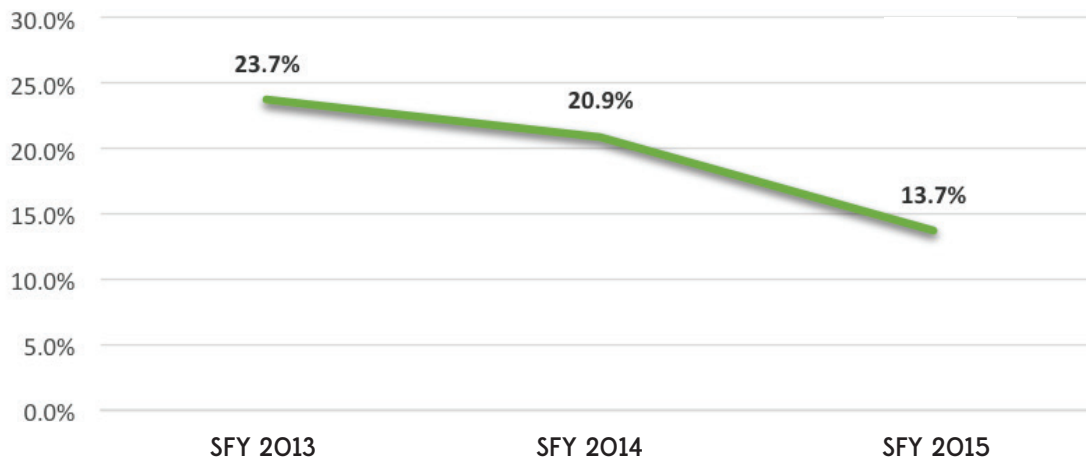
## TIMELINESS



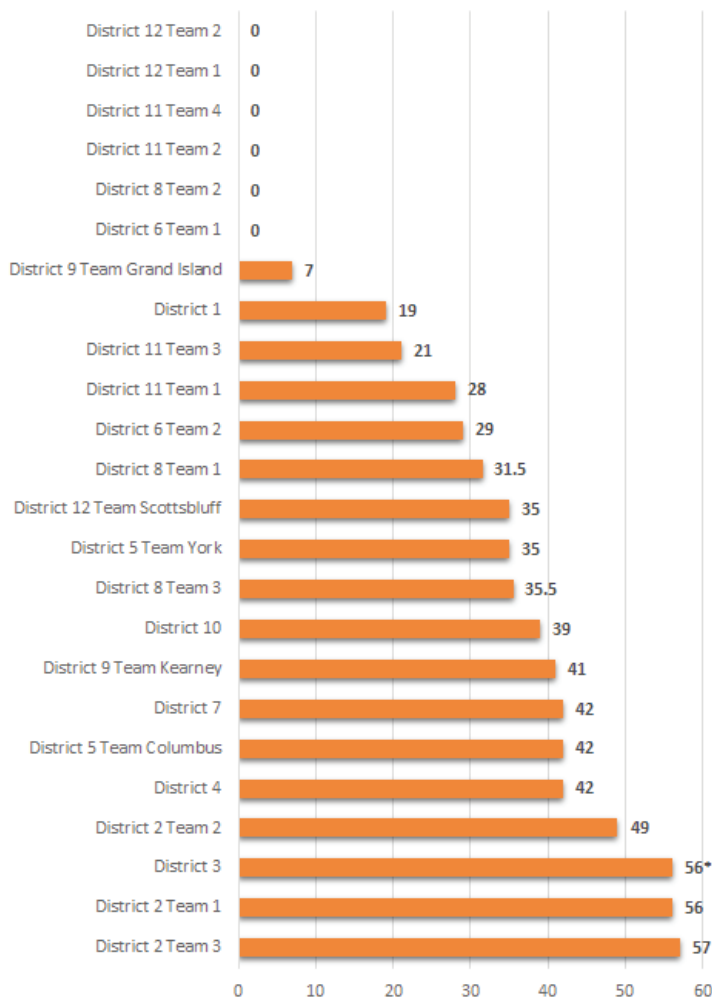
# ADJUDICATION HEARING ORDER TO DISPOSITION HEARING ORDER



## PERCENT OF MISSING DATA



## MEDIAN DAYS BY TEAM



SFY 2015

\* 30% or more missing data.  
° 5 or fewer cases.

