

# KNOW

A GUIDE FOR YOUTH IN  
NEBRASKA'S JUVENILE  
COURT SYSTEM

# YOUR RIGHTS



YOUR  
RIGHTS  
YOUR  
FUTURE



UNIVERSITY OF  
**Nebraska**  
Lincoln®

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# KNOW YOUR RIGHTS

## *Why is it important that I know my rights?*

Because you matter! The juvenile court system can be scary and confusing. You might feel powerless around judges, lawyers, caseworkers, probation officers and police officers. Which is why it is important to know that you have legal rights that NO ONE can take away. The goal of the Juvenile Court System is to help YOU and it is important you are involved in the process.

## “BECAUSE YOU MATTER!”

Do not let anyone tell you that you don’t have rights because you are not an adult. Children and youth have the same basic rights under the United States Constitution as any human being.

Never forget that you have the right to be protected from physical, sexual, verbal and emotional abuse.

## *United States Bill of Rights*

The Constitution of the United States includes the Bill of Rights. The Bill of Rights is the first 10 amendments of the Constitution.

### SOME OF THE RIGHTS INCLUDED IN THE BILL OF RIGHTS ARE:

- ▶ 1<sup>st</sup> Amendment, which protects **FREEDOM OF RELIGION and FREEDOM OF SPEECH.**
- ▶ 4<sup>th</sup> Amendment, which **PROTECTS YOU FROM UNLAWFUL POLICE QUESTIONING OR POLICE SEARCHES.**
- ▶ 5<sup>th</sup> Amendment, which provides your **RIGHT TO A FAIR TRIAL.**
- ▶ 6<sup>th</sup> Amendment, which provides that you have a **RIGHT TO A LAWYER.**



## Your Rights in Child Welfare Cases

1. **YOU** have the right to services to help you and your family. This includes medical, dental and vision care.
2. **YOU** have the right to live in a safe, healthy home with enough food and clothing.
3. **YOU** have the right to live in a forever home.
4. **YOU** have the right to know and visit your siblings.
5. **YOU** have the right to create a plan to help you become an adult and to choose your own future goals.
6. If you are 14 or over, **YOU** have the right to know when your hearings are being held.
7. **YOU** have the right to talk to the judge at the hearing and give your opinions.
8. **YOU** have the right to give the Youth Court Questionnaire to the judge.
9. **YOU** have the right to have an attorney (which is a Guardian ad Litem in a child welfare case) represent you. You have the right to have that attorney listen to you and understand what is happening in your life.
10. **YOU** have the right to attend your same school.

## Your Rights in Juvenile Justice Cases

If you are in court because someone said you did something wrong, you have the following rights under Nebraska Law (Neb. Rev. Stat. 43-279):

- **A. YOU HAVE A RIGHT TO KNOW WHY YOU ARE IN COURT.** You have a right to know why you are in juvenile court and what law the State believes you broke. You also have a right to know how the juvenile court process works and what the judge can order you to do.
- **B. YOU HAVE A RIGHT TO AN ATTORNEY.** You have a right to be represented by a lawyer. This is your attorney, who works only for you and he or she must be provided by the court free of charge. Your lawyer can protect your rights and help tell your side of the story. He/She knows how the court process works and can guide you through your decisions, including whether you want a trial or want to admit to the charges.
- **C. YOU HAVE A RIGHT TO A TRIAL.** Which is called an adjudication in juvenile court. You do not have to admit to any charges or testify in court. It is the County Attorney's job to present evidence to the judge that what they wrote in the petition is true.
- **D. YOU HAVE A RIGHT TO TELL YOUR SIDE OF THE STORY.** You and your attorney have a right to present evidence to the judge that what is in the petition is not true. This includes calling people to testify for you, and you may also testify if you want to. You can also ask questions of the people that the county attorney calls to testify.
- **E. YOU HAVE A RIGHT TO A SPEEDY TRIAL.** This means that the court must hold your adjudication within 6 months of the time that the County Attorney filed the original petition. There are some instances where this time should be shorter or times when it can be extended.
- **F. YOU HAVE A RIGHT TO APPEAL.** If you disagree with something the court orders, you can ask another set of judges to review what the judge said and see if it was correct. This means other judges will look at the decision and decide if it needs to be changed. You have 30 days after a court hearing to ask for an appeal. Your attorney knows how to file an appeal.



## **Foster Care Bill of Rights**

**Created by the Governor's Youth Advisory Counsel in 2003 and endorsed through Legislative Resolution 76 in 2005, the following are important rights to fight for if you are a youth in foster care:**


- ✓ Be protected from physical, sexual, verbal, and emotional abuse and from spiritual neglect.
- ✓ Have had every reasonable effort made to be able to stay in your biological home, including financial help and other assistance.
- ✓ Have a placement plan that reflects your best interests and that is designed to facilitate your return home in a timely manner or a permanent placement appropriate to your needs.
- ✓ Get an explanation as to why you have been placed in the custody of the Department of Health and Human Services.
- ✓ Be allowed to attend court hearings, speak to the judge, and be heard by the court.
- ✓ Be placed in a home where the caregiver knows your history, needs, and risk factors and you should know what is expected of you by the foster caregiver.
- ✓ Be able to live in a safe, healthy, and comfortable placement, to receive adequate, healthy food and adequate clothing and to be treated with respect.
- ✓ Receive medical, dental, vision, and mental health care and testing and receive whatever treatment or services are necessary as soon as practical.
- ✓ Be able to attend school and do extracurricular activities.
- ✓ Know caring people outside of the foster care system, such as church members, friends, and teachers.
- ✓ Be able to attend religious services of your choice.
- ✓ Be able to talk at least once per month with your caseworker and receive honest and timely information about the decisions the department is making that affect your life.
- ✓ Be in a stable home and not have to move all the time.
- ✓ Be able to visit and talk with parents, brothers and sisters, grandparents, and other important friends and relatives, unless the court says otherwise.



