

Supreme Court Commission on Children in the Courts

Summary of June 15, 2007 Meeting

Present: Chief Judge Everett Inbody, Judge Douglas Johnson, Lynette Boyle, Judge Glenn Camerer, Judge Vernon Daniels, Mark Ells, Marsha Fangmeyer, Judge Lawrence Gendler, Alicia Henderson, Tami Soper representing Sen. Gwen Howard, Judge Patrick McDermott, Mary Jo Pankoke, Chris Peterson, Judge Linda Porter, Amy Prenda, Sen. Ron Raikes, Judge Gerald Rouse, James Ruby, Jane Schoenike, Carolyn Stitt, Judge Kenneth Vampola, Janice Walker, Judge Gary Washburn, Vicky Weisz, Kelli Hauptman, Scott Adams, Todd Reckling, Sheryl Connolly, Deb VanDyke-Reis, Pam Allen, Molly Burton.

The summary of the December 15, 2006 meeting was approved.

Updates

Chief Judge Inbody reported on several updates and upcoming changes to the Supreme Court Commission on Children and the Courts.

- A three-year term for Commission members will be imposed with the first three-year term ending at the end of 2007. With the exception of membership that is based on agency representation, one third of Commission members will have their terms end at the end of each of the next three years (2007, 2008, and 2009). Judge Inbody asked that any Commission members that would like to volunteer to have their term end at the end of this year to let Vicky know.
- The Commission will begin meeting bi-annually instead of quarterly. The September meeting has been cancelled and the next scheduled meeting is November 30, 2007. The reason for the reduction in meetings is that the Supreme Court has several drafts of recommended standards, guidelines, court rules, etc. from the Commission that need to be addressed before the Court can manage new sets of recommendations.
- The Supreme Court made proposed GAL guidelines available for comment and the comment period has expired. The GAL standards are on the Supreme Court agenda for June 20. The GAL subcommittee is inactive.
- The mandated GAL training is scheduled in all judicial districts during September and October, 2007 with registration available on the Through the Eyes Initiative's website. Approximately 80 attorneys had registered within days of the registration becoming available.
- The Supreme Court has tabled the recommendations regarding standards and training for court appointed attorneys representing juveniles in delinquency and status offense cases. The subcommittee is inactive.
- The subcommittee regarding expedited appeals is inactive. A review of 2005 cases showed a three month reduction in time for appeals. There will continue to

be an annual analysis of the appellate time frames by the Court Improvement Project. The subcommittee originally planned to turn their attention to expediting cases at the trial court level but they have deferred that objective to the Through the Eyes of the Child Initiative.

- The Children’s Summit subcommittee has completed its work. The Through the Eyes Initiative that was begun at the Summit is thriving.
- The standards for attorneys and court appointed investigators for children in District Court have been tabled by the Supreme Court until January, 2008. This subcommittee will begin working on guidelines for children’s participation in District Court in the fall.

Scope of Mandatory GAL training requirement

Lynette Boyle brought up a concern that despite the intent of the Commission to require GAL training for all GALs appointed for children in juvenile court, the Supreme Court Rule only mandates the training for GALs appointed for children in 3a(abuse/neglect/dependency) cases. The Commission unanimously supported a recommendation to the Supreme Court that the Rule be amended to require all guardians ad litem appointed for children under the Juvenile Code attend mandatory Guardian ad Litem training

Report on Appointed Counsel for Parents Subcommittee

Judge Robert O’Neal presented and explained the *Proposed Standards for Appointed Counsel for Parents in Abuse and Neglect Cases in Juvenile Court*. A brief discussion followed the presentation. The Commission approved several changes to the proposed standards including:

- Change “standards” to “guidelines”
- Remove section on contracts and refer issue of contracts back to the subcommittee for further research and consideration
- Move a comments section adapted from the American Bar Association on best practices to the training section of the guidelines
- Changes to the organization of the training section and the addition of training topics

The Commission voted to accept the amended guidelines and recommend them to the Supreme Court (18 approve, 4 dissent).

Report on Through the Eyes of the Child Initiative

Judge Larry Gendler provided a brief update of the Initiative and asked Commission members about their perceptions. There were several positive comments about the work of local teams. There was a brief discussion of judicial ethics issues regarding judicial participation in teams, especially in the rural areas.

Report on Foster Parent Participation Subcommittee

Judge Linda Porter presented the *Caregiver Information Form* that was developed by the subcommittee with the assistance of the Nebraska Foster and Adoptive Parent Association (NFAPA) and that meets the requirements of the recently amended NRS § 43-1318. Judge Porter also described recommended judicial guidelines for the use of these forms. After discussion, the Commission unanimously approved the *Caregiver Information Form*. The Commission approved the recommended judicial guidelines in the following amended form (13 approve, 5 dissent):

1. The Supreme Court Commission on Children in the Courts recommends that the Nebraska Supreme Court adopt the following Judicial Guidelines as Court Rule:
 - a. The Caregiver Information Form, as provided by the Nebraska Supreme Court, is to be provided by courts to foster parents, pre-adoptive parents, guardians, or relative caregivers when giving notice of court reviews.
 - b. Courts shall make completed forms available to counsel for parties after they have been received and shall distribute such forms to counsel at the hearing.

Review and Discussion of Court Improvement Main, Training, and Data grants

Vicky Weisz presented the proposed strategic plans for the three court improvement federal grant activities including continued support for the Through the Eyes of the Child Initiative, continued collaboration between the courts and NDHSS, support for adoption of best court practices by Nebraska courts and court participants, standardized court orders, training for guardians ad litem and attorneys (including web-based training), a scholarship program for attorneys to attend national trainings, development, refinement and dissemination of key court performance measures, and assessment of the interstate placement of children.

Next meeting

The next meeting of the Commission will be Friday, November 30, 2007 in Lincoln.