

Supreme Court Commission on Children in the Courts

Summary of May 5, 2006 Meeting

Present: Chief Judge Everett Inbody, Judge Douglas Johnson, Michaela Kubat (for Senator Patrick Bourne), Lynette Boyle, Judge Vernon Daniels, Marsha Fangmeyer, Judge Lawrence Gendler, Rebecca Harling, Alicia Henderson, Tami Soper (for Senator Gwen Howard), Judge Paul Korslund, Judge Patrick McDermott, Nancy Montanez, Elizabeth Neeley, Judge Jodi Nelson, Mary Jo Pankoke, Judge Linda Porter, Amy Prenda, Senator Ron Raikes, Judge Gerald Rouse, James Ruby, Judge Patrick Runge, Dick Stafford, Roberta Stick, Carolyn Stitt, Judge Kenneth Vampola, Janice Walker, Elizabeth Waterman, Vicky Weisz, Kirs Wertz, Todd Reckling, JoAnn Emerson, Ellen Brokofsky.

The minutes of the March 17, 2006 meeting were approved.

Funding Proposals for Juvenile Justice Legal Representation

Linda Crump, Co-Chair of the Minority and Justice Implementation Committee (MJIC) and Dennis Keefe, Member of MJIC described a proposal that has been discussed internally by the MJIC and with the leadership of the Supreme Court Commission on Children. In order to assist counties with the fiscal impact of the developing recommendations for improved representation of indigent adults, juvenile offenders, and abused and neglected children it is recommended that state funding be sought to support (partially or in full) the legal representation of children in juvenile court. It is expected that the two subcommittees of this Commission that are working on standards and training for guardians ad litem and attorneys for youth to improve the quality of representation will make recommendations that will increase the expense of attorneys for children. Similarly, the MJIC will be making recommendations to improve the quality of indigent representation that are expected to increase the expense of attorneys. The leadership of the MJIC and this Commission agreed that state funding for the juvenile court portion of these recommended improvements would be a critical step in assuring improvement in these services and in statewide uniformity for children's representation. Further, relieving the counties of these expenses would help the counties in their ability to fund the recommended improvements for indigent defense.

The Commission had a lengthy discussion that was basically supportive of this proposal. Some concerns were raised: 1) the impact on local control of these functions; 2) a concern that a poorly funded county based system will be replaced by a poorly funded state system. The following Commission members were selected to work with the MJIC on this funding proposal: Judge Vernon Daniels, Judge Patrick McDermott, Marsha Fangmeyer, JoAnne Emerson, a representative of the Court Administrator's office.

Report on Children's Attorney Subcommittee

Vicky Weisz presented preliminary findings from the surveys regarding state practice of juvenile defense attorneys. Appendix A is the summary of these preliminary findings

The most recent draft of the *Standards for Representation of Juveniles in Law Violation and Status Offense Cases in Juvenile Court* was reviewed and discussed by the members of the Commission. A number of comments, corrections, and recommendations were made and will be incorporated into the draft.

Report on the Expedited Appeals Subcommittee

Judge McDermott gave a brief report. Judge McDermott indicated that it was decided that requiring cross-appeals to be signed, dated and notarized after the judgment has been entered, would not provide a reduction in time or appealed cases. Judge McDermott also reported that this committee would begin looking at possible ways to expedite the trial process. A recommendation was made that judges be required to report to the Supreme Court all cases that are not adjudicated within 90 days, and the reason for the delay. This subcommittee will review this recommendation..

Report on Children in District Court

Judge Korslund reported that this committee had an organizational telephone conference meeting and selected several areas of concern for further study and potential recommendations:

- 1) GALs and/or children's attorneys: role clarity, usefulness, financing, etc.
- 2) mediation/parent education: need for state-wide model
- 3) domestic violence/high conflict divorces/getting info from other courts into process (e.g. protection orders)
- 4) uniform guidelines for children's participation in judicial process
- 5) clarity in standards for custody determination, should joint custody be presumption?
- 6) re-occurring visitation issues (costliness to parties and system)
- 7) custody evaluations- effectiveness, standards

The subcommittee has a series of noon hour telephone discussions scheduled over the summer and will have a full day meeting in Lincoln on September 15, 2006.

Report and Discussion of GAL Subcommittee proposed standards

The Commission discussed the latest drafts of the proposed standards and decided to wait until the August meeting when the standards are expected to be completed to take action on the standards.

The next Commission meeting is scheduled for August 25, 2006.