

Supreme Court Commission on Children in the Courts

Summary of December 15, 2006 Meeting

Present: Chief Justice Michael Heavican, Chief Judge Everett Inbody, Judge Douglas Johnson, Lynette Boyle, Judge Glenn Camerer, Judge Vernon Daniels, Mark Ells, Marsha Fangmeyer, Judge Lawrence Gendler, Rebecca Harling, Senator Gwen Howard, Judge Paul Korslund, Judge Patrick McDermott, Kathy Moore, Mary Jo Pankoke, Chris Peterson, Judge Linda Porter, Amy Prenda, James Ruby, Jane Schoenike, Dick Stafford, Roberta Stick, Carolyn Stitt, Janice Walker, Vicky Weisz, Kirs Wertz, Kelli Hauptman, Liz Neeley, Todd Reckling, JoAnn Emerson, Deb Brownyard, Loren Galvin.

The summary of the August 25, 2006 meeting was approved.

Updates

Judge Inbody reported on the progress of recent proposals that the Commission recommended to the Supreme Court:

1. The Supreme Court adopted the requirement that parent(s) sign their appeals after the order for termination of parental rights.
2. The Supreme Court began their review of the *Standards for Appointed Counsel of Juveniles in Law Violation and Status Offense Cases in Juvenile Court*. They requested that the Minority and Justice Implementation Committee provide more information about the funding strategy. Liz Neeley, representing the MIC, reported that:
 - a. MJC met with the Nebraska Association of County Officials at their annual meeting on December 6. NACO supports the initiative to pursue state funding for the juvenile justice system (legal representation) and has agreed to partner with MJC and this Commission to pursue this funding.
 - b. On December 7, the Nebraska State Bar Association legislative committee unanimously approved a motion to direct lobbyist Bill Mueller to assist the MJC in developing a funding strategy for the Assigned Counsel standards.
 - c. On December 8, the NSBA Executive Council also unanimously approved a motion to proceed with pursuing state funding for the juvenile justice appointed counsel system.
 - d. A meeting to discuss a funding proposal is scheduled for December 18 and interested Commission members were invited to participate.
3. The Supreme Court also began their review of the *Proposed Rules of Practice for Guardians ad Litem for Juveniles*. The Court is working on these standards but have taken no action.

Vicky Weisz reported that the required training for guardian ad litem training would need to be delayed until after the Supreme Court approved the standards.

Judge McDermott reported that the Subcommittee on Expedited Appeals was waiting to see the impact of the changes in the rules on the appellate time frames. He also suggested that the new Through the Eyes of the Child Initiative was the appropriate vehicle to explore expediting the trial process rather than this Subcommittee.

New Subcommittees

Judge Inbody reported that two new subcommittees of the Commission would be formed to study and make recommendations regarding:

- Parents' attorneys standards and training
- Uniform standards regarding foster parents' opportunity to be heard

Commission members were asked to indicate their interest in serving on either of these subcommittees.

Report on Children in District Court Subcommittee

Judge Korslund presented and explained the *Proposed Standards for Attorneys and Court Appointed Investigators for Children in District Court*. A brief discussion followed the presentation.

The Commission voted to accept the standards and recommend them to the Supreme Court (17 approve, 1 dissent).

The Commission unanimously voted to accept the following recommendation:

The Subcommittee recommends to the Commission that a staff position or process in the Administrative Office of the Nebraska Supreme Court be implemented to develop a resource pool for training and a mechanism for approving training proposals and credentialing attorneys in the family law area.

Representatives of the Child-Centered Family Justice Group (Kathy Bigsby Moore, Pam Perry, Loren Galvin, and Debora Brownyard) presented background information and discussion of their group's work and proposed legislative changes to the Nebraska Parenting Act..

The Commission unanimously voted to accept the following recommendations:

The Subcommittee has approved the following proposed changes to the Nebraska Parenting Act Statutes § 43-2901, et seq.

1. The concept of mandatory basic parent education for all parties with a good cause exception.

2. The concept of permitting courts to adopt mandatory parent education for more difficult and conflictual cases including as precursors to modification actions.
3. Support for optional “children of divorce” education for affected children conducted by schools or community based programs.
4. Support in principle the concept of mandatory parenting plans for all cases including paternity actions.
5. Permit courts to require mandatory attempted mediation of one session for all parties.
6. Support an amendment to the Parenting Act that permits courts to allow specialized ADR for parties with high conflict or domestic abuse. Specialized ADR facilitator training requirements and a specialized process focused on safety would be included.
7. Add definitions for child abuse (28-710) and domestic abuse.
8. Add that all parenting plans are to serve the best interests of children pursuant to 42-364.

Chief Justice Michael Heavican remarks

Chief Justice Heavican thanked everyone on the Commission for the work and reported that he would continue Chief Justice Hendry’s efforts in improving the court system for children. Chief Heavican reported the following recent activities:

- He has been having monthly meetings with the leadership of the Commission and the Through the Eyes of the Child Initiative.
- He has attended one local meeting of the Initiative by telephone and he plans to attend more local meetings in person or on the telephone.
- He has meet with Christine Peterson and Todd Reckling of HHS.
- He reported that the Supreme Court is working on the proposals submitted by the Commission.

Through the Eyes of the Child Initiative

Judge Gendler and Kelli Hauptman reported the following:

- They met with 8 teams in five locations in western Nebraska over a period of 3 days in late November. Teams are working hard and with considerable enthusiasm.
- They have meet with Todd Reckling and discussed making HHS data available to teams.
- A pamphlet that outlines the Initiative will be available in a few weeks.
- A grant has been submitted to Woods Charitable Fund to support the development of an interactive website for the Initiative.

Proposal for Juvenile/County Court ADR Coordinators

Deb Brownyard presented a proposal for information purposes regarding the development of an Office of Dispute Resolution administered program to provide family

group conferencing, mediation, and facilitation services to county and juvenile courts.

Next meeting dates

2007 meeting dates will be determined in early January and the dates will be sent to Commission members.