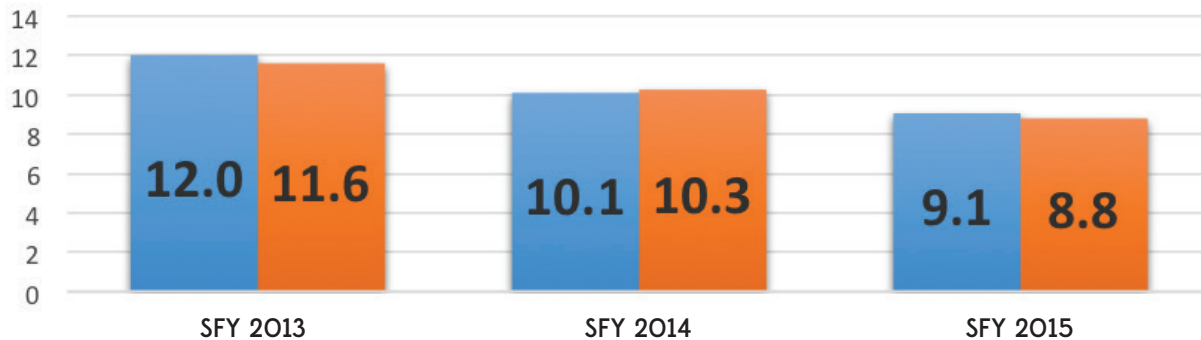


# TIME TO CASE CLOSURE

This analysis includes cases with a petition filed date between January 1, 2011 and December 31, 2013. Cases dismissed within 30 days of the file date are excluded.



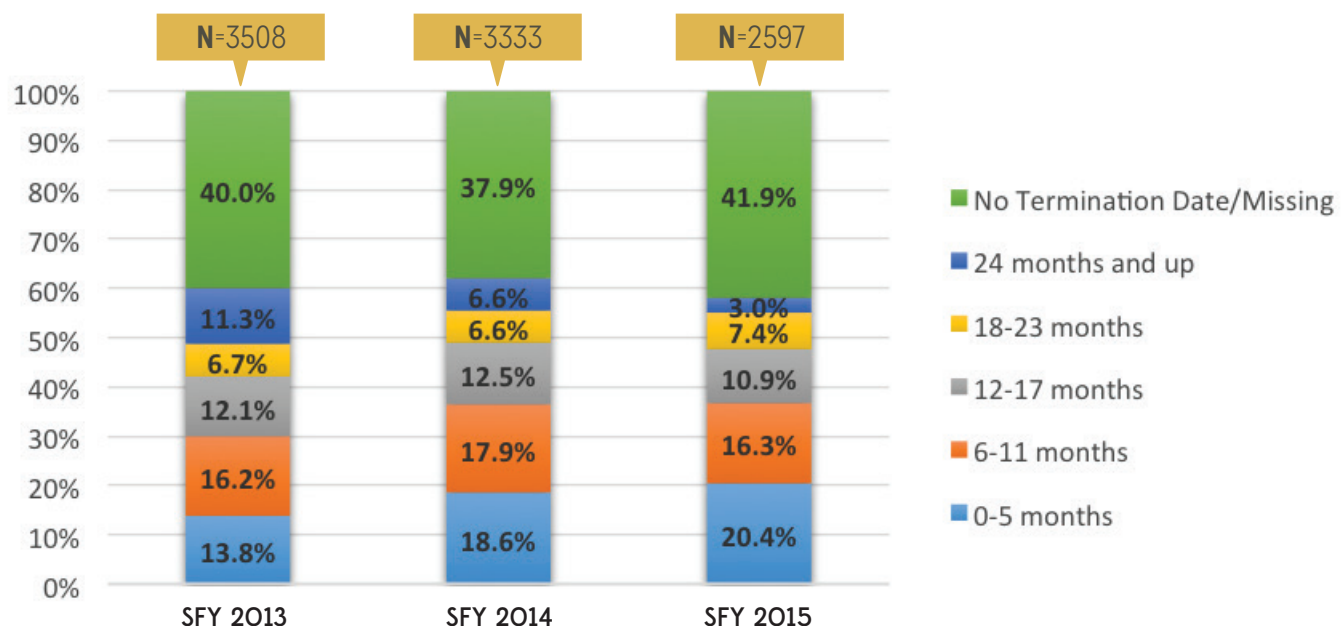
## MEDIAN MONTHS\*



\*Only includes cases that have a "Jurisdiction Termination Date" in JUSTICE.

