

MINUTES OF THE MEETING
OF
THE NEBRASKA JUDICIAL RESOURCES COMMISSION
September 17, 2020

A public meeting of the Nebraska Judicial Resources Commission was held on the 17th day of September, 2020, in Room 1510, State Capitol Building, in Lincoln, Nebraska, with some Commission members attending by videoconference as provided by law.

The Chair called the meeting to order in Room 1510 at the hour of 1 p.m. Roll call by the Chair showed the following members in attendance:

PRESENT

Justice Stephanie Stacy, Chair
Judge Matthew Kahler
Judge Anne Paine
Judge John Samson
William Dittrick
Timothy Engler
Roxanne Kracl
Michael McCarthy
Christopher Nielsen
Robert Parker
Brian Phares
Lori Scherer
Jacqueline Tessendorf

EXCUSED

Charles Conrad
Robert Slovek
Darlene Starman

ABSENT

Stephen Bader

It was moved by Timothy Engler and seconded by Brian Phares that the minutes of the June 25, 2020 be approved. All present voting yes, the minutes were accepted.

The Chair announced that the purpose of the public meeting was to determine: (1) whether a judicial vacancy exists in the office of the County Court of the 6th Judicial District as a result of the retirement of Judge Kurt T. Rager and, and if so, to recommend the primary office location of such vacancy; and (2) to determine whether a judicial vacancy exists in the office of the Separate Juvenile Court for Lancaster County as a result of the retirement of Linda S. Porter, effective August 31, 2020.

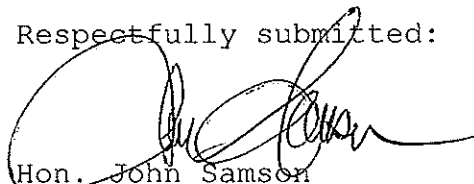
Exhibits 1-18 were identified and received for purposes of the hearing.

The commission first took up whether a judicial vacancy exists in the office of the County Court of the 6th Judicial District as a result of the retirement of Judge Kurt T. Rager. Testimony was offered in support of declaring the vacancy; there was no testimony offered in opposition to declaring a vacancy. It was moved by Brian Phares and seconded by Timothy Engler that a vacancy be declared in the office of County Court of the 6th Judicial District, and that the primary office location should be in Dakota City, Dakota County, Nebraska. Voting yes, all present. Motion unanimously carried. After the vote, Bob Parker was excused from the remainder of the meeting.

The commission next took up whether a judicial vacancy exists in the office of the Separate Juvenile Court for Lancaster County as a result of the retirement of Linda S. Porter. Testimony was offered in support of declaring the vacancy; no testimony was offered in opposition to declaring a vacancy. It was moved by Timothy Engler and seconded by Judge Matthew Kahler that a vacancy be declared in the office of Separate Juvenile Court for Lancaster County. Voting yes, 11; 1 abstention. Motion carried.

There being no objection to adjournment, the Chair thanked commissioners for their attendance and the meeting was adjourned.

Respectfully submitted:



Hon. John Samson
Secretary

AGENDA
JUDICIAL RESOURCES COMMISSION

September 17, 2020 - 1 p.m.
Room 1510, State Capitol, Lincoln, Nebraska
VIDEO-CONFERENCE MEETING

- I. Roll call of members by secretary.
- II. Approval of minutes from meeting held on June 25, 2020.
- III. Whether, due to the retirement of Judge Kurt T. Rager, effective July 31, 2020, a judicial vacancy exists in the office of the County Court of the 6th Judicial District and, if so, recommend the primary office location.
- IV. Whether, due to the retirement of Judge Linda S. Porter, effective August 31, 2020, a judicial vacancy exists in the office of the Separate Juvenile Court of Lancaster County.
- V. Other matters
- VI. Adjournment.

MINUTES OF THE MEETING
OF
THE NEBRASKA JUDICIAL RESOURCES COMMISSION
June 25, 2020

A public meeting of the Nebraska Judicial Resources Commission was held on the 25th day of June, 2020, in Room 1510, State Capitol Building, in Lincoln, Nebraska, with Commission members attending by telephonic conference as provided by law.

The Chair called the meeting to order in Room 1510 at the hour of 10 a.m.

The Chair introduced the newest member of the Commission, Roxanne Kracl, who was appointed recently by Governor Ricketts to fill the citizen "at large" seat pursuant to Neb. Rev. Stat. § 24-1201(3) (Reissue 2016).

Roll call by the Chair showed the following members in attendance:

PRESENT

Justice Stephanie Stacy, Chair
Judge Matthew Kahler
Judge Anne Paine
Judge John Samson
Charles Conrad
Timothy Engler
Roxanne Kracl
Michael McCarthy
Robert Parker
Brian Phares
Lori Scherer
Robert Slovek
Jacqueline Tessendorf

ABSENT

Stephen Bader
William Dittrick
Christopher Nielsen
Darlene Starman

The Chair identified and received into the record Exhibits 1 through 6.

It was moved by Timothy Engler and seconded by Brian Phares that the minutes of the annual meeting of December 10, 2019 be approved. All present voting yes, the minutes were accepted.

The Chair announced that the purpose of the public meeting was to determine whether a judicial vacancy exists in the office of the Separate Juvenile Court for Douglas County as a result of the resignation of Judge Christopher E. Kelly, effective May 1,

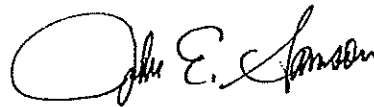
2020. Testimony was offered in support of declaring the vacancy by Judge Chad Brown of the Separate Juvenile Court of Douglas County and by Raymond Curtis II, Judicial Administrator for the Separate Juvenile Court of Douglas County. There was no testimony offered in opposition to declaring a vacancy.

It was moved by Judge Anne Paine and seconded by Brian Phares that a vacancy be declared in the office of Separate Juvenile Court of Douglas County. Voting yes, all present. Motion unanimously carried.

There being no further business to come before the Commission, the Chair update commissioners on the current status of the judicial time study and the anticipated timeline for updated weighted caseload reports. Commissioners were also reminded of the remaining quarterly meeting dates, and were advised that decisions regarding in-person meetings would be made closer to the scheduled meeting dates.

There being no objection to adjournment, the Chair thanked commissioners for their attendance and the meeting was adjourned.

Respectfully submitted:

A handwritten signature in dark ink, appearing to read "John E. Samson". The signature is fluid and cursive, with a large initial "J" and "S".

Hon. John Samson
Secretary

DAKOTA COUNTY COURT
Sixth Judicial District



PHONE (402) 987-2145 | FAX (402) 987-2185
P.O. BOX 385
DAKOTA CITY, NEBRASKA 68731

COUNTY JUDGE

Kurt T. Rager

REGISTRARS

Kerri L. Irwin
Sara L. Gunderson

CLERK MAGISTRATE

Kerri L. Irwin

ASSISTANT CLERK

Sara L. Gunderson

June 29, 2020

The Honorable Pete Ricketts
Governor of Nebraska
P.O. Box 94848
Lincoln, NE 68509-4848

Re: Retirement

Dear Governor Ricketts:

I wish to inform you that I plan to retire from the position of Judge of the Sixth Judicial District County Court located in Dakota City, effective the end of the day, July 31, 2020. It has been my extreme privilege and honor to serve in this capacity for 19 years! I want to thank everyone that I worked with and the members of the legal community that made my job so enjoyable!

Sincerely,

A handwritten signature in cursive script that reads "Kurt T. Rager".

Kurt T. Rager
Dakota County Judge

cc: The Honorable Michael G. Heavican
Mr. Corey R. Steel

Linda S. Porter
Judge

Amber Rothe
Bailiff

Shannon Clausen
Courtroom
Assistant

Separate Juvenile Court of Lancaster County



JUSTICE and LAW
ENFORCEMENT CENTER
575 SOUTH 10th STREET
LINCOLN, NEBRASKA 68508

402 / 441-7406
fax: 402 / 441-7415

June 1, 2020

Governor Pete Ricketts
P.O. Box 94848
Lincoln, NE 68509

Re: Retirement

Dear Governor Ricketts:

Please accept this letter as notice of my intention to retire as a judge of the Separate Juvenile Court of Lancaster County, Nebraska. My last day on the bench will be August 31, 2020.

It has been an honor and privilege to serve children and families in the state of Nebraska as a judge these last twenty one years. I have appreciated beyond measure the dedication of my colleagues, as well as the attorneys, administrative staff, case workers and probation officers that continue to do this challenging and rewarding work to try and improve the lives of our children and families.

Sincerely,

Judge Linda S. Porter

LSP/adr

Cc: Chief Justice Michael Heavican
Bcc: Corey Steele, court Administrator
Bcc: Judge Roger Heideiman

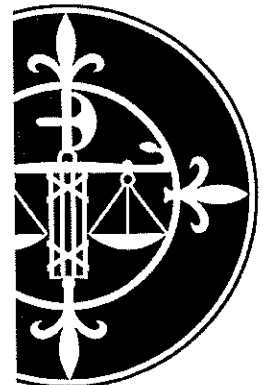
Nebraska Judicial Branch

Weighted Caseload Report

County Courts

Reporting Period
Calendar Year 2019

January 1, 2019 to
December 31, 2019



January 1, 2019 - December 31, 2019

Nebraska County Courts Weighted Caseload Report

Calendar Year 2019 (January 1, 2019 — December 31, 2019)

This Weighted County Court Caseload Report contains caseload statistics for Nebraska's 93 District Courts, grouped into twelve Judicial Districts. The judiciary of Nebraska currently assesses the need for judicial positions using a weighted caseload method based on cases opened. Weighted caseload systems provide objective, standardized determinations of resource needs.

No quantitative judgeship assessment method, including a weighted caseload system will determine the exact number of judges required within a judicial district. But quantitative methods, such as weighted caseload can approximate the need for judgeships and provide a point of reference or standard for comparing relative need among judicial districts. Other measures, both qualitative and quantitative, may be used in conjunction with the weighted caseload standard calculation to support the assessment of judicial need. In particular, should the standard calculation show the need for a fractional judge (less than the full-time equivalent), additional assessments as to the relative workload per judge within a district and travel per judge may be useful. Also, other useful measures may include analyses of budget constraints, population trends, and other factors that may differentially affect the need for judges across districts.

Mission of the Nebraska Administrative Office of the Courts:

Under the direction of the Nebraska Supreme Court, the Administrative Office of the Courts' mission is to ensure the public has equal access to justice, using leadership, education, technology, and administrative services to implement consistent, efficient, and effective court practices.



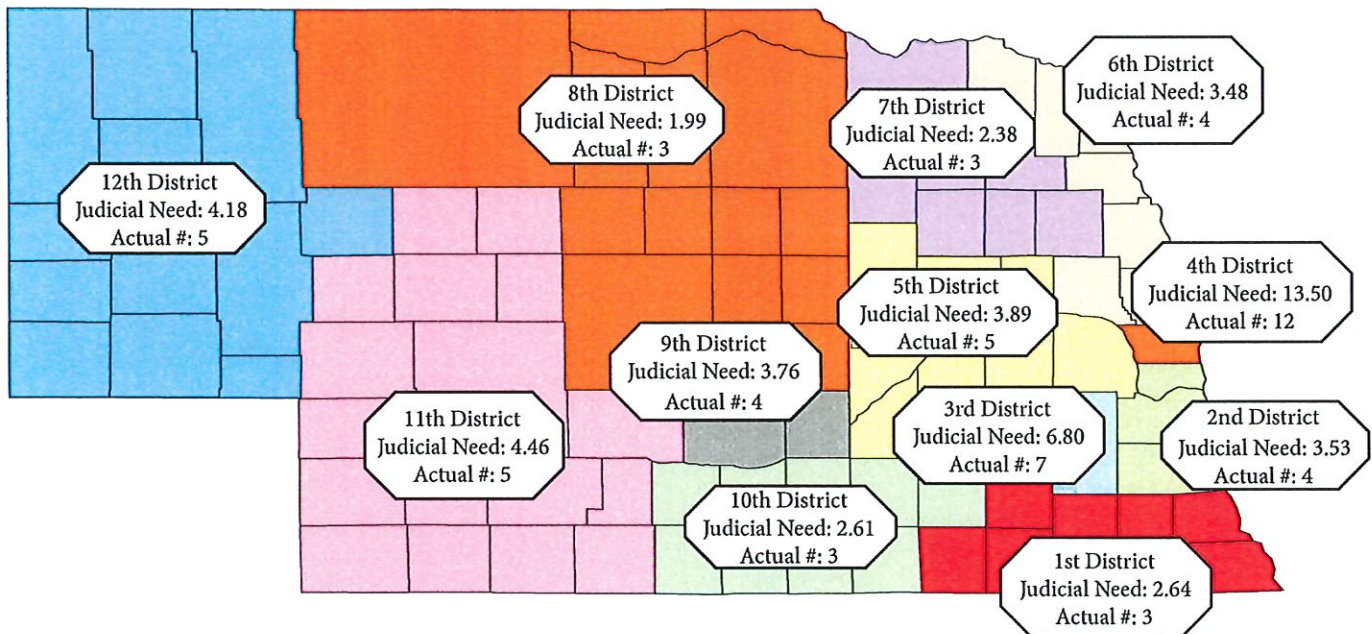
Corey R. Steel | Nebraska State Court Administrator
Nebraska Supreme Court

Rm. 1213 State Capitol | P.O. Box 98910 | Lincoln, NE 68509
T 402.471.3730 | F 402.471.2197
www.supremecourt.ne.gov

January 1, 2019 - December 31, 2019

Nebraska County Courts Judicial Needs

Calendar Year 2019 (January 1, 2019 - December 31, 2019)



January 1, 2019 - December 31, 2019

Weighted Caseload Report

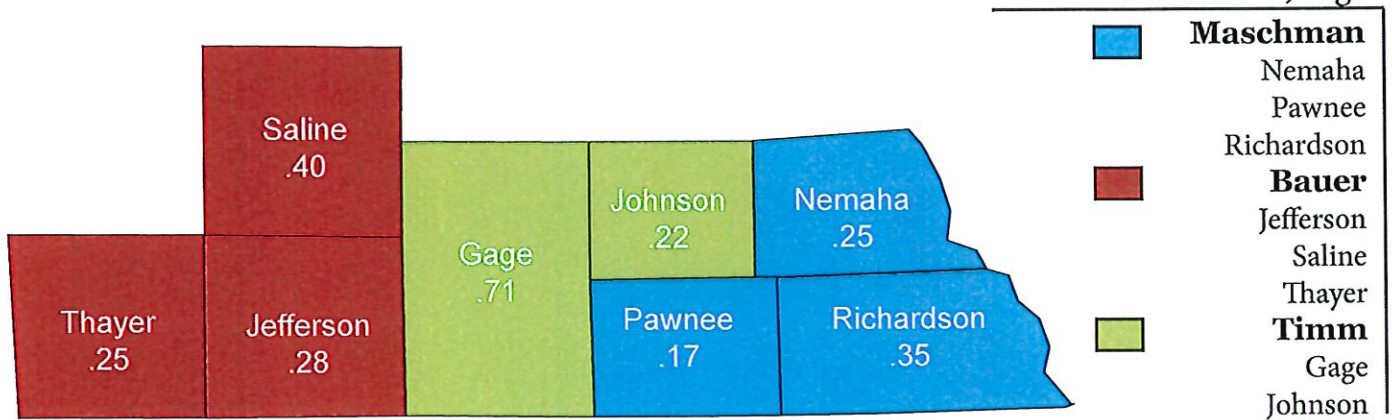
1st Judicial District - County Court

County court need for judges: 2.64

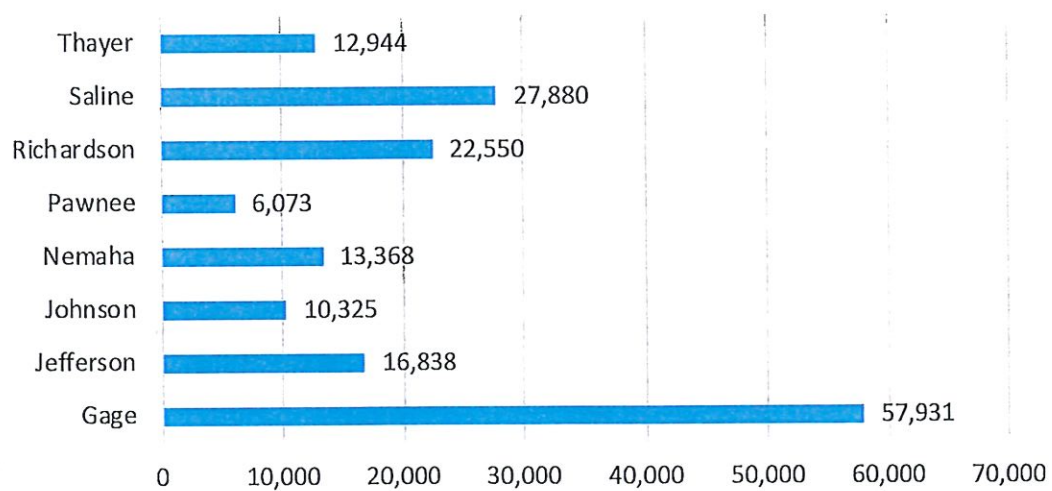
Current number of judges: 3

Predicted judicial resources need by county

Primary Counties Served by
1st District Judges



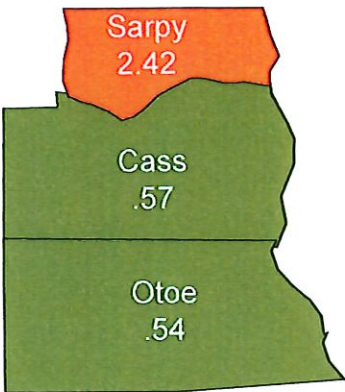
Weighted Cases by County



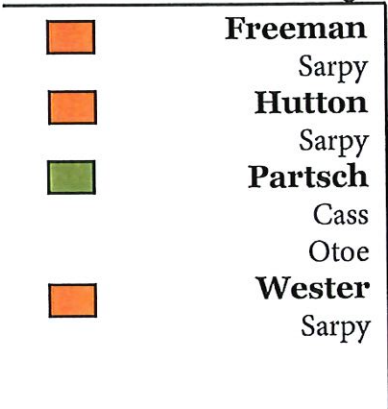
Weighted Caseload Report 2nd Judicial District - County Court