# IMPORTANT RIGHTS



## Getting the Help you Need

If you need help or are not getting what you need, ask for help. You should always feel free to talk to your guardian ad litem or your attorney. If that does not work, you should tell somebody else including the case manager/family permanency specialist or your probation officer. It is the job of these people to help you through the court process. The people who are working on your case also have supervisors whose job is to make sure your workers are doing their job. You can always ask to speak to your worker's supervisors. Never forget that your Judge is there to help and there is a section in this guide on how to make sure your voice is heard. Go to our website , to find other organizations that can help you get the help you need.

**IF YOU ARE IN IMMEDIATE  
DANGER CALL 911 OR  
THE CHILD ABUSE AND  
NEGLECT HOTLINE  
1-800-652-1999.**





# UNDERSTAND THE PROCESS →

Now that we have gone through some of your legal rights, it is important to talk about the different steps in the process of a juvenile court case. Understanding the process makes the entire experience less confusing and puts you in a better position to let the court know what your needs are. Juvenile courts started over 100 years ago in Chicago, Illinois, because people recognized that needs of youth were not being met in the adult court. Every state in the United States now has a juvenile court system.

## “UNDERSTANDING THE PROCESS MAKES THE ENTIRE EXPERIENCE LESS CONFUSING”

### *Types of Cases Filed in Juvenile Court in Nebraska*

1. Child welfare cases generally filed against parents when the state believes a child is being abused or neglected; and
2. Juvenile justice cases are filed when the State believes a youth has broken the law.

### UNDERSTAND THE CHILD WELFARE COURT PROCESS

Child welfare cases are also referred to as “abuse and neglect” cases or “**3(a)**” cases. They are called “**3(a)**” cases because the law that allows the State to file the case is Nebraska Revised Statute §43-247(3) (a). In most child welfare cases, if the State files a **petition**, the judge will temporarily put you in the custody or care of the Department of Health and Human Services (DHHS). Then you will temporarily become a **state ward**, meaning that the State is responsible for your care and placement. A “**3(c)**” case is filed if a youth has mental health concerns that put the youth at risk of harming themselves or others.

### How you get Involved?

**Hotline or police call** - Most likely, you became involved in the child welfare system because someone believed you were being abused or neglected and called the abuse/neglect hotline or the police. Abuse and neglect can mean many different things. Abuse can involve either physical abuse or sexual abuse. Neglect means your parent is not meeting all of your basic needs.





**Investigation** - Once a person calls the hotline or the police, DHHS starts an investigation to determine if you are being abused or neglected.

**Petition** - If DHHS finds that you are at risk of harm, they ask the County Attorney to file a 3(a) petition in juvenile court. The most common reasons for filing a child welfare case are a parent's drug or alcohol use, a parent's mental health problems, domestic violence, unsafe houses, or lack of supervision.

**Court** - When a petition is filed, that means a judge becomes involved in the case and will determine if abuse and neglect occurred, if you are at risk of harm, and what your parents need to do to fix the situation. The judge may order that you live in a foster home while your parents work on ways to make your home safe. The judge will also provide you an attorney called a guardian ad litem (GAL), whose job is to work with you and communicate to the judge what is in your best interests.

The goal of DHHS and juvenile court involvement is to help you and your family. They are there to give your family the services and help it needs to become whole again. Some things the court may order involves you, like family therapy, but there are other things the

court may order that your parents need to complete on their own, like drug treatment. However, never forget that you are part of this case and you have a voice. Your judge wants, and needs, to hear from you to make a good decision. **Learn more in the Use Your Voice section on page 8.**

## **What is the Court Process Like?**

The first step in any case is the filing of a petition. A petition is a form that says what happened that led your family to juvenile court. After the filing of a petition, there are a number of court hearings that will be held. Be sure to ask your caseworker or GAL when the hearings will be held.

**Protective Custody Hearing** - When a child is removed from the home, the judge must have a hearing to determine whether removal from the home was necessary and whether the decision process was fair. The judge will determine whether reasonable efforts were made to keep you at home and whether you need to remain in foster care for a longer amount of time. The judge will likely address plans for **you to see your parents and your brothers and sisters** (if you are not with them) and any **services** that can be started which can help your family. If the judge keeps you in **temporary DHHS custody**, this means that DHHS can make decisions regarding your care that would normally be made by your parents.

**Adjudication Hearing** - This is the hearing where the judge decides whether the **allegations in the petition are true**. Your parent(s) may either admit what is stated in the petition is true, or there may be a trial where the county attorney must present evidence to prove that what is stated in the petition is true. If the judge finds that the allegations are true, the court takes jurisdiction over the case. This means that the court can order certain things to be done.

**Disposition Hearing** - The disposition hearing is where your caseworker presents a report to the judge, which lays out what steps must be taken before you can safely be returned home. The report will recommend that your parents do certain things like complete drug treatment or go to therapy.



**Review Hearing** - After the disposition hearing, the court will hold review hearings every three to six months. The purpose of the review hearing is for the judge to **check on the progress** in the case and see if anything needs to be added or removed from your case plan.