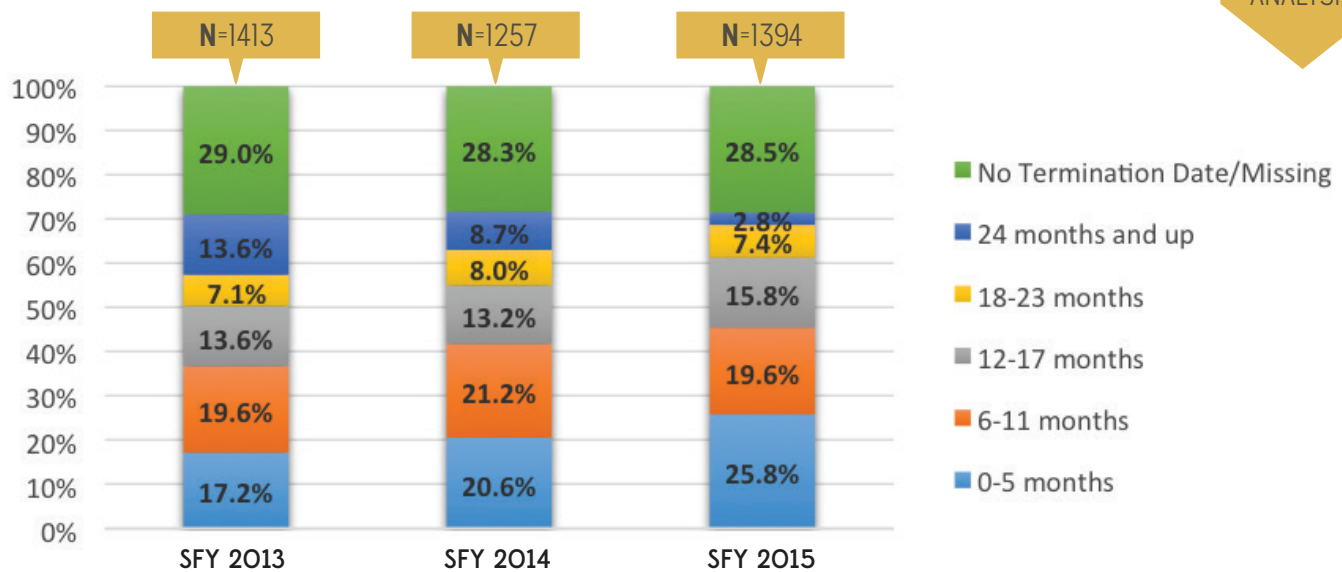
■ Delinquency ■ Status/Traffic

## TIMELINESS: DELIQUENCY

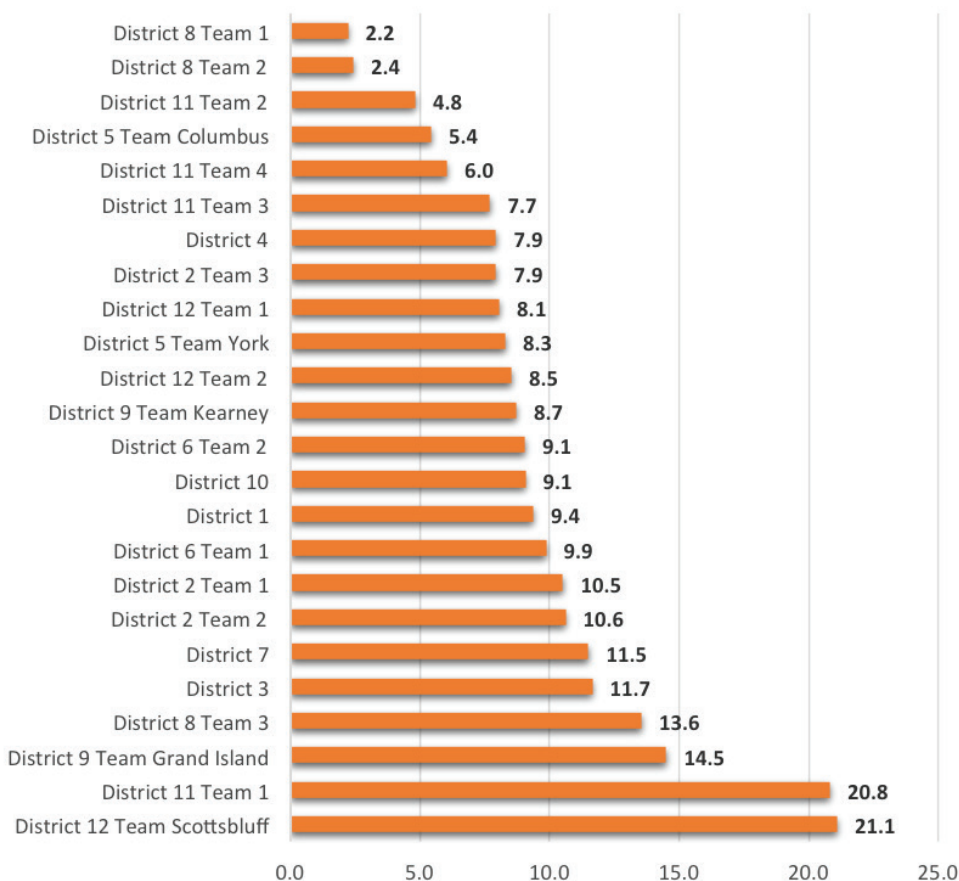


# TIME TO CASE CLOSURE

## TIMELINESS: STATUS OFFENSES



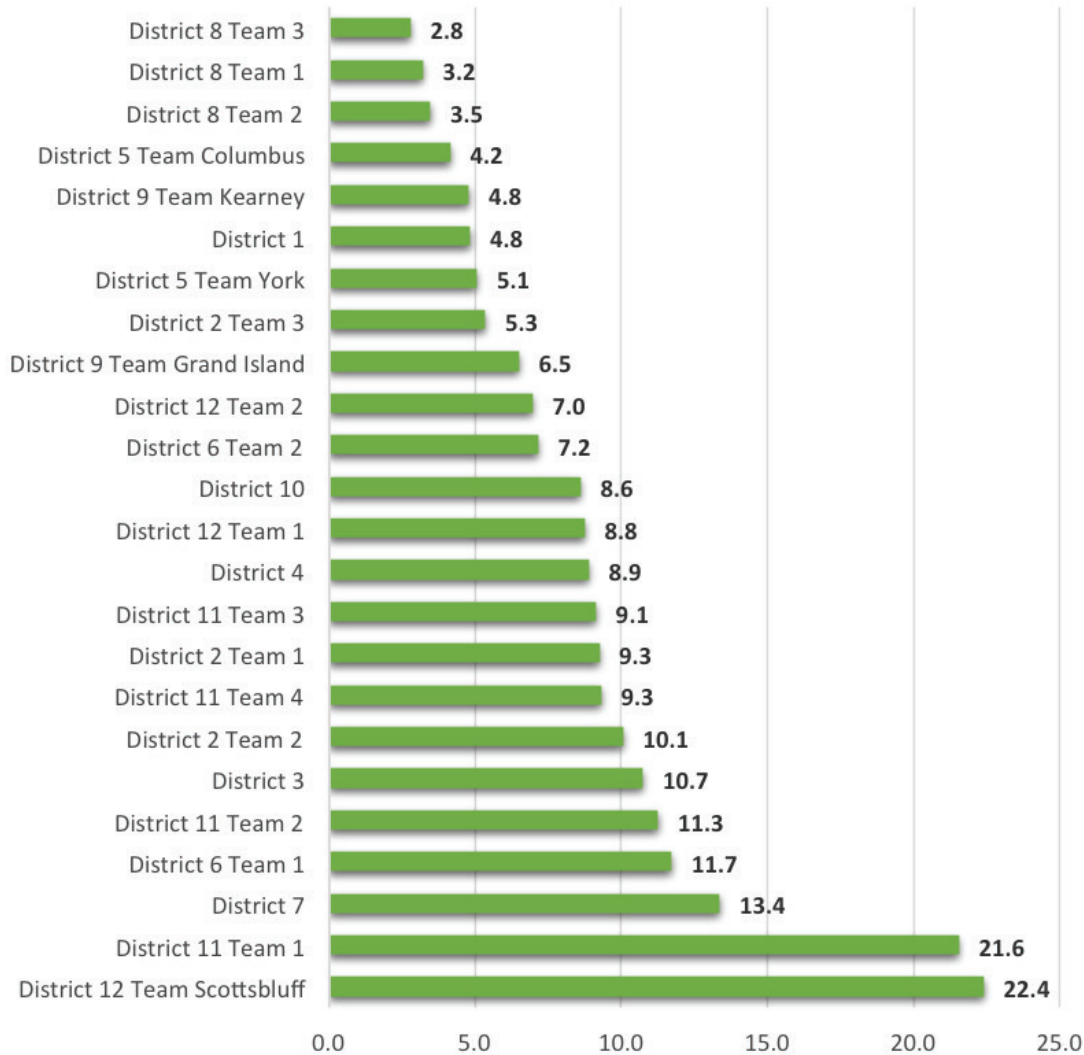
## MEDIAN MONTHS BY TEAM | DELINQUENCY



SFY 2015

# TIME TO CASE CLOSURE

## MEDIAN MONTHS BY TEAM | STATUS/TRAFFIC



SFY 2015