County court need for judges: 3.53
 Current number of judges: 4

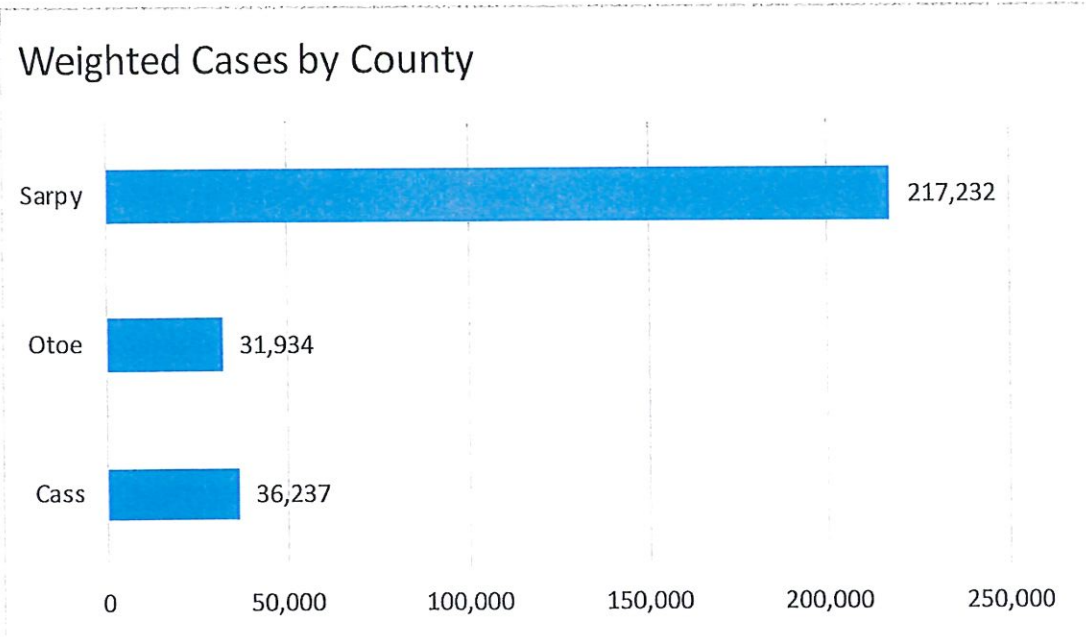
Predicted judicial resources need by county



Primary Counties Served by 2nd District Judges



Weighted Cases by County



*Sarpy County Juvenile Judge Robert O’Neal hears all Otoe County Juvenile Cases. Sarpy County Juvenile Judge Lawrence D. Gendler hears all Cass County Juvenile Cases.
 (Juvenile cases have been removed from Otoe and Cass County weighted cases and added to Sarpy County weighted cases.)

5

January 1, 2019 - December 31, 2019

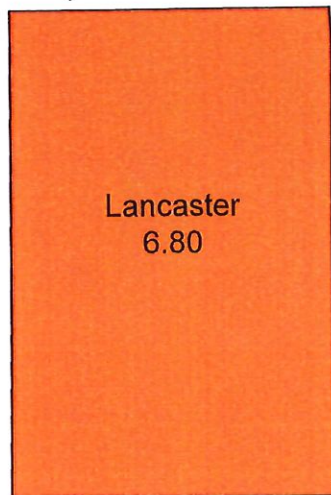
Weighted Caseload Report

3rd Judicial District - County Court

County court need for judges: 6.80

Current number of judges: 7

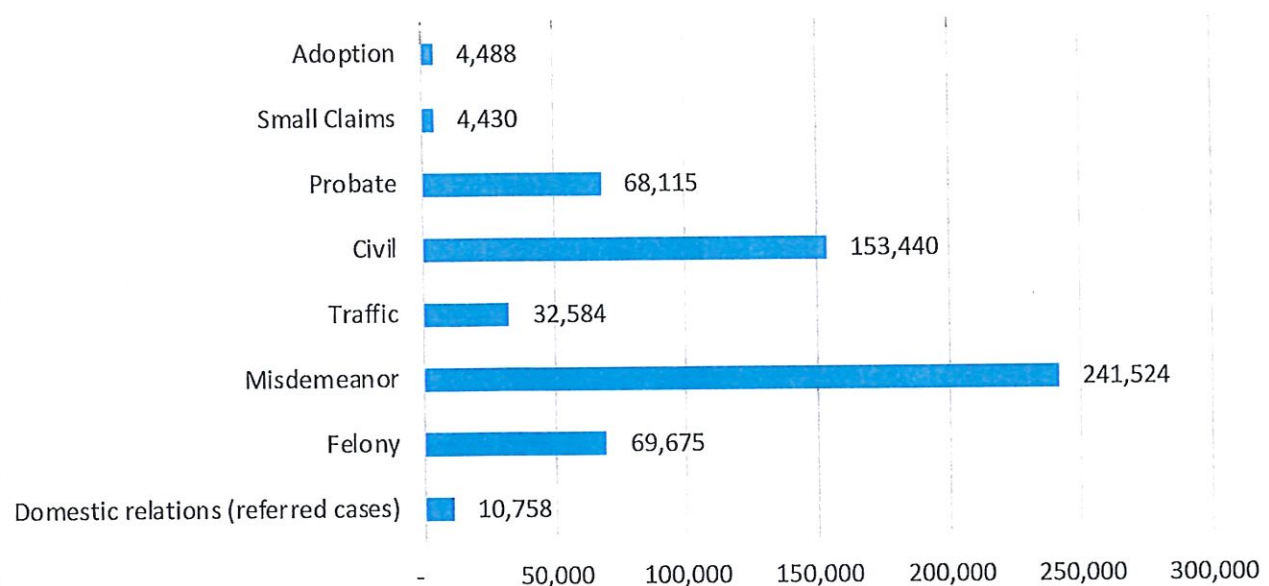
Predicted judicial resources need



Judges Serving the 3rd District County Court

Acton
Dalton
Parsley
Phillips
Reuter
Yardley
Zimmerman

Weighted Cases by Case Type



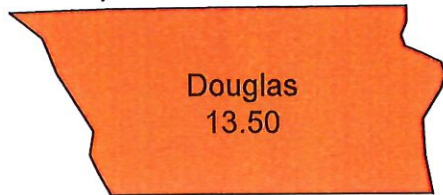
Weighted Caseload Report

4th Judicial District - County Court

County court need for judges: 13.50

Current number of judges: 12

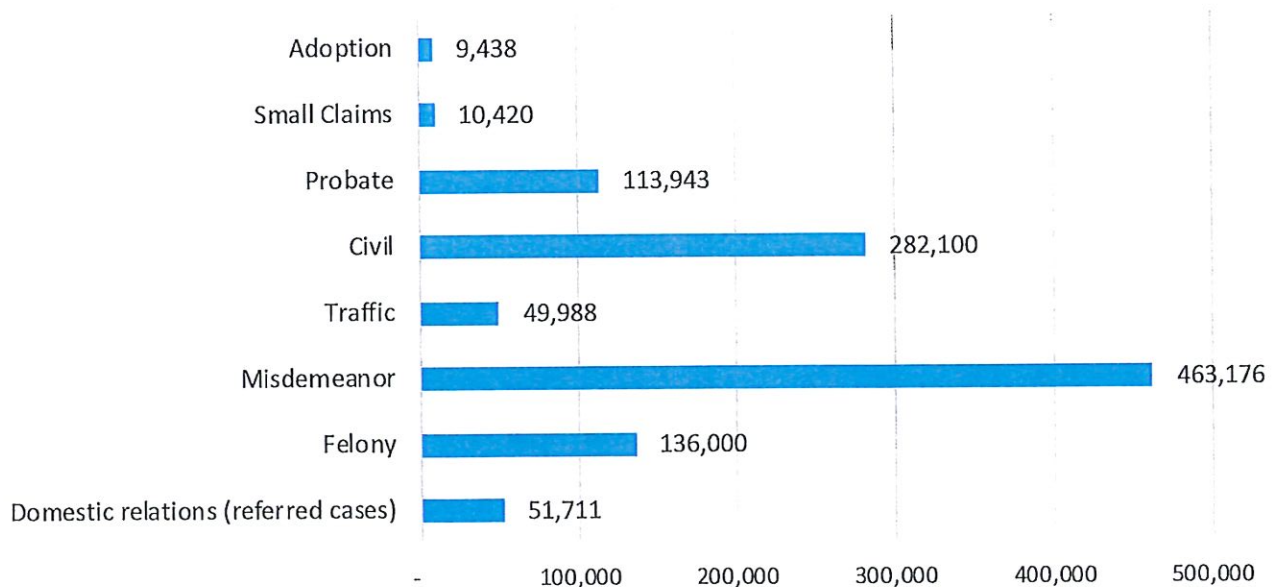
Predicted judicial resources need



Judges Serving the 4th District
County Court

Forsberg
Hansen
Harmon
Hendrix
Huber
Keim
Lohaus
Lowe
Marcuzzo
McDermott
Shearer
Vaughn

Weighted Cases by Case Type



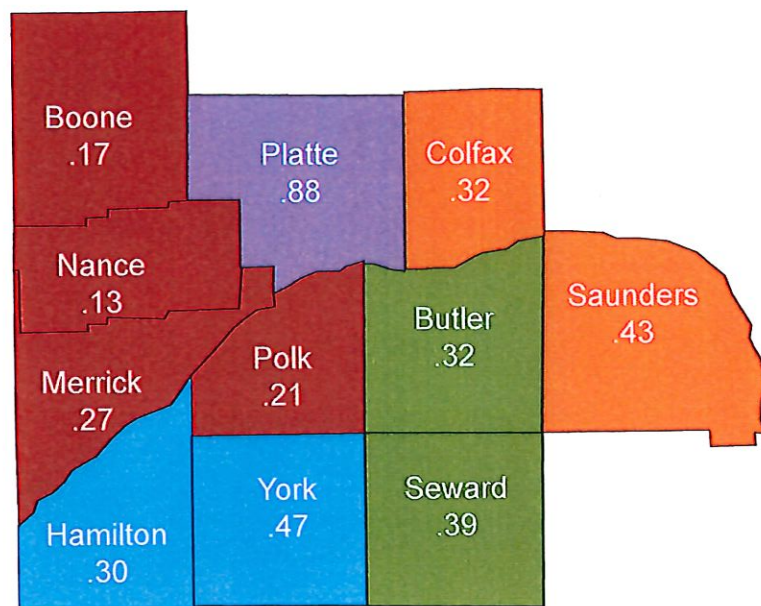
Weighted Caseload Report

5th Judicial District - County Court

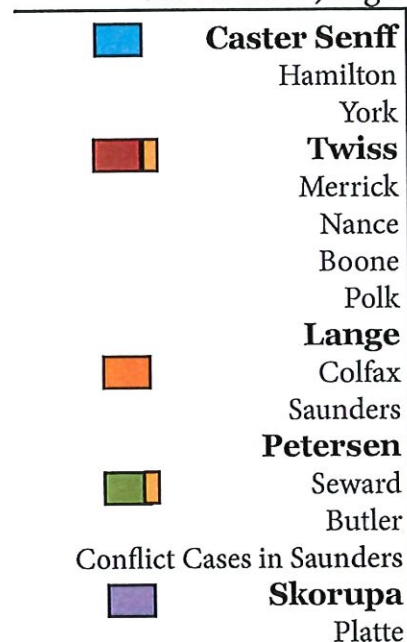
County court need for judges: 3.89

Current number of judges: 5

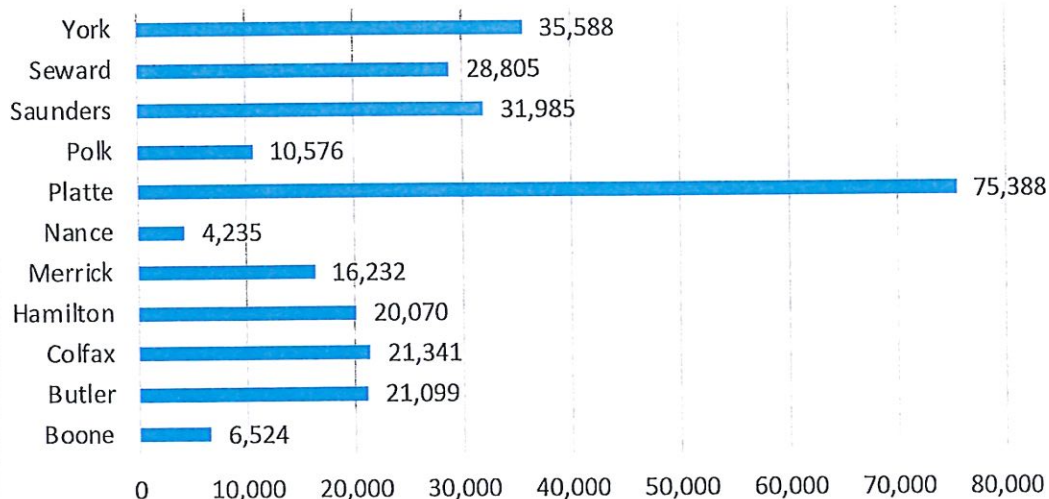
Predicted judicial resources need by county



Primary Counties Served by
5th District Judges



Weighted Cases by County

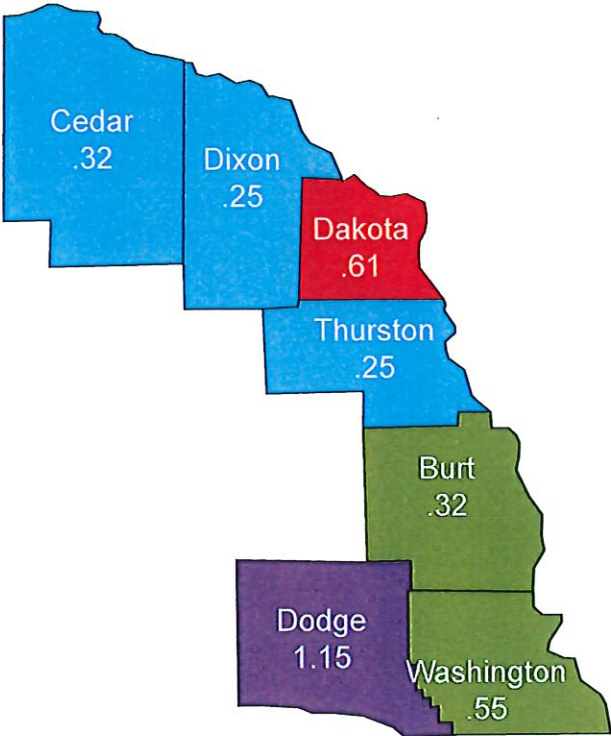


Weighted Caseload Report

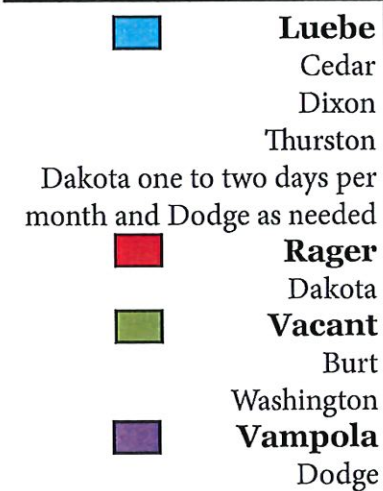
6th Judicial District - County Court

County court need for judges: 3.48
 Current number of judges: 4

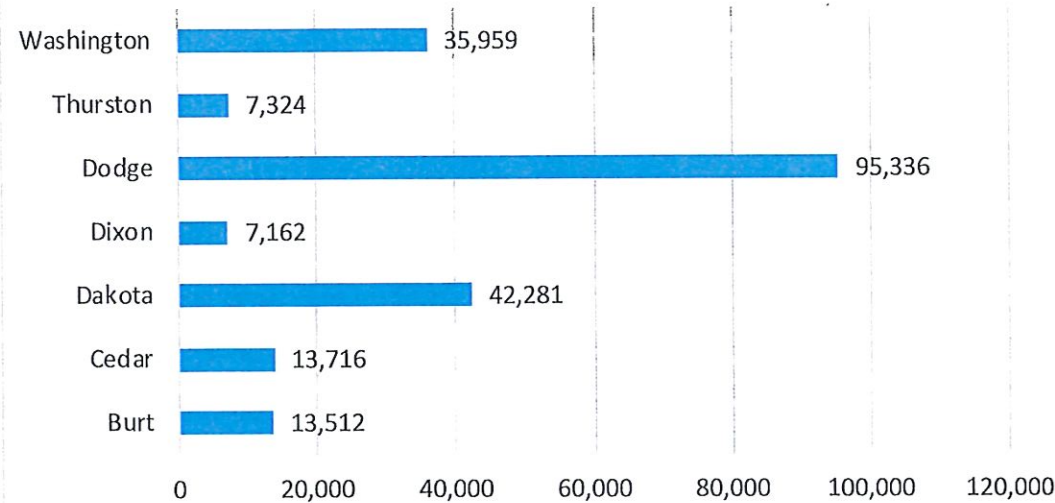
Predicted judicial resources need by county