**Permanency Hearing** - If you are in foster care over 12 months, there will be a permanency hearing. At this hearing the judge will take a hard **look at your current permanency plan** and decide if it should change or remain the same. For example, if the case goal has been for you to return home to your parents, but there has not been much progress towards that goal, the judge may change the goal to guardianship or adoption. The judge may also keep the goal at reunification depending on the specific facts of your case.

### **Motion for Termination of Parental Rights -**

The law also allows the county attorney to file a motion for termination of parental rights (TPR) if it appears that reunification with your parents is not possible in your case. If a TPR is filed, it is the State requesting that your

parents' parental rights be terminated. If your parents voluntarily give up their parental rights or if the judge finds enough evidence to terminate your parents' rights, you are then free to be adopted by another family member, your foster parents, or another person.

**In most cases in Nebraska – almost 70% - young people are reunified with their parents.**

However, if that does not happen the court will continue to keep your case open until a guardian is found, you are adopted, you enter into independent living or you turn 19 years old. As always, your input is crucial to the judge making the best decision and you have a right to tell the judge what you would like to see happen in your case.



## UNDERSTAND THE JUVENILE JUSTICE COURT PROCESS

Juvenile court also hears status and delinquency cases. A status case is based upon acts that are prohibited only because of your age. For example, you are missing too many days of school, are running away or your behavior at home is out of hand. A delinquency case is filed under the Nebraska Revised Statute **§43-247(1)-(4)** if the State believes you broke a law, like shoplifting. However, unlike adult court where they file criminal cases, the purpose of juvenile court is to rehabilitate and help you be successful, not to punish you for something that happened in the past.

### What is the Court Process like?

The first step in any case is the filing of a petition. A petition is a form that says what the State believes happened that led you to juvenile court. The county attorney may have received a report from your school or from a police officer, which led to their decision to file a petition. You and your parents will then receive notice of a date and time that you need to appear in juvenile court. If you cannot afford an attorney, you have a right to an attorney that the court provides. Your attorney does not work for the court or for your parents. Your attorney works for you and can help you work your way through the system. It is important you know when your hearings are and that you attend. **In juvenile justice cases you must attend your court hearings. If you do not attend the court may issue a warrant for your arrest.**



reporting center until the next court hearing. These are meant to be short-term placements to handle crisis situations. Your attorney should meet with you before the detention hearing. If you do not have a lawyer at this hearing, ask the judge for one. If you do not understand something that is happening, ask your lawyer to explain it to you **BEFORE** you leave court. If you still do not understand, **ASK** again, and keep asking until you get the information you need.

**First Appearance/Arraignment** - This is the hearing where the judge goes over what is said in the petition. Make sure you understand what the charges are in the petition, and if you do not already have an attorney, this is where you would ask the judge to appoint an attorney to help you through the process. The judge will ask you if you admit or deny the petition. This is similar to when someone pleads guilty or not guilty in criminal court. You do not have to admit to the petition at this hearing. Admitting to the petition can have consequences that you need to fully understand before you make that decision. A lawyer is the best person to explain these options to you and to work out the best deal for you. Even if you deny at this



first hearing, that does not mean you have to have an adjudication or trial, it just means you need more time to figure out what is the best option for you.

**Motion to Transfer to Adult Court** - In certain cases the county attorney may file a motion to transfer your case to adult court. There are only certain cases where the county attorney can file this motion and the law provides that you must have a lawyer at this hearing. At the hearing, the county attorney must show evidence why your case should be transferred following certain factors set forth in the law. Transfer to adult court and criminal convictions can seriously affect your future, so make sure to talk to your attorney about this process.

**Pre-Trial** - This is a hearing where the attorneys meet with the judge and let him or her know if there will be a full adjudication or if you are going to admit to petition. You may or may not need to attend this hearing. Be sure to ask your attorney if you need to attend.

**Adjudication** - An adjudication, which is like a trial, is where the county attorney must present evidence to show that what is written in the petition is true. If you have an adjudication and the judge decides that the State did not prove their case, the case is over and you can go home. If the judge decides that the State did prove their case or if you admit to parts of the petition, the judge can order you to do certain things, which will be decided at the disposition hearing. The judge may order a Pre-Disposition Investigation (PDI), to determine what services will be most helpful to you and your family. If the judge orders a PDI, make sure to contact the probation office to set up an appointment to complete the PDI.

**Disposition** - The disposition hearing is where the judge lets you know what you need to do while you are on probation. Probation is the period of time where you are under the supervision of a probation officer and must follow their rules in addition to the rules at your house. The judge may order you to do certain things like complete an evaluation, go to therapy, complete community service, go to school and follow a curfew. Keep all notes and all letters about court dates and probation rules in a safe place, where you can find them. If you don't understand the rules, ASK!

**Probation Review** - The judge may set a probation review hearing, where the judge will check in to see the progress you are making toward completing what he or she ordered at your disposition.

**Motion to Revoke Probation** - A motion to revoke probation is something the county attorney can file if you are not following the rules that were set at your disposition hearing. You have a right to know what rules the State believes you are not following and a right to have a hearing where the State must present evidence to prove what the motion says is true. Be sure to meet with your attorney if the State files a motion to revoke your probation. You have



a right to show that you did complete what was ordered and/or that it was impossible for you to complete that order. If the judge revokes your probation, the judge can change your probation order. For example, the judge can add more hours of community service or order you placed at a group home.