Primary Counties Served by 6th District Judges



Weighted Cases by County



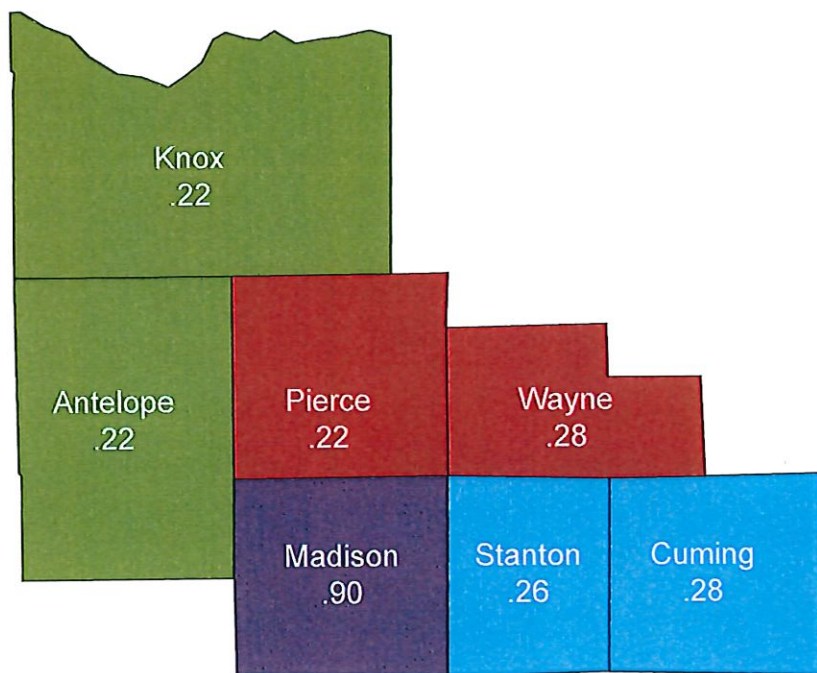
Weighted Caseload Report

7th Judicial District - County Court

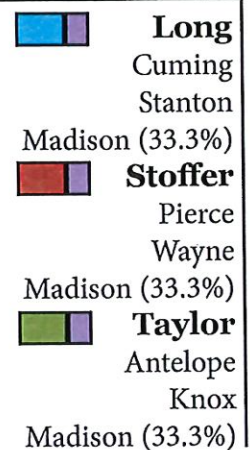
County court need for judges: 2.38

Current number of judges: 3

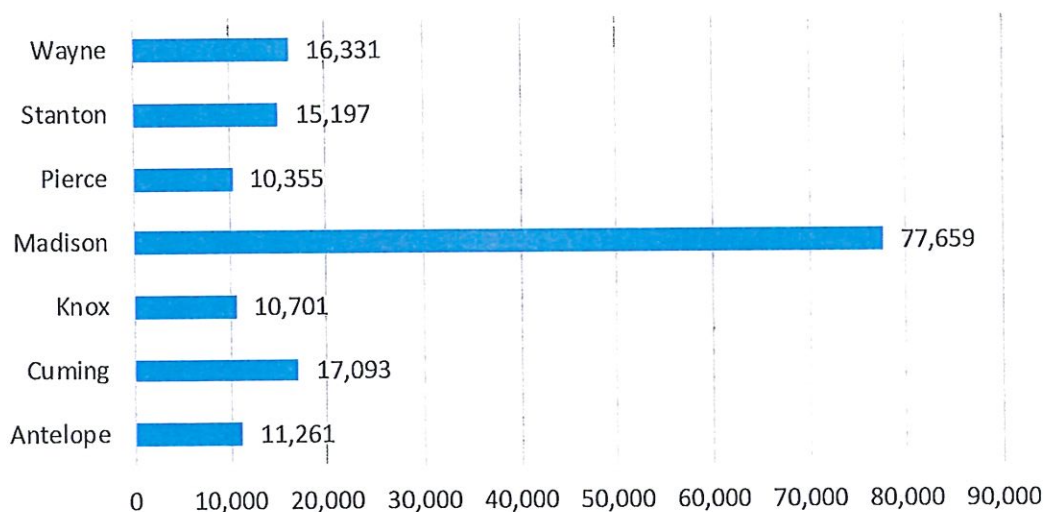
Predicted judicial resources need by county



Primary Counties Served by
7th District Judges



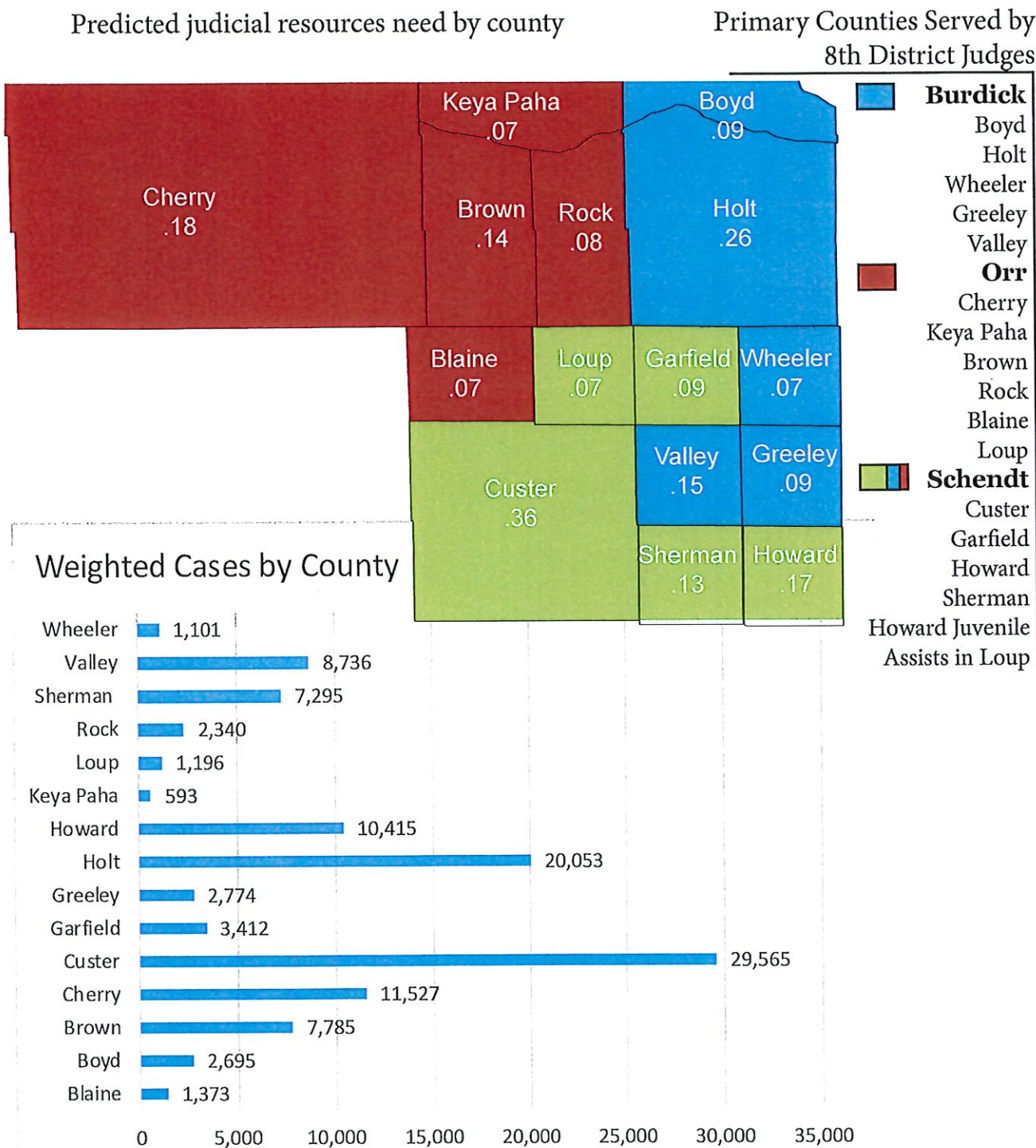
Weighted Cases by County



Weighted Caseload Report 8th Judicial District - County Court

County court need for judges: 1.99

Current number of judges: 3



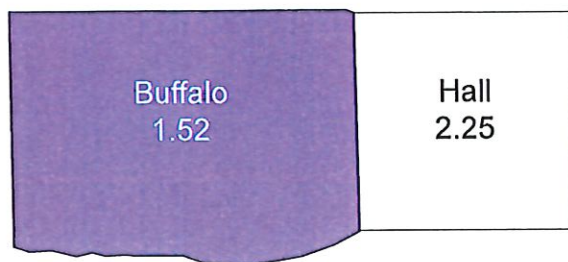
Weighted Caseload Report

9th Judicial District - County Court

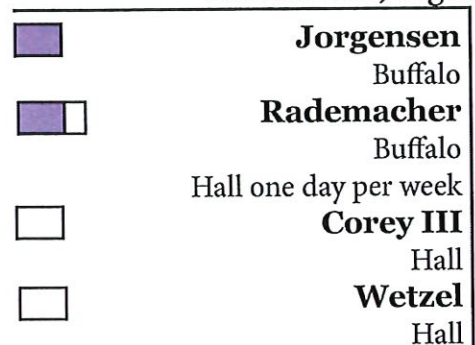
County court need for judges: 3.76

Current number of judges: 4

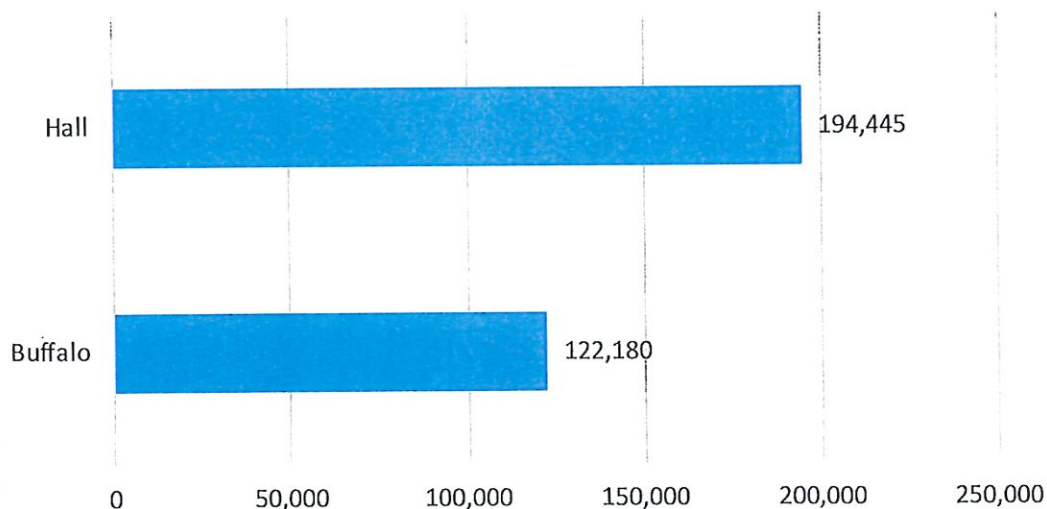
Predicted judicial resources need by county



Primary Counties Served by
9th District Judges



Weighted Cases by County



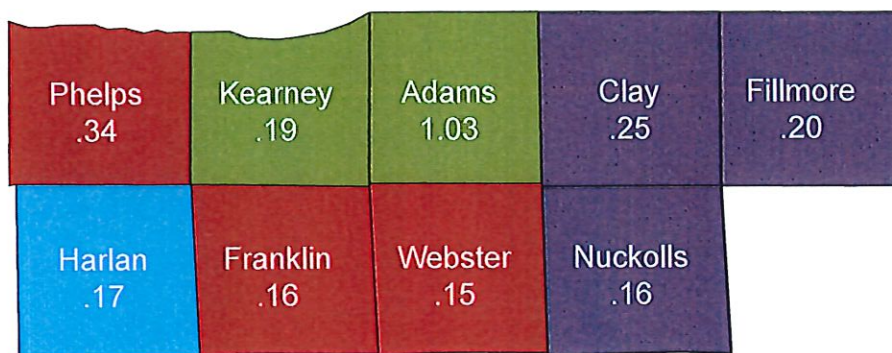
Weighted Caseload Report

10th Judicial District - County Court

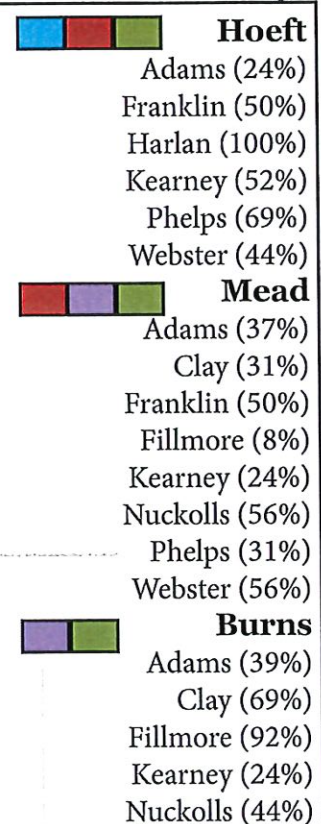
County court need for judges: 2.61

Current number of judges: 3

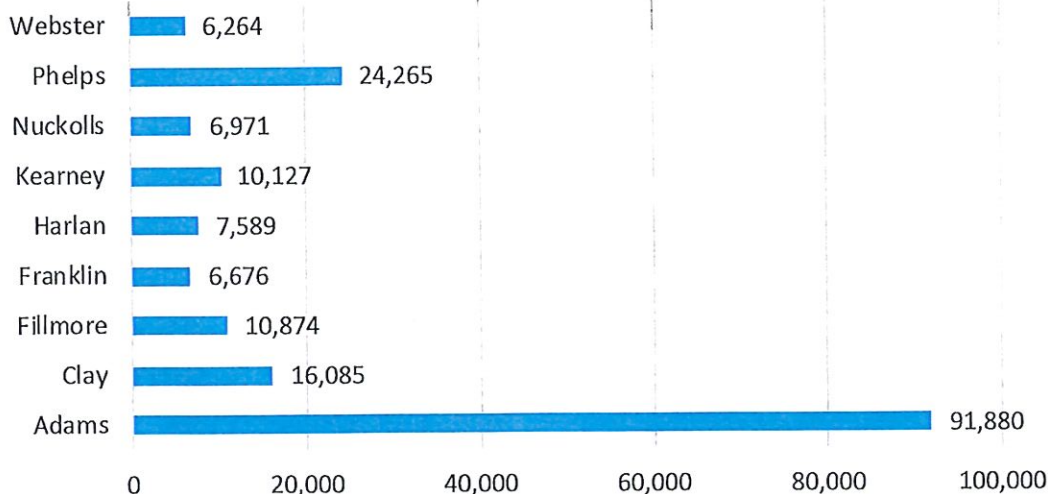
Predicted judicial resources need by county



Primary Counties Served by 10th District Judges



Weighted Cases by County



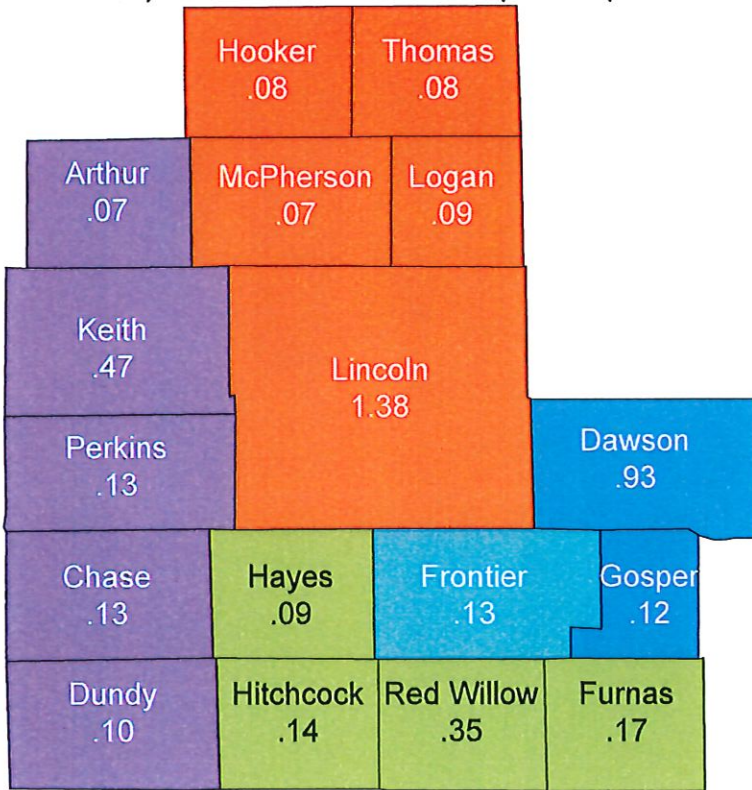
Weighted Caseload Report

11th Judicial District - County Court

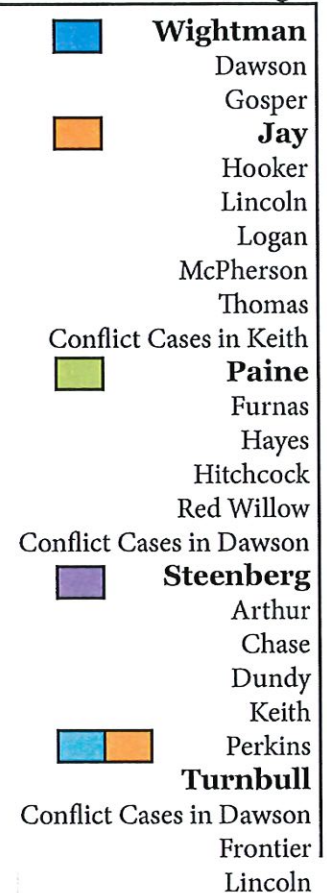
County court need for judges: 4.46

Current number of judges: 5

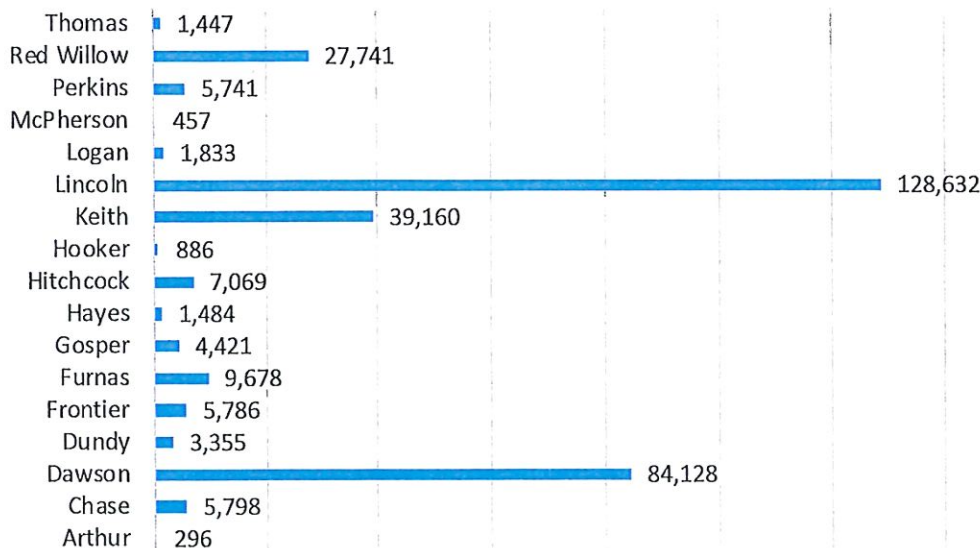
Predicted judicial resources need by county



Primary Counties Served by 11th District Judges



Weighted Cases by County

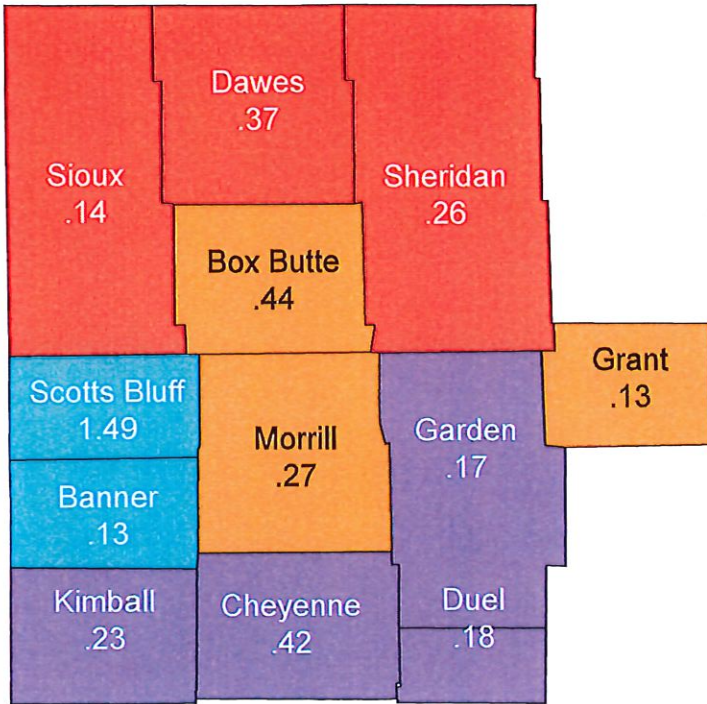


Weighted Caseload Report

12th Judicial District - County Court

County court need for judges: 4.18
 Current number of judges: 5

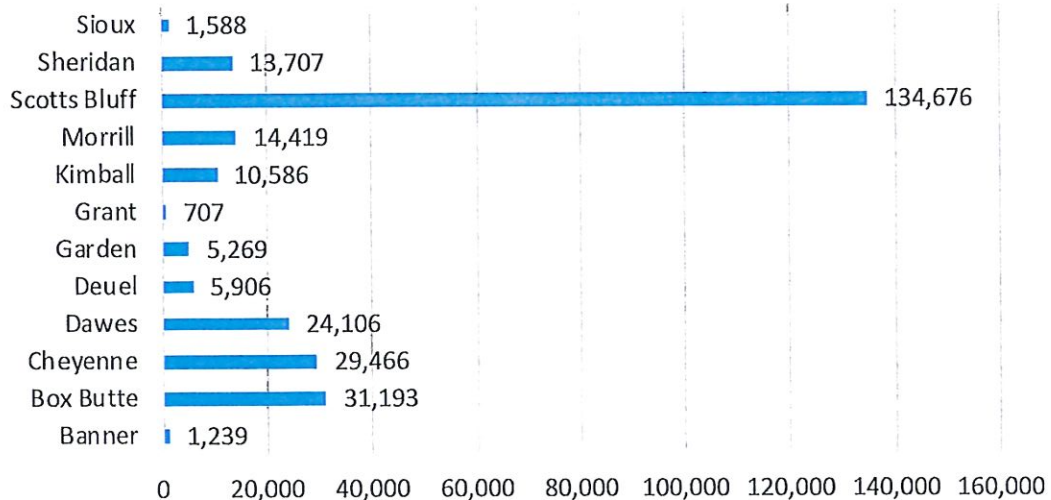
Predicted judicial resources need by county



Primary Counties Served by
 12th District Judges

■	Harford
	Dawes
	Sioux
	Sheridan
■	Wess
	Box Butte
	Grant
	Morrill
■	Roland
	Cheyenne
	Deuel
	Garden
	Kimball
■	Worden
	Banner
	Scotts Bluff
■	Mickey
	Banner
	Scotts Bluff

Weighted Cases by County



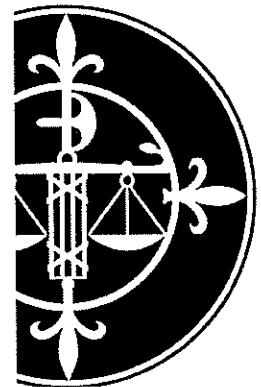
Nebraska Judicial Branch

Weighted Caseload Report

Separate Juvenile Courts

Reporting Period
Calendar Year 2019

January 1, 2019 to
December 31, 2019



Nebraska Separate Juvenile Courts Weighted Caseload Report

Calendar Year 2019 (January 1, 2019 — December 31, 2019)

This Weighted Separate Juvenile Court Caseload Report contains caseload statistics for Nebraska's three separate Juvenile Courts. The judiciary of Nebraska currently assesses the need for judicial positions using a weighted caseload method based on cases opened. Weighted caseload systems provide objective, standardized determinations of resource needs.

No quantitative judgeship assessment method, including a weighted caseload system will determine the exact number of judges required within a judicial district. But quantitative methods, such as weighted caseload can approximate the need for judgeships and provide a point of reference or standard for comparing relative need among judicial districts. Other measures, both qualitative and quantitative, may be used in conjunction with the weighted caseload standard calculation to support the assessment of judicial need. In particular, should the standard calculation show the need for a fractional judge (less than the full-time equivalent), additional assessments as to the relative workload per judge within a district and travel per judge may be useful. Also, other useful measures may include analyses of budget constraints, population trends, and other factors that may differentially affect the need for judges across districts.

Mission of the Nebraska Administrative Office of the Courts:

Under the direction of the Nebraska Supreme Court, the Administrative Office of the Courts' mission is to ensure the public has equal access to justice, using leadership, education, technology, and administrative services to implement consistent, efficient, and effective court practices.



**Corey R. Steel | Nebraska State Court Administrator
Nebraska Supreme Court**

Rm. 1213 State Capitol | P.O. Box 98910 | Lincoln, NE 68509
T 402.471.3730 | F 402.471.2197
www.supremecourt.ne.gov

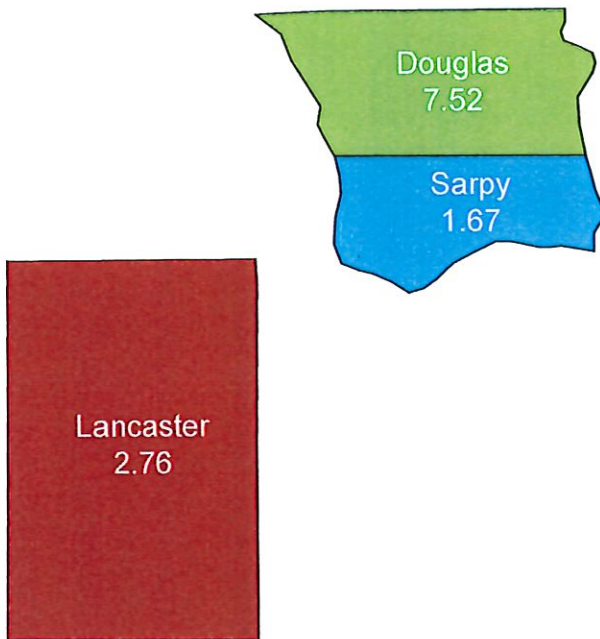
Weighted Caseload Report

Separate Juvenile Courts

County court need for judges: 11.94

Current number of judges: 12

Predicted judicial resources need by county



Judges of the Separate Juvenile Courts

Sarpy County - 2nd District

Gendler (Cass County Juvenile Cases)

O'Neal (Otoe County Juvenile Cases)

Lancaster County - 3rd District

Heideman

Porter

Ryder

Vacant

Douglas County - 4th District

Brown

Daniels

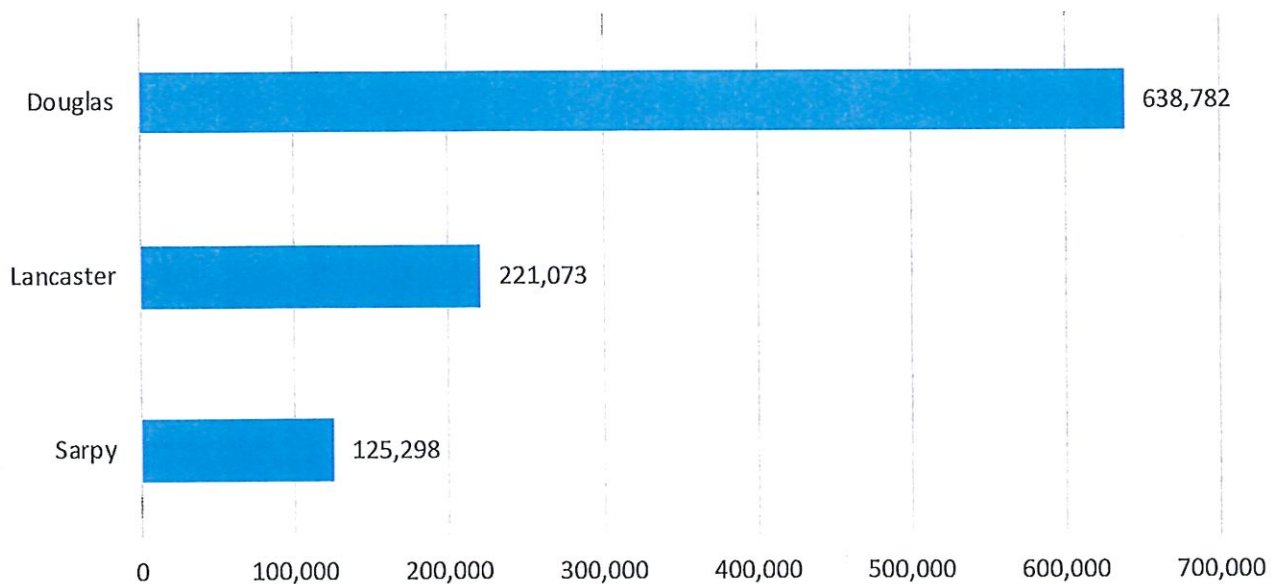
Kahler

Kelly

Schuchman

Stevens

Weighted Cases by County



January 1, 2019 - December 31, 2019

Nebraska State Bar Association

"Helping lawyers help people"

September 9, 2020

The Honorable Stephanie F. Stacy
Nebraska Supreme Court Justice
State Capitol, #2219
Lincoln, NE 68509

Dear Justice Stacy:

On behalf of the NSBA Judicial Resources Committee ("the Committee"), I wish to convey to the members of the Judicial Resources Commission our recommendation regarding the vacancy in the Office of the Separate Juvenile Court of Lancaster County, due to the retirement of Judge Linda S. Porter and the vacancy in the County Court of the 6th Judicial District, due to the retirement of Judge Kurt T. Rager.

The Committee met on September 9th and weighed a number of factors including caseload, case types and most importantly, access to the trial courts for Nebraska citizens. Members of the Committee also had available, the Judicial Weighted Caseload Reports ("Judicial Workload Assessment") which included statistics through 2019, and a draft of the forthcoming update to the Judicial Workload Assessment. Based upon this discussion the Committee concluded that the State's justice system will not have adequate judicial resources available unless the current vacancies are filled expeditiously.

Therefore, the Committee recommends that the current vacancy in the Office of the Separate Juvenile Court of Lancaster county be filled, with the principle office in Lancaster County. Also, that the current vacancy in the County Court of the 6th Judicial District be filled, with the principle office in Dakota County.

Thank you for your consideration of the recommendations set forth herein. Please include this letter with the materials provided to the members of the Judicial Resources Commission ahead of your September 17th meeting.

Sincerely,



Steven F. Mattoon
NSBA President

Cc: Corey Steel
Liz Neeley
Hon. PaTricia Freeman

WINNEBAGO TRIBE OF NEBRASKA

P.O. Box 687 • Winnebago, Nebraska 68071 • PH: 402-878-2272 • Fax: 402-878-2963

Visit us at: www.winnebagotribe.com

August 25, 2020

Nebraska Supreme Court Clerk (Jackie.hladik@nebraska.gov)
c/o Supreme Court Justices
1445 K Street
Room 2214, State Capitol
Lincoln, NE 68508

Re: Allocation of Judicial Resources and Services in Rural Nebraska

Dear Supreme Court Justices:

I submit this letter for consideration regarding decisions being made that directly impact our tribal children and all the children of Nebraska who reside in rural communities. I write to you as the collective body who provides administrative leadership for the state judicial system. I have learned that you may be meeting tomorrow to discuss allocation of judicial resources and access to the courts which will directly or indirectly impact over one third of the state's population. It is my understanding that there is consideration to not fill judicial vacancies in rural communities and reduce funding/access to programs and resources in rural communities. Such decisions will have dire consequences for our Tribal members and will likely place the state in violation of state and federal laws.