### **Motion For Commitment to YRTC** - Nebraska

has two Youth Rehabilitation and Treatment Centers (YRTC). The YRTC in Kearney is for males and the YRTC in Geneva is for females. If you have a case involving only a status offense, the judge cannot order you to a YRTC. If you do have a delinquency case, the judge can order you to a YRTC, but only as a last option. The county attorney must file a special motion and provide evidence that all levels of probation supervision have been exhausted and placement at a YRTC is a matter of immediate and urgent necessity. There must be a hearing on the county attorney's motion and you have a right to put on a defense. If the judge orders you placed at a YRTC it is a temporary placement and once you complete their program, you will be returned to court with a "re-entry plan."

**Re-Entry Hearing** - A re-entry hearing is only needed if you have been placed at one of Nebraska's YRTCs. A re-entry hearing is a continued disposition hearing where the judge puts you back on probation for a period of time and orders that you complete certain things before your case can close successfully. Once you have successfully completed everything the judge has ordered you can have your juvenile court record sealed.

**Sealing of Your Records** - If your case is dismissed or you successfully complete probation your juvenile record may be sealed. There are certain situations where this is done automatically and other times where you will need to have a hearing to ask the judge to seal your record. Be sure to talk to your lawyer about sealing your record and ask your judge at your last hearing if he or she will seal your record.

It is important to get your record sealed because then when you apply for jobs, college, or to rent an apartment it will not show up on your record.

## WHAT CAN HAPPEN – PERMANENCY GOALS

Every young person who is a state ward will have a permanency plan and a concurrent plan. A permanency plan is the main focus of the case and the concurrent plan is a back-up plan that is developed in case the permanency plan does not work. The following are types of plans a court may adopt in your case. It is the judge's job to decide which plan is in your best interests.

### **THINGS TO THINK ABOUT WHEN GIVING YOUR OPINION ABOUT A PERMANENCY OPTION:**

How old you are when your case is closed can impact several financial assistance programs you may be eligible for. The Bridge to Independence Program (see page 20) provides services and support for young adults, but you cannot join that program if you are adopted or go into a guardianship before you are 16 or if your case closes before you are 19. In addition, how old you are when your case closes may affect your eligibility for Education Grants or health insurance. Make sure you talk about these programs with your GAL or another adult before you decide what is best for you.





- **Family Preservation** - Family preservation means living with your mom and/or dad instead of going into foster care.
- **Reunification** - Reunification means that you are currently in foster care, but the goal of the case is that you return to the home that you were removed from.
- **Adoption** - If reunification is not an option, the State may look at adoption. The State will look to see if there are other family members who are able to adopt you or your current foster parents may adopt you as well. Before you can be adopted, your parents must either agree to give up their parental rights or the court may terminate your parents' rights. If you are over 14 years old, the law requires that you consent to the adoption.
- **Guardianship** - Guardianship is where relatives, your foster parents or other adults in your life become your legal guardian. As your guardian they have many of the same rights and responsibilities as parents, but guardianship does not require the termination of your parents' rights.
- **Independent Living** - Independent living becomes more common as you get closer to your 19th birthday. If Independent Living is your permanency plan, the goal of the court is to make sure that you have everything you need in order to succeed once your case is closed. Even if Independent Living is not your permanency plan, every young person in care who is over 16 years old must have an independent living plan.

## WHO IS INVOLVED?

There are many people who are part of a juvenile court case. Some or all of the individuals listed below may be a part of your case.

### ► Caseworkers

If you are placed in foster care, you may meet a caseworker right away who will talk to you about what is going on. They are called initial assessment caseworkers. Later, you will get a caseworker who is assigned to your case. This is called an on-going caseworker or a family permanency specialist. Their job is to provide and coordinate services in your case and to keep in contact with you and your family on a regular basis.

### ► Probation Officers

A probation officer is a person whose job is to supervise you while you are on probation. They will help you understand what is expected of you and help you through the probation process. It is also their job to report to the court how you are doing on probation and if you are following the rules that the judge set. It is important that you know who your probation officer is and how to get a hold of him or her.

### ► Judge

Once a case is filed in juvenile court, a judge is assigned to the case. The judge is the person who makes the decisions about what will happen in your case. He or she will make sure you are getting the things you need. If you are not getting what you need, make sure to let the judge know.



### ► Guardian ad Litem (GAL)

If you are involved in the child welfare system, you and your brothers and sisters will have a lawyer called a guardian ad litem, or GAL. The GAL is supposed to meet with you within two weeks of you being removed from your home. It is important that you talk with your GAL about what you want because their job is to work for you and what is in your best interests. Your GAL has to meet with you at least every six months but should talk with you more often than that. Your GAL should also know of major changes in your life and should know what you think and want before going into a court hearing. If you are trying to contact your GAL and he or she is not responding, tell your judge. You can do this at the court hearing, or you can fill out the Youth Court Questionnaire (*see more on page 18*).

### ► Your Attorney

In a juvenile justice case and sometimes in a child welfare case, you are entitled to an attorney. Your attorney knows how the process works and it is their job to let you know what the law is and guide you through the process. Things that you tell your attorney are confidential, meaning they cannot tell anyone else, unless you want them to. They must work towards the outcome that you want and the court must provide you with a lawyer at no cost if you cannot afford one.

## “IF YOU DON’T UNDERSTAND THE RULES, ASK!”

### ► County Attorney

The attorney who files the petition in court is called a county attorney. The county attorney has to prove to the judge that what they put in the petition is true. The county attorney also represents the interests of the State and county.

### ► Parent’s Attorney

In a child welfare case, your parents have a right to an attorney whose job it is to advise them about the law and to advocate for their rights. If your parent cannot afford an attorney, the court will appoint an attorney to represent him or her at no cost.

### ► Court-Appointed Special Advocate (CASA)

A CASA is a volunteer who works to help you get the things you need and provide recommendations to the court of what is in your best interests. Not every young person has a CASA volunteer, but you can ask the judge if one can be put on your case.







# POSSIBLE PLACEMENTS →

The law is clear that the goal of juvenile court is to help you and your family in a way that causes the least amount of disruption to your life. If you cannot stay at your home because of treatment or safety reasons, you should live as close to your home as is possible. See Neb. Rev. Stat. §43-532.

*If you can't live at home, here are some possible placements:*

## **Non-Custodial Parent**

This is your parent who may not have custody of you. For example, if you were living with your dad, but you cannot stay there, the judge may have you live at your mom's house.

## **Relative or Kinship Foster Home**

This is the home of one of your family members, like a grandparent or cousin. Let your caseworker, probation officer, GAL, and/or attorney know if there is a relative you would like to live with.

## **Foster Home**

A foster home is another family home that the judge may place you in. The word "foster" means to help someone (or something) grow. You may not know the

foster family you are living with, but they are there to give you a safe place to live and grow until you can return home.

## **Youth Shelter**

Youth shelters are short-term placements where youth live together while they are waiting for more permanent placement. There is staff there to provide support and supervision while you are waiting to go into foster care or a group home.

## **Group Home**

A group home is a home where several young people live together and there is staff that is trained to help youth. Group homes provide a more structured environment than foster homes.







### **Therapeutic Group Home**

A therapeutic group home is a home where youth live together while receiving treatment and supportive services. Therapeutic group homes provide therapy, nursing supports, education, and recreational activities, and psychiatric services.

### **Psychiatric Residential Treatment Facility**

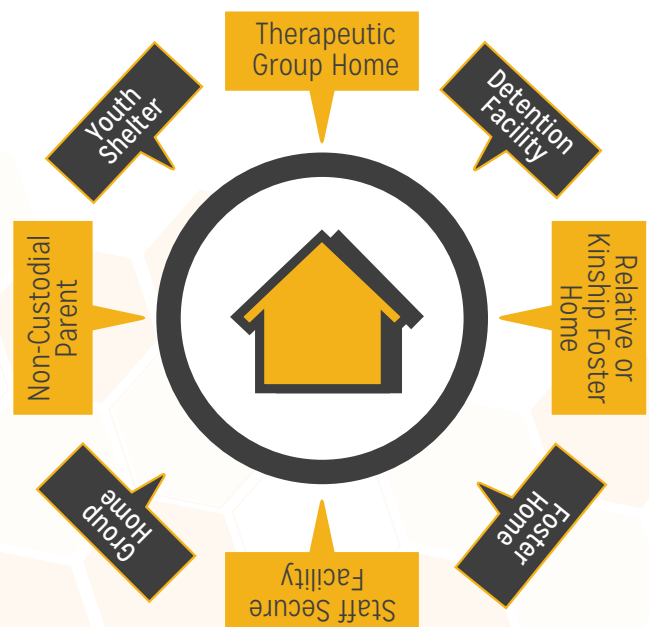
A psychiatric residential treatment facility provides individual treatment and recovery services to youth. They provide psychiatric rehabilitation, supervision and support for youth who have severe mental health needs. There is highly trained staff who will work with you until you are ready to return home.

### **Detention Facility**

A youth can only be placed in secure detention when the State can show that it is a matter of “immediate and urgent necessity” that you be placed in a locked setting. Youth detention centers do not house adults and are meant to be short-term until the immediate safety concern has been resolved. Youth who only have a child welfare or status offense cannot be placed in secure detention.

### **Staff Secure Facility**

Youth who have a juvenile justice case can be temporarily placed into staff-secure placement. Staff Secure is a short-term placement that a judge can order when he or she decides that you do not have to be in a locked facility, but that you do need to have more structure and supervision.





# USE YOUR VOICE



Knowledge is power, but unless you use your voice, no one will know what you want to do with YOUR LIFE. It can be frustrating when people are making decisions about your life without your input. This section contains tips on how to make sure that your VOICE IS HEARD.

## “MAKE SURE YOUR VOICE IS HEARD”

### 1. BE INVOLVED

It is important to know who your case worker or probation officer is and how to get a hold of him or her. There is space in the back of this book to write down their contact information. If you move or change numbers, make sure that you tell your caseworker or probation officer so they know how to contact you.

It is also important that you talk with your case worker or probation officer on a regular basis. Tell him or her that you want to attend family team meetings or other meetings where people will be discussing your future. Your opinion matters and should be taken into consideration at every point in your case.

### 2. ATTEND COURT

You also have a right to know when court hearings are and to attend court hearings. Judges want to know what your opinion is and will take it into consideration when they make their orders. If you have a child welfare case, be sure to tell your caseworker, GAL and CASA worker that you want to attend court hearings. If you have a status or delinquency case, you need to attend your court hearings. In the juvenile justice system, if you miss your court hearings, the judge may issue a warrant for your arrest. It is important to communicate with your attorney, probation officer and the court if you do not know your hearing date or need to reschedule your hearing date.