I understand the location of programs and resources are naturally greater in the metropolitan areas. However, it does not mean they are any more necessary. We have had children in the juvenile courts in Douglas and Lancaster counties. And we have had children in the juvenile courts in Dakota, Dixon, Thurston, and Platte counties. The cases in Douglas and Lancaster counties are not any more complex than our rural cases. The needs for our children in Omaha and Lincoln are not any greater than the needs for our children in the rural areas. In fact, the opposite is true. The rural cases are more complex and more difficult because of the lack of support and resources available to our children. We are trying to do the same work in the rural communities with much less judicial time and access to resources.

Tribal children face great needs and the state faces an absolute responsibility to afford these children with active efforts to prevent removal from their parental homes, and when removal is necessary, to then reunite these children with their custodial parents. What is happening with the reduction in judges and the increase in cases, is these children are not getting the adequate time allotment they deserve to have their matters heard before the judges in a timely manner, who can make the decisions and ensure state and federal laws are complied with. Hearings get started to comply with federal timelines, but then are continued with no resolution for these kids.

Of equal concern, is these children are not getting the resources necessary to comply with state and federal law. Case after case, DHHS or probation make recommendations for the wellbeing of

children only for the Court to have to continue the case because there are no resources available to fulfill the needs. In the interim the children sit in limbo with minimal, to no, services.

It is easy to dismiss general comments so let me give you a very specific case for illustration. With the retirement of Judge Rager, Dakota County must rely upon other County Court Judges to cover a very full Dakota County docket. These County Court Judges already have their own dockets that they are trying to effectively administer. Stretching them thinner is not providing the necessary legal oversight for anyone, let alone children. On July 29, 2020, a 13-year-old child was placed in detention in Woodbury County, Iowa because there was nowhere for him to be placed in Nebraska, that state he resides in. The goal was that he would only be in detention for a couple of days. Judge Rager continued the dispositional hearing because there was nothing he could order on July 29, 2020, other than detention in Woodbury County as there were no placement options. The next time this child could get into court was August 24, almost a month later. He could not get into court earlier because the docket was full. So, for almost a month this child has sat in detention. Why? Because the state has failed him. It has failed him by not allowing him to get before a Judge sooner. It has failed him because the facilities that local probation has worked tirelessly with to get him into, are constantly pointing the finger to a different facility and denying this child access to services. What is the state's defense to not providing this child with active efforts towards reunification? Is it that the judge in Dakota County should be able to process his case in half as much time as a judge sitting in Omaha? And so the delay is on the judge for not pushing the juvenile cases through fast enough in Dakota County? This child needs help and his custodian, the State of Nebraska, is failing him.

So, what was the outcome of the case yesterday for this 13-year-old boy? His dispositional hearing was continued again. He was taken away in handcuffs. Why? Because there are no resources and programs available to him. And there is not enough judicial time afforded to the Court to try and find workable solutions. If this case were in Lancaster County or Douglas County, it would have been set on the docket for a minimum of 30 minutes but could have been up to a couple of hours. The judge would have been available before the hearing either in a FTM setting or informal conference where issues could be discussed and worked through. But because this child is in Dakota County, his hearing was set at the same time as several other matters. There was not opportunity to informally brainstorm with the Judge. Why? Simply because he lives in a different county? It is not because his needs are less (they are actually more). And so, he will sit in detention until September 9, 2020, and we will all try again. This 13-year-old child is caught in a broken system where he is told to hold on and wait, while his caretaker, the State of Nebraska, and its agencies try and figure out when there will be a judge to hear his case, and when that day comes if there will even be judicial time to brainstorm resources available for him. And please know, he is not the exception. His story is what has become the normal for our rural children. When they are at their most vulnerable and in need of the most help, the state is not there for them.

I am very concerned for all children of this great state if resources are not funded for rural families and children are not afforded equal access to the courts and to programs and assistance. I understand the dynamics of our society today and our youth. The percentage of youth in need is a lot higher. So, I ask what is the state doing to address these needs, especially for our rural children and families?

If there are conversations or decisions being made on the necessity of replacement of rural judges, such as Judge Rager, I emphatically request that before the decision is made, that the decision makers come and sit in the courts affected by a refusal to fill that vacancy to understand the difficulties the families and the children face in just getting into the court. I then request the decision makers stay long enough to understand that once these children get into the court, there are not even resources available to them. We are all vested with the legal obligations to do what is in the best interest of the children. I hope and pray for the children affected by your decisions that their best interest is not simply pushed to the side because of judicial realignment and/or lack of funding for rural programs.

Thank you for your consideration.

A handwritten signature in purple ink, appearing to read 'Coly Brown', is written over a horizontal line.

Coly Brown, Chairman
Winnebago Tribal Council



Matthew J. Connealy II

Direct No. : 712-224-7556

mconnealy@craryhuff.com

329 PIERCE STREET, SUITE 200
SIOUX CITY, IA 51101

CRARYHUFF.COM

PHONE: 712.277.4561

FAX: 712.277.4605

September 2, 2020

Judicial Resources Commission

Attn: Commission Chair

Sent via email only: Dawn.Mussmann@nebraska.gov

Re: Written Testimony of Matthew J. Connealy for the Public Hearing on Thursday, September 17, 2020 at 1:00 pm Regarding the Judicial Vacancy for the County Court of the 6th Judicial District

Dear Judicial Resources Commission:

Please accept this letter as my written testimony for the public hearing to be held on Thursday, September 17, 2020 at 1:00 pm regarding the judicial vacancy for the County Court of the 6th Judicial District.

I was born and raised in Northeast Nebraska, I attended the University of Nebraska College of Law, and I joined the Crary Huff law firm in 2006 as my first job out of law school. From my first day as a lawyer, I was actively engaged with the County Court of the 6th Judicial District. My firm had an office located in South Sioux City, Nebraska and we represented various clients located in the 6th District.

During the initial years of my practice, I represented clients in various civil and criminal cases before the County Court. I spent countless hours in the courtrooms of the Honorable Judges Kurt Rager and Douglas Luebe, and I witnessed the large caseloads carried by these Judges and their staffs, as well as the various other demands upon their time and resources.

My practice has since evolved to one exclusively relating to estate planning and administration. A significant portion of my current practice involves Nebraska probate and trust administration matters over which the County Court of the 6th Judicial District has jurisdiction. My practice and my clients greatly depend upon the efficiency and skill of the County Judges and Clerks of the 6th Judicial District with handling probate and trust administration cases. My clients are able to move through an extremely difficult time in their lives, and I am able to successfully assist them in do so, in large part because of that same efficiency and skill of our local Nebraska County Courts.

The 6th Judicial District includes Dakota City and South Sioux City, Nebraska. These cities are part of a much larger tri-state metropolitan area known as "Siouxland" that includes Sioux City, Iowa, North Sioux City, South Dakota and Dakota Dunes, South Dakota. Due to the large population of the greater metropolitan area, I believe that the demands upon the 6th Judicial District are much higher than a

September 2, 2020

comparably sized judicial district in Nebraska. Dakota City is the home of the Tyson Foods and Empirical Foods processing plants, which employ thousands of citizens from inside and outside of the 6th Judicial District who travel through and work in the District daily. These employment opportunities result in a ever increasing and diverse population in the 6th District that rely heavily upon the services of the County Court.

Based on the forgoing, it is my firm conviction that a judicial vacancy exists in the 6th Judicial District and that the citizens of the District will be denied access to justice if the judicial vacancy is not filled by the Commission.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Matthew Connealy', with a stylized, flowing script.

Matthew Connealy

MJC



September 8, 2020

State Capitol Building
12th Floor
Lincoln, NE 68509

The City of South Sioux City is in total support of replacing a very well respected Judge Kurt T. Rager in the County Court of the 6th Judicial District. Being from a three state area of Nebraska Iowa and South Dakota; we are besieged with crime from emanating from all three locations. Our traffic across our bridges exceeds 50,000 vehicles per day; making access across state lines simple. I believe this is about 20% of all traffic crossing between Iowa and Nebraska.

We believe a qualified judge will continue to benefit both our area and the State of Nebraska and look forward to your selection for the replacement of Judge Rager.

Sincerely,

Rod Koch
Mayor of City of South Sioux City, Nebraska



City of South Sioux City, Nebraska
1615 First Avenue, South Sioux City, Nebraska 68776-2245
Phone: 402-494-7500 Fax: 402-494-7527 TTD: 402-494-7500 ext 339
www.southsiouxcity.org





CRARY HUFF
Attorneys at Law

John M. Hines

Direct No. : 712-224-7550

jhines@craryhuff.com

329 PIERCE STREET, SUITE 200
SIOUX CITY, IA 51101

CRARYHUFF.COM

PHONE: 712.277.4561

FAX: 712.277.4605

September 8, 2020

Judicial Resources Commission

Attn: Commission Chair

Sent via email only: Dawn.Mussmann@nebraska.gov

Re: Written Testimony of John M. Hines for the Public Hearing on Thursday, September 17, 2020 at 1:00 pm Regarding the Judicial Vacancy for the County Court of the 6th Judicial District

Dear Judicial Resources Commission:

Please accept this letter as my written testimony for the public hearing to be held on Thursday, September 17, 2020 at 1:00 pm regarding the judicial vacancy for the County Court of the 6th Judicial District.

I attended Creighton University of School of Law, and I joined the Crary Huff law firm in 2019 as my second job out of law school. Prior to joining Crary Huff, I worked for one year as a Judicial Law Clerk in the Iowa District Court for District 2, based in Story County, Iowa, then as law clerk for former Chief Judge David Danilson of the Iowa Court of Appeals.

Since joining Crary Huff, I have represented clients in various cases before the County Court, particularly on behalf of the several Nebraska Cities and Villages the firm represents. I have seen firsthand the volume of cases handled by Honorable Judges Kurt Rager and Douglas Luebe, and their staffs. Based on my experience at the Iowa District Court as a law clerk, it is apparent the Nebraska judges take on far greater obligations with fewer resources than their Iowa counterparts.

Although I am still relatively new to private practice, I anticipate my utilization of the County Court will continue to grow – particularly as my role in prosecuting municipal violations continues to expand. Already, I would estimate roughly 80% of all of my court appearances since joining Crary Huff occurred at the County Court. My practice and my clients rely upon the County Judges and Clerks of the 6th Judicial District.

Undoubtedly, the State must contend with a growing need for judges and access to courts while managing a limited pool of resources. Respectfully, the 6th Judicial District is a poor candidate for reallocating those limited resources. Based on the above, it is my belief that a judicial vacancy exists in the 6th Judicial District, and it would be a great detriment to ensuring access to justice if the judicial vacancy is not filled by the Commission.

September 8, 2020

Sincerely,

A handwritten signature in blue ink, appearing to read "John M. Hines", with a stylized flourish at the end.

John M. Hines

JMH



PATRICK F. CONDON
LANCASTER COUNTY ATTORNEY

www.lancaster.ne.gov/179/County-Attorney

September 14, 2020

Honorable Stephanie F. Stacy, Judicial Resources Commission Chair
Nebraska Supreme Court
State Capitol Building, Room 2219
Lincoln, NE 68509

Re: Whether a judicial vacancy exists in the office of the Separate Juvenile Court of Lancaster County; Judicial Resources Commission Meeting to be held on September 17, 2020

Dear Justice Stacy and Commission Members:

On behalf of the Lancaster County Attorney's Office, I write to urge members of the Judicial Resources Commission to declare a vacancy in the Separate Juvenile Court of Lancaster County so that it may be filled immediately. It remains my belief that maintaining four judges in our Juvenile Court is critical to ensure timely access to justice and continued progress in the juvenile justice reform efforts occurring in Lancaster County.

In the context of juvenile courts, it is my duty as County Attorney to ensure the enforcement of the Constitution of the United States, the Constitution of the State of Nebraska, and the laws of the State of Nebraska for the health, safety, security and welfare of our children and families. My office's Juvenile Division, comprised presently of six full-time attorneys and two support staff, is tasked with accomplishing this mission by reviewing, evaluating, coordinating, and ultimately filing when appropriate or required cases in the Separate Juvenile Court of Lancaster County. My office's juvenile court filings are comprised of three main categories: status offenses, law violations, and neglect/dependency cases.

Without approval of a fourth judge for the Separate Juvenile Court of Lancaster County, I would have concerns about the immediate reduction in justice access for each of these extremely important case types. Our county has worked hard as part of the Through the Eyes of the Child Initiative to collaborate between the judiciary, defense attorneys, law enforcement, and other stakeholders to ensure efficient use of judicial resources on those cases that truly require court intervention and services. As referenced more completely in my December 2019 letter to this Commission, these court-led initiatives are showing positive returns and we look forward to their continued full implementation.

To drastically reduce access to those services now by failing to declare a vacancy would limit timely access to the courts for our habitually truant youth, our high-risk law violators, and our abused and neglected children. This timely access to justice is critical to ensure that the statutorily imposed timelines are met for our youth detained in secure detention, for speedy adjudications of allegations involving abuse or neglect, and ensuring timely permanency for

those cases in which trials are necessary to address motions to terminate parental rights and provide permanency for children languishing in foster care.

I strongly support and request that the Commission declare the vacancy immediately.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick F. Condon', with a long, sweeping horizontal stroke extending to the right.

PATRICK F. CONDON
LANCASTER COUNTY ATTORNEY

cc: Dawn.Mussmann@nebraska.gov



Theresa Emmert
Juvenile Court Administrator
Separate Juvenile Court of Lancaster County
Justice and Law Enforcement Center
575 South 10th Street, 4th Floor
Lincoln NE 68508



MEMO

DATE: September 15, 2020

FROM: Theresa Emmert
Juvenile Court Administrator

RE: Lancaster County Juvenile Court statistics

New Filings (includes supplemental petitions)				
	7/1/18 - 12/31/18	1/1/19 - 6/30/19	7/1/19 - 12/31/19	1/1/20 - 6/30/20
Total	475	504	473	352
Law Violations	336	249	275	193
Abuse and Neglect (3a)	93	110	126	100
Truancy and Ungovernable (3b)	46	145	47	59

Abuse and Neglect (3a) cases

Current number of open cases - **372**

Current number of juveniles - **648**

Law Violation and Truancy/Ungovernable (3b) cases

Number of Juveniles on Active Probation - **387**

Number of Juvenile Intakes - **128**

All case types (Abuse and Neglect, Law Violation, Truancy and Ungovernable)

Number of children in out of home placements as of 9/1/2020 - **477**

Attachments:

Population Trends: Report from Kids Count in Nebraska (pp. 2-6)

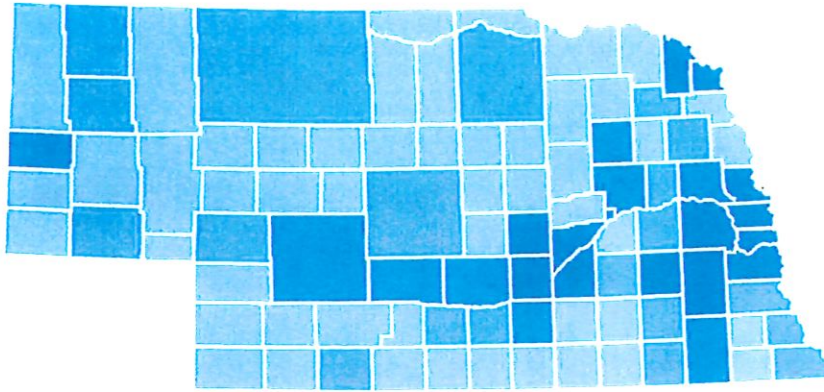
Preliminary Weighted Caseload Data (pp. 7-12)

Juvenile Judges Committees and Commission Assignments (p. 13)

POPULATION



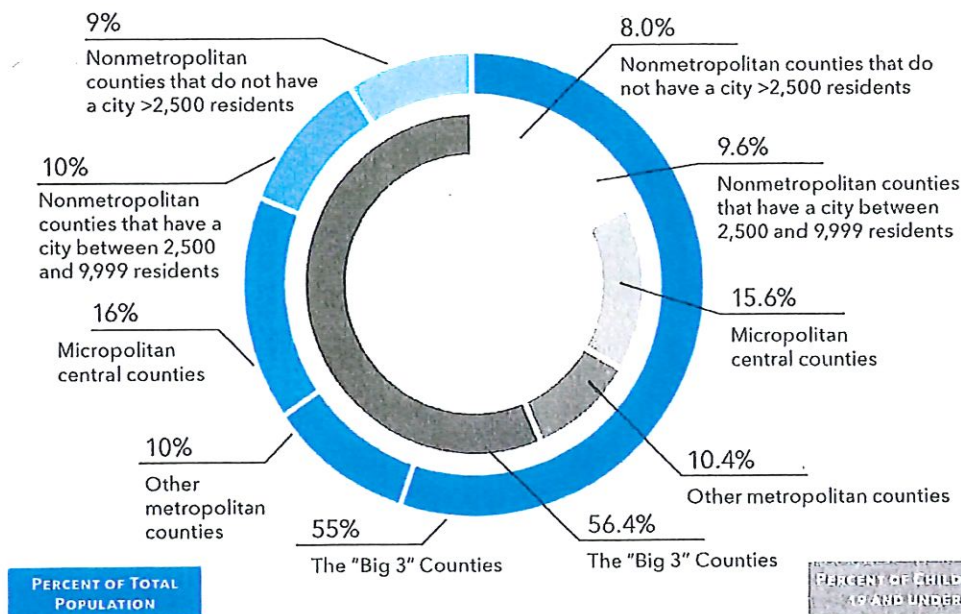
NEBRASKA RURALITY CLASSIFICATIONS (2018)¹



Based on the current population distribution of Nebraska, counties are split into five categories:

- The "Big 3": Douglas, Lancaster, Sarpy
- 10 Other metropolitan counties: Cass, Dakota, Dixon, Hall, Hamilton, Howard, Merrick, Saunders, Seward, Washington
- 9 Micropolitan central counties: Adams, Buffalo, Dawson, Dodge, Gage, Lincoln, Madison, Platte, Scotts Bluff
- 20 Nonmetropolitan counties that have a city between 2,500 and 9,999 residents
- 51 Nonmetropolitan counties that do not have a city >2,500 residents

NEBRASKA POPULATION BY RURALITY CLASSIFICATION (2018)¹



56.4%

**OF NEBRASKA
KIDS LIVE IN
THE "BIG 3"
COUNTIES.²**

15.7%

**OF NEBRASKANS
WERE 65 OR
OLDER IN 2018.²
THIS IS EXPECTED
TO INCREASE TO
21.0% BY 2050.¹**

NEBRASKA POPULATION BY AGE (2018)²



1. U.S. Census Bureau, Population Estimates Program. July 1, 2018 Estimates, Table PEPAGESEX; Center for Public Affairs Research, UNO, Nebraska Differences Between Metro and Nonmetro Areas.

2. U.S. Census Bureau, Annual Estimates of the Resident Population by Single Year Age by Sex, July 1, 2018 Estimates, Table PEPSYSEX.

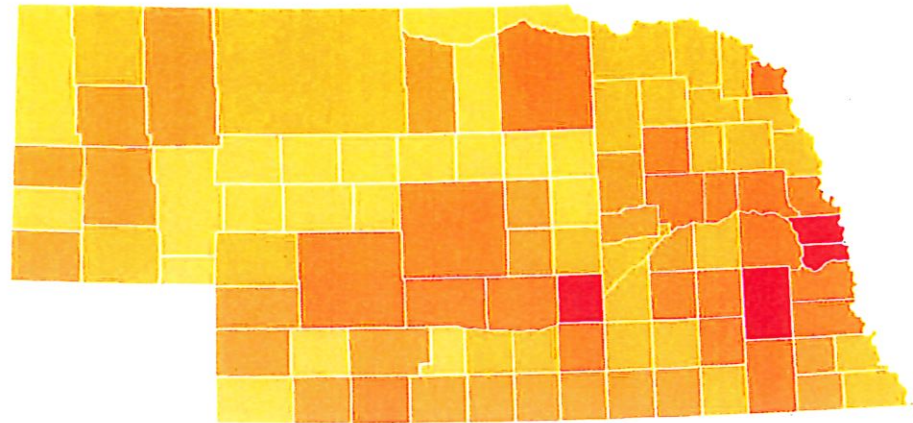
Total population (2013 & 2017)

State	Number
2013	1,867,414
2017	1,920,076

Highest county	2017
By number	Douglas
By percent change	Banner

Lowest county	2017
By number	Arthur
By percent change	Sioux

Total population (2017)



450-2,499 2,500-5,499 5,500-9,999 10,000-59,999 60,000+

	2013	2017	% Change
Adams	31,547	31,678	0.4%
Antelope	6,471	6,362	-1.7%
Arthur	454	457	0.7%
Banner	679	742	9.3%
Blaine	470	482	2.6%
Boone	5,399	5,352	-0.9%
Box Butte	11,297	10,886	-3.6%
Boyd	2,016	1,977	-1.9%
Brown	2,959	3,014	1.9%
Buffalo	48,050	49,732	3.5%
Burt	6,568	6,535	-0.5%
Butler	8,230	8,053	-2.2%
Cass	25,293	25,889	2.4%
Cedar	8,624	8,530	-1.1%
Chase	3,978	3,971	-0.2%
Cherry	5,754	5,818	1.1%
Cheyenne	10,066	9,676	-3.9%
Clay	6,359	6,205	-2.4%
Colfax	10,461	10,585	1.2%
Cumming	9,013	9,042	0.3%
Custer	10,832	10,897	0.6%
Dakota	20,802	20,186	-3.0%
Dawes	9,065	8,890	-1.9%
Dawson	24,073	23,709	-1.5%
Deuel	1,923	1,883	-2.1%
Dixon	5,807	5,754	-0.9%
Dodge	36,508	36,707	0.5%
Douglas	537,527	561,620	4.5%
Dundy	1,958	1,801	-8.0%
Fillmore	5,636	5,582	-1.0%
Franklin	3,065	2,990	-2.4%

	2013	2017	% Change
Frontier	2,716	2,631	-3.1%
Furnas	4,832	4,780	-1.1%
Gage	21,726	21,601	-0.6%
Garden	1,923	1,906	-0.9%
Garfield	2,023	2,016	-0.3%
Gosper	2,017	2,028	0.5%
Grant	633	649	2.5%
Greeley	2,483	2,374	-4.4%
Hall	60,613	61,519	1.5%
Hamilton	9,123	9,207	0.9%
Harlan	3,502	3,443	-1.7%
Hayes	945	893	-5.5%
Hitchcock	2,855	2,834	-0.7%
Holt	10,384	10,202	-1.8%
Hooker	731	674	-7.8%
Howard	6,337	6,437	1.6%
Jefferson	7,511	7,178	-4.4%
Johnson	5,163	5,185	0.4%
Kearney	6,486	6,530	0.7%
Keith	8,159	8,072	-1.1%
Keya Paha	791	793	0.3%
Kimball	3,695	3,619	-2.1%
Knox	8,556	8,472	-1.0%
Lancaster	297,528	314,358	5.7%
Lincoln	35,950	35,280	-1.9%
Logan	777	768	-1.2%
Loup	587	609	3.7%
Madison	35,178	35,144	-0.1%
McPherson	529	499	-5.7%
Merrick	7,826	7,882	0.7%
Morrill	4,926	4,836	-1.8%

	2013	2017	% Change
Nance	3,559	3,607	1.3%
Nemaha	7,149	6,949	-2.8%
Nuckolls	4,384	4,275	-2.5%
Otoe	15,700	16,027	2.1%
Pawnee	2,750	2,641	-4.0%
Perkins	2,893	2,903	0.3%
Phelps	9,182	9,060	-1.3%
Pierce	7,180	7,138	-0.6%
Platte	32,630	33,175	1.7%
Polk	5,247	5,328	1.5%
Red Willow	11,056	10,728	-3.0%
Richardson	8,132	7,969	-2.0%
Rock	1,441	1,436	-0.3%
Saline	14,332	14,441	0.8%
Sarpy	169,095	181,439	7.3%
Saunders	20,880	21,057	0.8%
Scotts Bluff	36,855	36,363	-1.3%
Seward	16,994	17,161	1.0%
Sheridan	5,209	5,289	1.5%
Sherman	3,061	3,086	0.8%
Sioux	1,330	1,203	-9.5%
Stanton	6,088	5,988	-1.6%
Thayer	5,179	5,045	-2.6%
Thomas	705	725	2.8%
Thurston	6,875	7,223	5.1%
Valley	4,182	4,209	0.6%
Washington	20,213	20,721	2.5%
Wayne	9,445	9,318	-1.3%
Webster	3,643	3,524	-3.3%
Wheeler	778	818	5.1%
York	13,858	13,806	-0.4%

Source: U.S. Census Bureau, Population Estimates Program, July 1, 2013 and 2017 Estimates, Table PEPAGESEX.

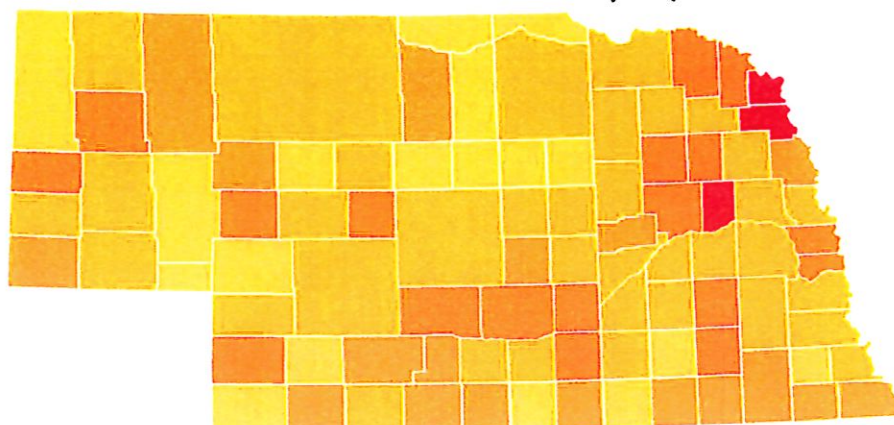
Children 19 and under (2013 & 2017)

Percent of children 19 and under (2017)

State	Number	% total population
2013	518,067	27.7%
2017	528,860	27.5%

Highest county	By number	By % total population
2013	Douglas	Thurston
2017	Douglas	Thurston

Lowest county	By number	By % total population
2013	Blaine	Garden
2017	Blaine	Keya Paha



18.0-22.9% 23.0-24.9% 25.0-26.9% 27.0-29.9% 30.0%+

	2013	% total population	2017	% total population
Adams	8,560	27.1%	8,649	27.3%
Antelope	1,648	25.5%	1,633	25.7%
Arthur	139	30.6%	132	28.9%
Banner	141	20.8%	189	25.5%
Blaine	112	23.8%	108	22.4%
Boone	1,351	25.0%	1,382	25.8%
Box Butte	3,077	27.2%	2,978	27.4%
Boyd	469	23.3%	435	22.0%
Brown	695	23.5%	721	23.9%
Buffalo	13,409	27.9%	13,546	27.2%
Burt	1,614	24.6%	1,591	24.3%
Butler	2,185	26.5%	2,081	25.8%
Cass	6,841	27.0%	6,874	26.6%
Cedar	2,379	27.6%	2,342	27.5%
Chase	1,051	26.4%	1,071	27.0%
Cherry	1,401	24.3%	1,453	25.0%
Cheyenne	2,629	26.1%	2,503	25.9%
Clay	1,700	26.7%	1,657	26.7%
Colfax	3,317	31.7%	3,529	33.3%
Cumling	2,426	26.9%	2,401	26.6%
Custer	2,705	25.0%	2,786	25.6%
Dakota	6,623	31.8%	6,297	31.2%
Dawes	2,376	26.2%	2,223	25.0%
Dawson	7,421	30.8%	7,068	29.8%
Deuel	453	23.6%	427	22.7%
Dixon	1,603	27.6%	1,611	28.0%
Dodge	9,530	26.1%	9,797	26.7%
Douglas	152,946	28.5%	158,865	28.3%
Dundy	506	25.8%	397	22.0%
Fillmore	1,314	23.3%	1,235	22.1%
Franklin	674	22.0%	625	20.9%

	2013	% total population	2017	% total population
Frontier	695	25.6%	651	24.7%
Furnas	1,192	24.7%	1,147	24.0%
Gage	5,362	24.7%	5,290	24.5%
Garden	361	18.8%	401	21.0%
Garfield	442	21.8%	423	21.0%
Gosper	512	25.4%	493	24.3%
Grant	149	23.5%	154	23.7%
Greeley	641	25.8%	605	25.5%
Hall	17,846	29.4%	18,193	29.6%
Hamilton	2,483	27.2%	2,434	26.4%
Harlan	831	23.7%	811	23.6%
Hayes	233	24.7%	201	22.5%
Hitchcock	680	23.1%	703	24.8%
Holt	2,702	26.0%	2,731	26.8%
Hooker	165	22.6%	154	22.8%
Howard	1,646	26.0%	1,664	25.9%
Jefferson	1,826	24.3%	1,702	23.7%
Johnson	1,110	21.5%	1,085	20.9%
Kearney	1,711	26.4%	1,739	26.6%
Keith	1,842	22.6%	1,793	22.2%
Keya Paha	168	21.2%	158	19.9%
Kimball	894	24.2%	878	24.3%
Knox	2,244	26.2%	2,242	26.5%
Lancaster	79,907	26.9%	83,945	26.7%
Lincoln	9,716	27.0%	9,186	26.0%
Logan	198	25.5%	221	28.8%
Loup	121	20.6%	124	20.4%
Madison	9,755	27.7%	9,793	27.9%
McPherson	155	29.3%	127	25.5%
Merrick	2,041	26.1%	1,979	25.1%
Morrill	1,329	27.0%	1,237	25.6%

	2013	% total population	2017	% total population
Nance	893	25.1%	899	24.9%
Nemaha	1,874	26.2%	1,810	26.0%
Nuckolls	997	22.7%	954	22.3%
Otoe	4,054	25.8%	4,213	26.3%
Pawnee	638	23.2%	613	23.2%
Perkins	753	26.0%	782	26.9%
Phelps	2,476	27.0%	2,369	26.1%
Pierce	1,948	27.1%	1,917	26.9%
Platte	9,299	28.5%	9,454	28.5%
Polk	1,352	25.8%	1,350	25.3%
Red Willow	2,836	25.7%	2,705	25.2%
Richardson	1,819	22.4%	1,842	23.1%
Rock	314	21.8%	318	22.1%
Saline	4,165	29.1%	4,243	29.4%
Sarpy	51,929	30.7%	54,212	29.9%
Saunders	5,721	27.4%	5,579	26.5%
Scotts Bluff	9,942	27.0%	9,985	27.5%
Seward	4,861	28.6%	4,853	28.3%
Sheridan	1,287	24.7%	1,292	24.4%
Sherman	724	23.7%	722	23.4%
Sioux	322	24.2%	244	20.3%
Stanton	1,770	29.1%	1,624	27.1%
Thayer	1,286	24.8%	1,244	24.7%
Thomas	174	24.7%	186	25.7%
Thurston	2,650	38.5%	2,833	39.2%
Valley	1,045	25.0%	1,069	25.4%
Washington	5,474	27.1%	5,561	26.8%
Wayne	2,624	27.8%	2,496	26.8%
Webster	898	24.7%	844	24.0%
Wheeler	178	22.9%	187	22.9%
York	3,532	25.5%	3,590	26.0%

Source: U.S. Census Bureau, Population Estimates Program, July 1, 2013 and 2017 Estimates.