When you go to court make sure that you are on time, dress neatly, take off your hat, and make sure to turn off your cell phone. **ALWAYS BE RESPECTFUL** when you speak to the judge and others in court. Call the judge “Your Honor.”

Write down notes or ask someone to help you keep track of what the judge orders, the names of the people involved in your case, and the next court date. Make sure to ask questions if there





is something you do not understand, and ask for a copy of any court orders from your case. Most people don't understand everything that happens in court so don't worry if you don't understand, but always ASK questions of your attorney or GAL if you don't understand.

### 3. Complete Youth Court Questionnaire

Another way you can communicate with your judge is by filling out the Youth Court Questionnaire. A copy of the form can be found on this website:

**[www.throughtheyes.org/files/Youth\\_Court\\_Form\\_June2014.pdf](http://www.throughtheyes.org/files/Youth_Court_Form_June2014.pdf)**

There are several ways to deliver the questionnaire to your judge:



You can also ask your GAL, CASA or caseworker for a copy of the Youth Court Questionnaire.

### 4. Communicate with your GAL and/or Attorney

It is very important that you have regular contact with your GAL and/or attorney. There is space in the back of this book where you can write down their contact information and it is very important that you let them know if your address or phone number changes. It is the job of your GAL and attorney to guide you through the juvenile court process and make sure you understand what is happening throughout your case. **Your attorney has to advocate for what you want to happen in your case.** What your GAL advocates for may or may not be exactly the same as what you want to happen. However, your GAL must consider your opinion before they tell the judge what they believe is in your best interest. If you disagree strongly with your GAL about what he or she recommends, be sure to go to court or send in a Youth Court Questionnaire so the judge knows what you think.







# PLAN FOR YOUR FUTURE

Soon you will be responsible for things that you weren't before, like rent, gas and food. Everyone is different and what works for one person may not work for you. However, one thing is certain, to reach your goals you need to work at it!

## “TO REACH YOUR GOALS YOU NEED TO WORK AT IT!”

### *Transition to Adulthood*

Every youth who is 16 years or older, who is also a state ward, is required to have a Transitional Living Plan. A Transitional Living Plan lays out what your future goals are and how you can reach those goals. It can also help you figure out what you want your goals to be. This is your plan, and you are to be in the driver's seat! Make sure you talk to your caseworker, GAL, CASA, and other trusted adults about your Transition Plan.

### THE TRANSITION PLAN COVERS THE FOLLOWING AREAS OF YOUR LIFE:

1. Education
2. Job
3. Health & health care
4. Money: credit cards, bank accounts, etc.
5. Housing
6. Relationships



This Transition Plan should be reviewed at every court hearing. Tell the judge if you have any concerns with the plan or turn in a Youth Court Questionnaire. Once you turn 16 in a child welfare case, you will probably get a PALS worker. A PALS worker knows



about what services, like education assistance and job training, are available in your community and they have helped lots of other youth reach their goals.

Before you age out of foster care, be sure to get these from your caseworker or get help in getting them:

1. **Birth certificate**
2. **Social security card**

You must have these to buy a car, get a job, or rent an apartment.

### UNDERSTAND THE BRIDGE TO INDEPENDENCE (b2i) PROGRAM

The Bridge to Independence Program was created to help you move successfully into adulthood by providing you support, health insurance and living costs until you turn 21.


If you age out of foster care or get discharged into independent living, you can enroll in the Bridge to Independence Program when you turn 19. Instead of a caseworker, you will have an Independence Coordinator whose job is to help you reach your goals. If you are eligible, you can join and leave the program at any time. The choice is up to you.

To participate in the program you have to be in school, working, and/or participating in a job program, or have a medical condition which makes you unable to work. You have to keep in contact with your Independence Coordinator who will help you connect with services. You also have a right to an attorney, who will work for you to make sure you are getting everything you need.

**“THIS IS A GREAT WAY TO HELP YOU MAKE A SUCCESSFUL MOVE TO ADULTHOOD.”**

It's never too early to start thinking about this program. Talk with your caseworker and guardian ad litem about it. This is a great way to help you make a successful move to adulthood. For further assistance, contact DHHS at **402-417-9457** or [dhhs.b2i@nebraska.gov](mailto:dhhs.b2i@nebraska.gov) or Nebraska Appleseed at **1-800-845-3746** or [neappleseed.org/b2i](http://neappleseed.org/b2i).

### THINGS TO THINK ABOUT

There are lots of things to think about as you get older. Listed below are a few of the major issues that you will need to think about. Visit our website  for more information and resources that will help you through the process.



#### ► High School

Earning your high school diploma or your GED puts you in a better position to get the kind of job you want and to earn more money.

### EDUCATION

School is not easy, but it is worth it, and you do not have to do it alone. There are lots of people whose job is to help you graduate. Visit your school counselor. Go see your teachers after class. Tell your caseworker or judge that you need extra help. They all want you to succeed!

#### »» Tips for Success in High School

- Moving homes does not mean you should move schools. You have a right to ask to stay at your same school, and they can only move you if it is in your best interests.
- Stay on top of your grades. Check in and make sure your grades are where you want them to be. Do this early! You will be out of luck if you wait until the end of the semester.
- Get involved with extracurricular activities, like sports, band, or clubs. If the activities cost money or you need help with transportation, talk to your caseworker, attorney or foster parent. If you still need help, tell your judge!