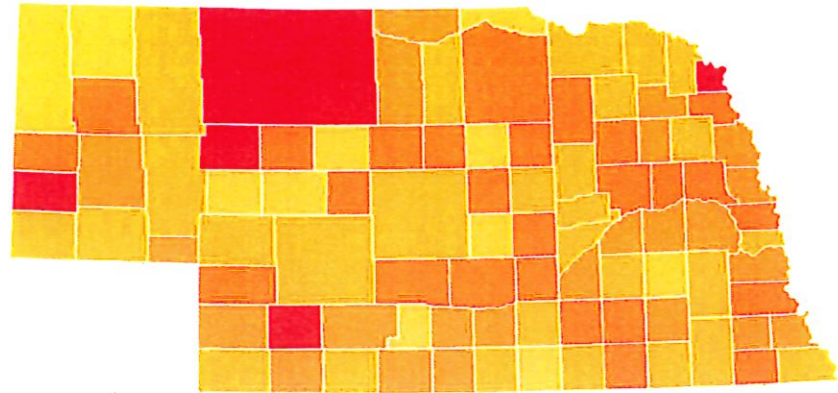
Children 4 and under (2013 & 2017)

Percent of children 4 and under (2017)

State	Number	% of all children
2013	130,160	25.1%
2017	133,061	25.2%

Highest county	By number	By % of all children
2013	Douglas	Grant
2017	Douglas	Grant

Lowest county	By number	By % of all children
2013	Loup	Garfield
2017	McPherson	McPherson



< 20.9% 21.0-22.9% 23.0-24.9% 25.0-26.9% 27.0%+

	2013	% of all children	2017	% of all children
Adams	1,997	23.3%	2,094	24.2%
Antelope	414	25.1%	434	26.6%
Arthur	36	25.9%	20	15.2%
Banner	33	23.4%	52	27.5%
Blaine	38	33.9%	28	25.9%
Boone	302	22.4%	342	24.7%
Box Butte	772	25.1%	788	26.5%
Boyd	111	23.7%	82	18.9%
Brown	135	19.4%	162	22.5%
Buffalo	3,326	24.8%	3,486	25.7%
Burt	353	21.9%	341	21.4%
Butler	458	21.0%	453	21.8%
Cass	1,496	21.9%	1,575	22.9%
Cedar	501	21.1%	572	24.4%
Chase	258	24.5%	234	21.8%
Cherry	325	23.2%	413	28.4%
Cheyenne	615	23.4%	610	24.4%
Clay	403	23.7%	427	25.8%
Colfax	911	27.5%	937	26.6%
Cuming	508	20.9%	568	23.7%
Custer	639	23.6%	690	24.8%
Dakota	1,657	25.0%	1,714	27.2%
Dawes	471	19.8%	450	20.2%
Dawson	1,817	24.5%	1,883	26.6%
Deuel	95	21.0%	95	22.2%
Dixon	349	21.8%	389	24.1%
Dodge	2,293	24.1%	2,517	25.7%
Douglas	40,812	26.7%	42,788	26.9%
Dundy	83	16.4%	94	23.7%
Fillmore	279	21.2%	311	25.2%
Franklin	148	22.0%	153	24.5%

	2013	% of all children	2017	% of all children
Frontier	110	15.8%	140	21.5%
Furnas	244	20.5%	260	22.7%
Gage	1,258	23.5%	1,282	24.2%
Garden	74	20.5%	97	24.2%
Garfield	69	15.6%	87	20.6%
Gosper	126	24.6%	99	20.1%
Grant	52	34.9%	47	30.5%
Greeley	143	22.3%	146	24.1%
Hall	4,692	26.3%	4,755	26.1%
Hamilton	525	21.1%	556	22.8%
Harlan	226	27.2%	179	22.1%
Hayes	47	20.2%	58	28.9%
Hitchcock	157	23.8%	156	22.2%
Holt	717	26.5%	708	25.9%
Hooker	43	26.1%	39	25.3%
Howard	380	23.1%	428	25.7%
Jefferson	401	22.0%	395	23.2%
Johnson	252	22.7%	244	22.5%
Kearney	397	23.2%	393	22.6%
Keith	371	20.1%	422	23.5%
Keya Paha	38	22.6%	34	21.5%
Kimball	229	25.6%	212	24.1%
Knox	522	23.3%	532	23.7%
Lancaster	20,210	25.3%	20,293	24.2%
Lincoln	2,339	24.1%	2,130	23.2%
Logan	41	20.7%	58	26.2%
Loup	22	18.2%	32	25.8%
Madison	2,604	26.7%	2,588	26.4%
McPherson	33	21.3%	16	12.6%
Merrick	458	22.4%	472	23.9%
Morrill	287	21.6%	283	22.9%

	2013	% of all children	2017	% of all children
Nance	235	26.3%	212	23.6%
Nemaha	434	23.2%	386	21.3%
Nuckolls	198	19.9%	223	23.4%
Otoe	1,005	24.8%	1,064	25.3%
Pawnee	138	21.6%	165	26.9%
Perkins	195	25.9%	204	26.1%
Phelps	655	26.5%	531	22.4%
Pierce	419	21.5%	463	24.2%
Platte	2,439	26.2%	2,450	25.9%
Polk	296	21.9%	295	21.9%
Red Willow	658	23.2%	633	23.4%
Richardson	395	21.7%	450	24.4%
Rock	64	20.4%	78	24.5%
Saline	999	24.0%	943	22.2%
Sarpy	13,468	25.9%	13,300	24.5%
Saunders	1,325	23.2%	1,271	22.8%
Scotts Bluff	2,520	25.3%	2,498	25.0%
Seward	1,016	20.9%	995	20.5%
Sheridan	276	21.4%	301	23.3%
Sherman	156	21.5%	150	20.8%
Sioux	71	22.0%	45	18.4%
Stanton	400	22.6%	361	22.2%
Thayer	252	19.6%	320	25.7%
Thomas	57	32.8%	33	17.7%
Thurston	713	26.9%	755	26.7%
Valley	233	22.3%	277	25.9%
Washington	1,105	20.2%	1,202	21.6%
Wayne	538	20.5%	524	21.0%
Webster	233	25.9%	165	19.5%
Wheeler	47	26.4%	49	26.2%
York	918	26.0%	875	24.4%

Source: U.S. Census Bureau, Population Estimates Program, July 1, 2013 and 2017 Estimates.

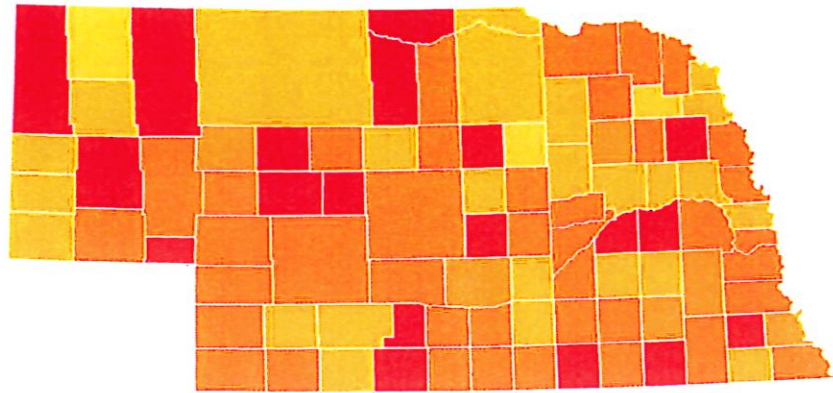
Children 10-17 years (2013 & 2017)

Percent of children 10-17 (2017)

State	Number	% of all children
2013	194,713	38.9%
2017	202,792	39.7%

Highest county	By number	By % of all children
2013	Douglas	Loup
2017	Douglas	McPherson

Lowest county	By number	By % of all children
2013	Blaine	Wayne
2017	Blaine	Dawes



■ <35.0%
 ■ 35.0-37.9%
 ■ 38.0-40.9%
 ■ 41.0-43.9%
 ■ 44.0%+

	2013	% of all children	2017	% of all children
Adams	3,349	39.1%	3,390	39.2%
Antelope	686	41.6%	642	39.3%
Arthur	55	39.6%	57	43.2%
Banner	56	39.7%	75	39.7%
Blaine	47	42.0%	42	38.9%
Boone	590	43.7%	556	40.2%
Box Butte	1,288	41.9%	1,176	39.5%
Boyd	213	45.4%	178	40.9%
Brown	313	45.0%	332	46.0%
Buffalo	4,728	35.3%	4,924	36.4%
Burt	666	41.3%	697	43.8%
Butler	1,008	46.1%	922	44.3%
Cass	2,992	43.7%	2,973	43.2%
Cedar	1,022	43.0%	973	41.5%
Chase	438	41.7%	466	43.5%
Cherry	587	41.9%	578	39.8%
Cheyenne	1,147	43.6%	1,062	42.4%
Clay	705	41.5%	699	42.2%
Colfax	1,242	37.4%	1,398	39.6%
Cuming	1,069	44.1%	1,062	44.2%
Custer	1,099	40.6%	1,170	42.0%
Dakota	2,730	41.2%	2,459	39.1%
Dawes	764	32.2%	680	30.6%
Dawson	3,045	41.0%	2,956	41.8%
Deuel	181	40.0%	194	45.4%
Dixon	723	45.1%	675	41.9%
Dodge	3,778	39.6%	3,922	40.0%
Douglas	58,648	38.3%	61,760	38.9%
Dundy	245	48.4%	171	43.1%
Fillmore	582	44.3%	534	43.2%
Franklin	279	41.4%	261	41.8%

	2013	% of all children	2017	% of all children
Frontier	302	43.5%	256	39.3%
Furnas	538	45.1%	544	47.4%
Gage	2,234	41.7%	2,221	42.0%
Garden	162	44.9%	175	43.6%
Garfield	204	46.2%	196	46.3%
Gosper	210	41.0%	230	46.7%
Grant	48	32.2%	56	36.4%
Greeley	274	42.7%	250	41.3%
Hall	6,922	38.8%	7,419	40.8%
Hamilton	1,126	45.3%	1,046	43.0%
Harlan	338	40.7%	346	42.7%
Hayes	101	43.3%	80	39.8%
Hitchcock	263	39.8%	305	43.4%
Holt	1,060	39.2%	1,083	39.7%
Hooker	68	41.2%	68	44.2%
Howard	692	42.0%	712	42.8%
Jefferson	781	42.8%	753	44.2%
Johnson	469	42.3%	486	44.8%
Kearney	672	39.3%	750	43.1%
Keith	833	45.2%	777	43.3%
Keya Paha	74	44.0%	75	47.5%
Kimball	365	40.8%	354	40.3%
Knox	1,010	45.0%	956	42.6%
Lancaster	28,525	35.7%	31,434	37.4%
Lincoln	3,813	39.2%	3,945	42.9%
Logan	73	36.9%	107	48.4%
Loup	65	53.7%	52	41.9%
Madison	3,653	37.4%	3,693	37.7%
McPherson	63	40.6%	76	59.8%
Merrick	916	44.9%	843	42.6%
Morrill	577	43.4%	544	44.0%

	2013	% of all children	2017	% of all children
Nance	359	40.2%	386	42.9%
Nemaha	646	34.5%	682	37.7%
Nuckolls	438	43.9%	426	44.7%
Otoe	1,672	41.2%	1,760	41.8%
Pawnee	288	45.1%	249	40.6%
Perkins	298	39.6%	334	42.7%
Phelps	1,005	40.6%	1,016	42.9%
Pierce	864	44.4%	808	42.1%
Platte	3,721	40.0%	3,794	40.1%
Polk	591	43.7%	610	45.2%
Red Willow	1,137	40.1%	1,104	40.8%
Richardson	837	46.0%	768	41.7%
Rock	136	43.3%	133	41.8%
Saline	1,513	36.3%	1,576	37.1%
Sarpy	20,491	39.5%	22,306	41.1%
Saunders	2,400	42.0%	2,408	43.2%
Scotts Bluff	3,956	39.8%	4,061	40.7%
Seward	1,875	38.6%	1,842	38.0%
Sheridan	555	43.1%	570	44.1%
Sherman	319	44.1%	327	45.3%
Sioux	143	44.4%	116	47.5%
Stanton	763	43.1%	700	43.1%
Thayer	523	40.7%	527	42.4%
Thomas	73	42.0%	79	42.5%
Thurston	980	37.0%	1,114	39.3%
Valley	465	44.5%	421	39.4%
Washington	2,406	44.0%	2,397	43.1%
Wayne	807	30.8%	828	33.2%
Webster	358	39.9%	350	41.5%
Wheeler	72	40.4%	63	33.7%
York	1,288	36.5%	1,416	39.4%

Source: U.S. Census Bureau, Population Estimates Program, July 1, 2013 and 2017 Estimates.

Exhibit 1: Case Weights Comparison 2020 and 2006

District Court Case Types	3-Year Filings (average)	2020 Case Weight (minutes)	2006 Case Weight (minutes)
Problem Solving Court Cases	441	683	66
Protection Orders	6,102	32	32
Civil	5,904	219	214
Class I Felony	1,044	367	175
Other Criminal	11,368	149	
Domestic Relations	13,502	97	84
Appeals	262	343	107
Aministrative Appeals	125	540	

County Court Case Types	3-Year Filings (average)	2020 Case Weight (minutes)	2006 Case Weight (minutes)
Protection Orders	3,298	32	
Felony	17,074	26	25
Misdemeanor	79,124	23	18
District Court: Adult Problem-Solving Court	14	683	
Traffic	119,853	1	2
Civil	85,675	8	10
Probate	6,066	61	57
Guardianship/Conservatorship	2,049	133	
Small Claims	3,709	30	10
Adoption	696	92	33
Domestic Relations	4	97	33
Juvenile: 3A CHILDREN & PSC	1,290	272	
Juvenile: 3A CASES & PSC	1,138	308	274
Juvenile: Delinquency	3,090	100	50
Juvenile: Status Offender 3B	533	37	105
Juvenile: Mentally Ill and Dangerous 3C	21	265	
Juvenile: Bridge to Independence (B21)	51	58	
Juvenile: Interstate Compact Hearings/Filings	141	2	
Juvenile: Problem-Solving Court Cases	8	TBD	54

Separate Juvenile Case Types	3-Year Filings (average)	2020 Case Weight (minutes)	2006 Case Weight (minutes)
Adoption	289	49	
Domestic Relations	89	26	
Juvenile: 3A CHILDREN & PSC	1,381	518	
Juvenile: 3A CASES & PSC	713	1,003	367
Delinquency	2,634	136	107
Status Offender 3B	762	54	
Mentally Ill and Dangerous 3C	1	265	115
Bridge to Independence B21	119	36	
Interstate Compact Hearing/Filings	122	2	
Problem Solving Court Cases	23	TBD	133

Exhibit 2: Judge Year Value

Nebraska Judge Working Day

	District 1	District 2	District 3	District 4	District 5	District 6	District 7	District 8	District 9	District 10	District 11	District 12
Work day (hours)	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0	8.0
X	60	60	60	60	60	60	60	60	60	60	60	60
Minutes per day =	480	480	480	480	480	480	480	480	480	480	480	480

District Court Judge Year Value

	District 1	District 2	District 3	District 4	District 5	District 6	District 7	District 8	District 9	District 10	District 11	District 12
Day	480	480	480	480	480	480	480	480	480	480	480	480
Non-case related -	60	60	60	60	60	60	60	60	60	60	60	60
Travel time -	60	0	0	0	30	10	45	60	10	70	45	45
Case related time	360	420	420	420	390	410	375	360	410	350	375	375
Days per year X	218	218	218	218	218	218	218	218	218	218	218	218
Year value =	78,480	91,560	91,560	91,560	85,020	89,380	81,750	78,480	89,380	76,300	81,750	81,750

County Court Judge Year Value

	District 1	District 2	District 3	District 4	District 5	District 6	District 7	District 8	District 9	District 10	District 11	District 12
Day	480	480	480	480	480	480	480	480	480	480	480	480
Non-case related -	60	60	60	60	60	60	60	60	60	60	60	60
Travel time -	60	30	0	0	60	60	60	90	10	60	60	60
Case related time	360	390	420	420	360	360	360	330	410	360	360	360
Days per year X	218	218	218	218	218	218	218	218	218	218	218	218
Year value =	78,480	85,020	91,560	91,560	78,480	78,480	78,480	71,940	89,380	78,480	78,480	78,480

Separate Juvenile Court Judge Year Value

	District 2	District 3	District 4
Day	480	480	480
Non-case related -	60	60	60
Travel time -	10	0	0
Case related time	410	420	420
Days per year X	218	218	218
Year value =	89,380	91,560	91,560

Exhibit 3: Judge Need Summary

	District												Statewide
	1	2	3	4	5	6	7	8	9	10	11	12	
District Court													
Implied need (model)	3.11	4.55	8.44	20.68	3.24	2.83	2.24	1.53	3.89	2.21	4.26	3.81	60.78
Actual judges	3	4	8	16	4	3	2	2	4	2	4	4	56
Difference	-0.11	-0.55	-0.44	-4.68	0.76	0.17	-0.24	0.47	0.11	-0.21	-0.26	0.19	-4.78
Current workload per judge (implied + actual)	1.04	1.14	1.05	1.29	0.81	0.94	1.12	0.77	0.97	1.11	1.06	0.95	1.09
Judge need rounded (1.15/.6)	3	4	8	18	4	3	2	2	4	2	4	4	58
Final workload per judge	1.04	1.14	1.05	1.15	0.81	0.94	1.12	0.77	0.97	1.11	1.06	0.95	1.05
County Court													
Implied need (model)	2.75	3.89	7.38	13.49	4.16	3.45	2.59	1.88	4.12	2.74	5.06	4.05	55.55
Actual judges	3	4	7	12	5	4	3	3	4	3	5	5	58
Difference	0.25	0.11	-0.38	-1.49	0.84	0.55	0.41	1.12	-0.12	0.26	-0.06	0.95	2.45
Current workload per judge (implied + actual)	0.92	0.97	1.05	1.12	0.83	0.86	0.86	0.63	1.03	0.91	1.01	0.81	0.96
Judge need rounded (1.15/.6)	3	4	7	12	5	4	3	3	4	3	5	5	58
Final workload per judge	0.92	0.97	1.05	1.12	0.83	0.86	0.86	0.63	1.03	0.91	1.01	0.81	0.96
Separate Juvenile Court													
Implied need (model)		1.88	3.72	6.85									12.45
Actual judges		2	4	6									12
Difference		0.12	0.28	-0.85									-0.45
Current workload per judge (implied + actual)		0.94	0.93	1.14									1.04
Judge need rounded (1.15/.6)		2	4	6									12
Final workload per judge		0.94	0.93	1.14									1.04