# “THEY ALL WANT YOU TO SUCCEED!”


## ► Getting a GED

If you were unable to stay in school and graduate, you can also earn your GED, which stands for General Educational Development. Most people treat this the same as a high school diploma but not everyone. Some colleges may not accept a GED. You can find out more about the GED test at the Nebraska Department of Education website: **education.ne.gov**.

You can also find more information at **gedtestingservice.com**. To pass the test, you are going to have to study. And you can get help studying online for free at the McGraw-Hill’s GED Online Learning Center (Google it!) and **GEDforfree.com**. The Center for People in Need also provides GED classes for free. Go to **centerforpeopleinneed.org**.

If you live in Omaha, another option besides a GED is the D2 Center. The D2 Center allows you to earn high school credit. They also have a Careers & Community Engagement Program that helps you find out what career might be best for you. For more information, go to **d2center.org** or call **402-502-8534**.

## ► College & Vocational Schools

After you earn your high school diploma or GED you can enter college or a vocational school. Colleges come in all shapes and sizes from local community colleges to giant public universities. You can also attend a vocational school or complete a technical program that will help you get the job you want. Licensed electricians make an average of \$21 per hour in Nebraska and a four-year college can help you achieve your dream of being a nurse or a lawyer. There are lots of scholarships and financial aid available too. Be sure to check out our website  and ask your workers and counselors for help as you prepare for your career.



### TRANSPORTATION

Finding a way to get around is very important. You need to figure out how you will get to your job, school, grocery shopping and appointments.


Cars cost a lot of money. So, if you are going to buy one, you need to start saving early. Not only do you have to buy the car, but you have to buy gas, car insurance, and car registration. Not everyone needs a car so see if you have other options.

If you live in Omaha, you may be able to participate in the Opportunity Passport program through Project Everlast. This program helps you save money for a big purchase, like a car, and then chips in some extra money once you have saved enough.

For more information, **call Project Everlast at 402-384-4670**.



### EMPLOYMENT

Figuring out what you want to do with your life is one of the toughest things you’ll do. There are a lot of services that can help you figure out what kind of job you’d like the best. Our website  has lots of resources for sites that help explore different career options and sites that help locate available jobs.



### HOUSING


You need to figure out where you are going to live. Finding the right housing is one of the toughest things you’ll have to figure out as you become an adult. Many young people end up moving from apartment to apartment or even becoming homeless. You need to plan ahead to make sure you have a good place to live.



### ► **Relative or Permanent Connection**

Do you have a strong, permanent connection with someone in your life? Maybe an aunt or a pastor? Is this someone who may be willing to make a commitment to you to let you live with them? Start thinking about this early and talk with them. Work out a plan with them for how long you expect to stay and what you will be doing to try to get a home of your own.

### ► **Low Income Housing**

Some towns have low-income housing available. There are income requirements to live in this type of housing but if you qualify, your rent will be based on how much money you make. To find out if there is low-income housing in your area, contact your local Housing Authority. The contacts can be found on our website. 


### ► **Sharing an Apartment**

Do you have people you trust who are also looking for a place to stay? Together, you can look at signing a lease for an apartment. Leases are usually for one year so you need to make sure you will stay there that long and that you and the others will be able to pay rent. Make sure you read and understand the lease before you sign it.

### ► **College Dorms**

If you are in college, living on campus may be a good option. Make sure you include these costs in your budget when figuring out where to go to college and how to pay for it. If you live in the dorms and need a place to stay during winter and spring breaks, talk to the Dean of Student Services at your college.


### ► **Transitional Living Centers**

There are homes in Nebraska that provide housing for young people until they can find something permanent. They are often called Transitional Living Centers and often provide other services to help you become independent. You should talk to your caseworker about centers that might be in your area, but there are also some listed on our website. 

**IF YOU DO FIND YOURSELF  
HOMELESS OR IN A CRISIS  
YOU CAN CALL THE BOYS  
TOWN NATIONAL HOTLINE  
**1-800-448-3000**  
OR THE ANSWERS 4  
FAMILIES HOTLINE  
**1-800-746-8420.****




### ► **Health Insurance**

Getting insured helps you pay for any medical services you will need. This includes physical health, dental health and mental health. Our website  has tips for how to find the right health care for you. You don't want to wait until it is an emergency to take care of yourself.

If you were in foster care at age 18 or you aged out of foster care, you can enroll in Medicaid and be eligible up to the age of 26.

You could also get medical care after enrolling in the Bridge to Independence program. If you're not able to get Medicaid you may enroll for health insurance at **healthcare.gov**.

Some doctors will only take certain types of insurance. If you have Medicaid, there are some doctors who won't accept it. Make sure you find out which doctors take your insurance. If you aren't going to be using insurance, you will want to find a sliding-fee scale provider. These medical providers will charge you an amount based on how much money you make. The less money you make, the less money you will pay them. See our website  for a listing of Nebraska's Behavioral Health Regions who can help you locate sliding scale


providers and providers who can help with mental health and /or substance abuse resources.

### ► **Family Planning and Sex Education**


You have a right to get birth control. Talk to your caseworker or doctor if you are sexually active or may become sexually active so that you can get more information. If you need an exam, birth control or STD testing and want to keep it private, you can go to a Title X health clinic.

If you become pregnant, you have a right to make your own decisions about your pregnancy. Talk to your caseworker or doctor right away if you think you may be pregnant.

### ► **Parenting Resources**

There are services available for pregnant mothers and new parents. WIC serves pregnant and postpartum women and children up to age 5. They provide food vouchers, health screens and lead tests. Call **1-800-942-1171** or visit our website  for additional resources.


You may also be able to get help from home visiting nurses. Home Visiting is a free, voluntary program

that supports families. Nebraska Home Visiting is a network across the state; for more information call **402-471-1938** to get connected to a program near you. Healthy Families America also provides home visiting in Auburn, Lincoln, North Platte, Omaha and Scottsbluff. Their contact information can be found on our website. 

If you are in the Omaha area, you could also call the Visiting Nurse Association at **402-342-5566**

The State of Nebraska also has a *Healthy Mothers Healthy Babies Helpline* that you can call at **1-800-862-1889**. There are many other parenting programs and resources so talk with your caseworker and ask for a list of services.

### ► **Well-Being**

It may seem obvious but living a healthy life is the best way to stay healthy. You've heard it before: don't drink, don't smoke, drink water, eat fruits and vegetables, get enough sleep and avoid stress. It is important that you get some exercise and stay active. You may even qualify for a free or reduced rate membership at your local YMCA. Check out our website  for more tips on healthy living.



# APPENDIX A



## UNDERSTANDING TERMS

*The juvenile court system uses a lot of language that is not used by the average person. Here are what some of those terms mean:*

**Abused or Neglected Child:** A child who has been harmed, or is at risk of being harmed by physical violence or emotional abuse, by someone responsible for caring for him or her; or a child who has been harmed or is at risk of being harmed, because the person responsible for him or her does not provide the necessary care for the child.

**Aging Out:** Turning the age of 19 while you still have a case open in juvenile court. Once you turn 19, you “age out” of the system, will no longer be a state ward and your case will close.

**Allegations:** In either a child welfare or a juvenile justice case, these are statements written in the petition of what is believed to have happened. An example of an allegation is “the father hits the mother when he is drinking.” In a juvenile justice case, the State would say what law they believe was broken, for example “disorderly conduct.” The State has to prove the allegations in court.

**Appeal:** A request to a higher court to review the decision of the trial court. This happens when a party to the case disagrees with the decision of the trial judge. The higher court will determine if the original decision was correct or not.

**Case Plan:** A written plan from the caseworker about what care and treatment should be provided to you and your family. It includes things like the permanency goal and what services are being provided and recommended. In a juvenile justice case, it may not be called a case plan, but your probation officer should prepare a plan outlining what is expected of you while you are on probation.

**Concurrent Plan:** A permanency plan generally has two permanency goals: The primary plan and the concurrent plan. The concurrent plan is the “back-up” plan in case the primary plan does not work out. For example, your primary plan may be reunification with a concurrent plan of independent living.

**Due Process:** A legal requirement that the courts follow a certain process so that people’s constitutional rights are protected.

**Evidence:** Proof or testimony submitted by the parties to help the court determine the truth or falsity of the allegations.

**Finding:** A decision made by a judge. An example of this is a finding that it is in the young person’s best interest to attend a certain school.

**Family Group Conference (FGC):** A meeting the judge may order where you and a group of people who you trust, gather to talk about plans for your future. A FGC is led by a mediator whose job is to create a safe space for the team to discuss what is needed in your case.

**Hearing:** A proceeding with the judge where the parties discuss issues in your case and the judge will issue findings and orders.

**Indian Child Welfare Act (ICWA):** A state and federal law regarding Native American children that regulates placement proceedings involving Native American families. The goal of the act when it passed in 1978 was to strengthen and preserve Native American families and culture.

**Minor:** A person who is under the age to make legal decisions. In Nebraska, the age of majority is 19 years of age.

**Permanency Plan:** A plan that states what the permanency goal is (reunification, adoption, guardianship or independent living) and how it will be achieved.

**Petition:** This is a form that is filed in juvenile court when the State opens a child welfare or juvenile justice case.

**Pre-Disposition Investigation (PDI):** This is a report prepared by a probation officer for youth prior to a disposition hearing in a juvenile justice case. The probation officer will meet with youth and his or her family to determine what the youth and family need to complete during the period of probation.

**Pre-Hearing Conference:** A facilitated meeting prior to appearing in court and held to gain the cooperation of the parties, to offer services and treatment and to develop a problem-solving atmosphere in the best interests of children involved in the juvenile court system.

**Reasonable Efforts:** A legal term describing the level of services and assistance that should be offered to a family doing a child welfare case.

**Relinquishment:** A legal term describing when a parent voluntarily gives up his or her parental rights.

**Transition Plan:** A plan that is required for all young people in child welfare cases, age 16 and older to help them “transition” into adulthood. The plan talks about what the young person’s goals are and what needs to happen to achieve those goals. You should be closely involved in making this plan.

**Victim Offender Dialogue:** A process in which a facilitator meets with a juvenile offender and the victim in an effort to have a conversation with the goal of creating an agreed-upon written plan.



# APPENDIX B



## IMPORTANT NAMES, ADDRESSES & NUMBERS

### Your Judge

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

### Your CASA Worker

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

### Your Attorney

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

### Your Probation Officer

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

### Your GAL (Guardian ad Litem)

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

### Other

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

### Your Caseworker

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

### Other

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

This handbook is intended to provide general information, not legal advice.  
If you have questions concerning what you read, please speak with your  
guardian ad litem or attorney.



**Center on Children, Families,  
and the Law**

206 S 13th St. Ste 1000  
Lincoln, NE 68588 - 0227  
(402) 472 - 3292

**YOUTH COURT IMPROVEMENT PROJECT 2014**