Exhibit 4: District Court Workload

District Court Case Types	2020 Case Weight	District Workload												Statewide
		1	2	3	4	5	6	7	8	9	10	11	12	
Problem Solving Court Cases	683	12,977	11,611	41,663	83,326	5,464	25,271	17,758	10,245	26,637	28,003	28,003	10,245	301,203
Protection Orders	32	10,944	17,696	27,360	55,232	12,032	5,376	6,752	4,864	9,984	9,536	22,272	13,216	195,264
Civil	219	63,948	102,054	188,340	501,948	66,138	54,531	36,135	41,829	54,969	38,763	69,642	74,679	1,292,976
Class I Felony	367	11,377	20,552	44,774	176,527	21,286	10,643	9,542	8,808	20,919	6,606	26,424	25,690	383,148
Other Criminal	149	69,583	130,226	214,709	584,229	87,761	79,864	65,560	27,267	143,785	41,422	132,312	117,114	1,693,832
Domestic Relations	97	66,542	126,876	196,619	460,071	74,884	69,452	40,546	22,601	85,069	40,061	66,542	60,431	1,309,694
Appeals	343	2,744	6,860	18,522	23,667	6,174	6,860	5,488	4,459	3,773	2,401	1,715	7,203	89,866
Aministrative Appeals	540	5,940	1,080	40,500	8,640	1,620	540	1,080	0	2,160	2,160	1,080	2,700	67,500
Total Workload		244,056	416,957	772,490	1,893,644	275,364	252,543	182,868	120,081	347,305	168,962	348,001	311,290	5,333,561
Judicial Year Value	÷	78,480	91,560	91,560	91,560	85,020	89,380	81,750	78,480	89,380	76,300	81,750	81,750	
Implied Judge Need (from model)	=	3.11	4.55	8.44	20.68	3.24	2.83	2.24	1.53	3.89	2.21	4.26	3.81	60.78
Actual Judges		3	4	8	16	4	3	2	2	4	2	4	4	56
Difference		-0.11	-0.55	-0.44	-4.68	0.76	0.17	-0.24	0.47	0.11	-0.21	-0.26	0.19	-4.78
Workload per Judge (implied ÷ actual)		1.04	1.14	1.05	1.29	0.81	0.94	1.12	0.77	0.97	1.11	1.06	0.95	1.09
Judge need rounded (1.15/.6)		3	4	8	18	4	3	2	2	4	2	4	4	58

Exhibit 5: County Court Workload

		District Workload												Statewide
County Court Case Types	2020 Case Weight	1	2	3	4	5	6	7	8	9	10	11	12	
Protection Orders	32	5,952	6,272	11,680	54,592	4,800	5,440	2,720	1,376	7,552	1,824	0	3,328	105,536
Felony	26	14,482	35,412	69,810	132,132	25,012	23,894	15,340	10,062	36,738	13,234	36,192	31,516	443,924
Misdemeanor	23	58,213	131,169	337,893	610,351	92,552	95,634	60,444	38,847	109,227	51,474	133,745	100,303	1,819,852
District Court: Adult Problem-Solving Court	683	0	0	7,513	0	0	0	0	0	0	0	0	2,049	9,562
Traffic	1	6,559	11,589	19,517	27,315	7,783	6,637	5,503	3,895	7,681	5,460	11,102	6,812	119,853
Civil	8	28,224	58,744	114,664	208,520	43,544	31,024	18,664	16,912	50,640	33,928	46,208	34,328	685,400
Probate	61	20,984	27,450	48,312	77,409	36,661	24,888	21,228	20,252	20,557	22,204	27,206	22,875	370,026
Guardianship/Conservatorship	133	11,305	19,684	45,353	85,253	18,753	14,231	10,906	6,916	17,157	13,433	17,556	11,970	272,517
Small Claims	30	4,050	6,990	14,430	30,630	7,350	5,400	5,550	5,130	7,650	4,590	11,370	8,130	111,270
Adoption	92	3,496	5,980	6,624	9,292	4,232	4,508	3,864	1,748	8,096	4,140	6,440	5,612	64,032
Domestic Relations	97	97	0	291	0	0	0	0	0	0	0	0	0	388
Juvenile: 3A CHILDREN & PSC	272	35,360	14,416	0	0	37,536	31,552	26,656	19,312	43,520	33,456	62,560	46,512	350,880
Juvenile: Delinquency	100	24,000	11,400	0	0	44,900	25,000	28,700	10,300	56,000	28,300	40,300	40,100	309,000
Juvenile: Status Offender 3B	37	2,775	1,184	0	0	2,331	1,924	1,295	592	2,516	1,517	2,812	2,775	19,721
Juvenile: Mentally Ill and Dangerous 3C	265	0	0	0	0	265	0	2,120	0	265	530	1,060	1,325	5,565
Juvenile: Bridge to Independence (B21)	58	174	116	0	0	638	406	232	58	290	580	348	116	2,958
Juvenile: Interstate Compact Hearings/Filings	2	12	6	0	0	20	52	12	6	60	12	42	60	282
Juvenile: Problem-Solving Court Cases	TBD	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Workload		215,684	330,414	676,090	1,235,498	326,382	270,596	203,241	135,414	367,958	214,692	396,952	317,923	4,690,766
Judicial Year Value	÷	78,480	85,020	91,560	91,560	78,480	78,480	78,480	71,940	89,380	78,480	78,480	78,480	
Implied Judge Need (from model)	=	2.75	3.89	7.38	13.49	4.16	3.45	2.59	1.88	4.12	2.74	5.06	4.05	55.55
Actual Judges		3	4	7	12	5	4	3	3	4	3	5	5	58
Difference		0.25	0.11	-0.38	-1.49	0.84	0.55	0.41	1.12	-0.12	0.26	-0.06	0.95	2.45
Workload per judge (implied ÷ actual)		0.92	0.97	1.05	1.12	0.83	0.86	0.86	0.63	1.03	0.91	1.01	0.81	0.96
Judge need rounded (1.15/.6)		3	4	7	12	5	4	3	3	4	3	5	5	58

Exhibit 6: Separate Juvenile Court Workload

Separate Juvenile Case Types	2020 Case Weight	District Workload			Statewide
		2	3	4	
Adoption	49	1,078	3,185	9,898	14,161
Domestic Relations	26	0	2,262	52	2,314
Juvenile: 3A CHILDREN & PSC	518	89,614	195,286	418,544	703,444
Delinquency	136	63,376	116,008	178,840	358,224
Status Offender 3B	54	6,480	17,820	16,848	41,148
Mentally Ill and Dangerous 3C	265	0	0	0	0
Bridge to Independence B21	36	468	1,044	2,772	4,284
Interstate Compact Hearing/Filings	2	12	40	192	244
Problem Solving Court Cases	TBD	6,734	5,180	0	11,914
Total Workload		167,764	340,828	627,150	1,135,733
Judicial Year Value	÷	89,380	91,560	91,560	
Implied Judge Need (from model)	=	1.88	3.72	6.85	12.45
Actual Judges		2	4	6	12
Difference		0.12	0.28	-0.85	-0.45
Workload per judge (implied ÷ actual)		0.94	0.93	1.14	1.04
Judge need rounded (1.15/.75)		2	4	6	12

Judicial Committee/Commission Assignments - Judge Roger Heideman

Nebraska Children's Commission
Commission on Children in Court, Co-Chair
Committee on Problem Solving Courts
Juvenile Judges Curriculum Committee
Judicial Branch Education Advisory Committee
Technology Committee
Through the Eyes of the Child Initiative, Co-Chair
RFK Probation System Enhancement
Juvenile Alternative to Detention Initiative

Judicial Committee/Commission Assignments - Judge Reggie Ryder

Commission on Children in Court, Education Subcommittee
Juvenile Court Judges Association, President
Through the Eyes of the Child Initiative, Co-Chair
Dispute Resolution Advisory Council
Judicial Ethics Committee
Adoption Day Committee
Lancaster County Steering Committee
Truancy Diversion Program Committee
Juvenile Alternative to Detention Initiative

Judicial Committee/Commission Assignments - Judge Linda Porter

Commission on Children in the Courts
Children's Commission
Ethics Advisory Committee
Probation Services Committee
Judicial Branch Education Committee
Chief Justice's Leadership Committee
Through the Eyes of the Child Initiative
Domestic Violence Subcommittee
Court Record Committee
Judicial Workload Advisory Committee
RFK Probation System Enhancement
Juvenile Alternative to Detention Initiative

Mussmann, Dawn

From: Theresa L. Emmert <TEmmert@lancaster.ne.gov>
Sent: Tuesday, September 15, 2020 1:28 PM
To: Mussmann, Dawn
Cc: Stacy, Stephanie
Subject: RE: Judicial Resources Commission - 9/17/2020
Attachments: Fessinger_et_al-2019-Journal_of_Experimental_Criminology.pdf; AJA.pdf; FTDC data 11519.docx

Ms. Mussmann,
Judge Roger Heideman has asked that the attached items also be included as part of our written testimony before the Judicial Resources Commission on Thursday, 9/17/2020.

Thank you,

THERESA EMMERT
Court Administrator
Lancaster County Juvenile Court
575 S. 10th Street
Lincoln NE 68508
Ph: 402-441-5646 / Fax: 402-441-6930



Mandatory, fast, and fair: Case outcomes and procedural justice in a family drug court

Melanie Fessinger, et al. *[full author details at the end of the article]*

Published online: 19 June 2019
© Springer Nature B.V. 2019

Abstract

Objectives Problem-solving courts are traditionally voluntary in nature to promote procedural justice and to advance therapeutic jurisprudence. The Family Treatment Drug Court (FTDC) in Lancaster County, Nebraska is a mandatory dependency court for families with allegations of child abuse or neglect related to substance use. We conducted a program evaluation examining parents' case outcomes and perceptions of procedural justice to examine whether a mandatory problem-solving court could replicate the positive outcomes of problem-solving courts.

Methods We employed a quasi-experimental design that compared FTDC parents to traditional dependency court parents (control parents). We examined court records to gather court orders, compliance with court orders, case outcomes, and important case dates. We also conducted 263 surveys (FTDC = 232; control = 31) to understand parents' perceptions of procedural justice in the court process.

Results Overall, FTDC parents were more compliant with some court orders than control parents. Although FTDC and control parents did not have significantly different case outcomes, FTDC parents' cases closed significantly faster than control parents' cases. FTDC parents also had higher perceptions of procedural justice than control parents. Mediation analyses indicated that FTDC parents believed the court process was more fair and therefore participated more consistently in court-ordered services and therefore reunified more often than control parents.

Conclusions Mandatory problem-solving courts can serve parents through the same mechanisms as voluntary problem-solving courts. More research is necessary to examine which specific elements of problem-solving courts, aside from the voluntary nature, are essential to maintain their effectiveness.

Keywords Dependency courts · Family drug courts · Mandatory treatment · Problem-solving courts · Procedural justice · Substance use · Therapeutic jurisprudence

Introduction

The traditional punitive court model is ill-equipped to deal with some of the complex social and psychological issues that bring individuals into the legal system. Scholars

have argued that the traditional punitive court model addresses symptoms rather than dealing with the underlying problems that bring individuals before courts (Winick 2013). Accordingly, some courts across the country have shifted their focus away from punishment and toward rehabilitation in order to better serve the individuals who come on their dockets and to reduce rates of recidivism (Winick 2013). These rehabilitation-focused courts, known as “problem-solving courts,” attempt to reach deeper than traditional courts by resolving both the immediate dispute before them as well as the underlying issues that caused it (Winick 2003).

Problem-solving courts are an application of therapeutic jurisprudence (Kaiser and Holtfreter 2016; Wiener et al. 2010; Winick 2003, 2013). Therapeutic jurisprudence is an interdisciplinary approach to legal reform that seeks to identify ways of improving the wellbeing of those involved in the legal system (Kaiser and Holtfreter 2016; Wiener et al. 2010; Winick 2003). It acknowledges that legal actors and the law itself are therapeutic, or anti-therapeutic, forces that affect those who interact with the legal system (Winick 2003). Judges adopting the principles of therapeutic jurisprudence act as therapeutic agents by assessing the social or psychological dysfunction that brought individuals before the court, encouraging their compliance with services that will address that dysfunction, and monitoring their behavior closely (Gatowski et al. 2013; MacKenzie 2016).

Therapeutic jurisprudence offers legal actors several tools to work successfully toward rehabilitation. One such tool is procedural justice, which refers to individuals’ perceptions of formal decision-making processes as satisfactory and fair (Tyler 1989). According to procedural justice theory, individuals perceive a decision-making process as more fair if they are allowed to express their preferences about the process and the outcome (commonly referred to as “voice”), if they perceive that the decision-maker has good intentions toward them (commonly referred to as “trust”), if they perceive that the decision-making process is the same for them as it would be for others in a similar situation (commonly referred to as “neutrality”), and if they feel they are treated with respect and dignity (commonly referred to as “respect”) (Lind et al. 1997). Procedural justice posits that individuals who perceive a decision-making process as more fair are more likely to cooperate and comply with the decision (e.g., court orders, sanctions) than those who perceive it as less fair (Lind et al. 1997; Tyler and Huo 2002) because they perceive the decision-maker as more legitimate (Bradford 2014; Gerber et al. 2018).

Scholars have proposed that problem-solving courts achieve positive case outcomes at least to some extent because participants perceive the court process as more fair than those in traditional courts (Kaiser and Holtfreter 2016; Roman et al. 2011; Wales et al. 2010; Wiener et al. 2010). Moreover, they have proposed that therapeutic jurisprudence fosters perceptions of fairness and legitimacy in the court process which ultimately lead to their cooperation and compliance with the court (Kaiser and Holtfreter 2016). Studies examining the influence of problem-solving courts have found support for these proposals by finding that procedural justice mediates the relationship between participation in problem-solving courts and positive case outcomes (Frazer 2006; Gottfredson et al. 2007; Gover et al. 2007; McIvor 2009; Poythress et al. 2002; Roman et al. 2011). Therefore, there is some evidence to support the theory that problem-solving courts achieve more positive outcomes (such as abstinence from substance use, improved parenting, employment, dismissal of criminal charges) than

traditional courts because therapeutic jurisprudence provides court-involved individuals with more procedural justice, which leads to greater cooperation and compliance. In this paper, we examined whether the mechanisms of therapeutic jurisprudence and procedural justice would also lead to positive case outcomes in a mandatory problem-solving court.

Voluntary versus mandatory participation

One of the primary ways in which problem-solving courts implement procedural justice is by allowing individuals the choice to voluntarily proceed on the alternative court process or to remain on the traditional court process (Wiener et al. 2010). Those who choose to participate in the alternative process first admit to the allegations against them and then agree to resolve the case through the alternative court process (Redlich 2010). Individuals' decision to participate in the alternative court process is their first exercise of voice in the decision-making process. This exercise of voice should increase individuals' perceptions of fairness and legitimacy in the court process which encourages their cooperation and compliance with court orders (Winick 2003). Accordingly, most of the literature on problem-solving courts has examined courts in which the participants voluntarily proceed on the problem-solving court process after consultation with their defense attorney (Frazer 2006; Gottfredson et al. 2007; Gover et al. 2007; Wiener and Brank 2010). In fact, Winick and Wexler (2002) have suggested that judges "should not attempt to pressure offenders to accept diversion into drug treatment court, but should remind them that the choice is entirely up to them" (p. 483). This prescription is consistent with the ideals of procedural justice, in that mandating participation in a problem-solving court removes the individuals' voice in the decision-making process and therefore may detract from their willingness to comply.

Despite the focus in the literature on allowing individuals the choice to voluntarily proceed through a problem-solving court, to our knowledge, there have been no studies examining whether voluntary participation is a necessary component of effective problem-solving courts. Moreover, voluntary participation is not required to adopt the ideals of therapeutic jurisprudence in a court process. In demonstrating this, judges have found subtle ways of using therapeutic jurisprudential approaches (e.g., sending letters to court participants summarizing their next steps; providing resources to aid court participants in completing their sentences) without court participants even being aware they are doing so (King 2008; Spencer 2012). Rather than being a precondition, voluntary participation is used to further procedural justice and to mitigate due process concerns. Therefore, in order to argue that voluntary participation is required to promote the positive effects of therapeutic jurisprudence, the relationship between procedural justice and positive case outcomes should be tested in a mandatory context.

There has been extensive scholarship examining whether voluntary participation in rehabilitative treatment itself is necessary to promote positive outcomes. This literature can shed some light on whether voluntary participation in problem-solving courts is necessary for promoting rehabilitation. Contrary to the aforementioned concerns, this research suggests that mandating participation in rehabilitative treatment may not interfere with individuals' cooperation and compliance. Some scholars have argued that external motivations, such as legal pressure, may be necessary to motivate individuals to enter treatment and to remain in treatment once there (Looney and Metcalf

1974; Maddux 1988). In support of this argument, several studies have found that legal pressure provides an effective external motivation for individuals to enter, remain in, and complete treatment (Berkowitz et al. 1996; Copeland and Maxwell 2007; Farabee et al. 1998; Perron and Bright 2008; Rempel and Destefano 2001). For example, Hiller et al. (1998) examined 18 long-term residential substance use treatment programs and 2605 individuals and found that those who were under moderate or high legal pressure (on probation or parole, monitored urinalysis tests, and/or court-ordered to participate) were more likely to remain in treatment for 90 days or longer than those under low legal pressure (no legal system involvement, no monitoring of urinalysis tests, and not court-ordered to participate). In fact, their results also showed that legal pressure was the strongest predictor of treatment retention. These findings, and others like them, support the widespread and increasing use of mandatory rehabilitative treatment (Klag et al. 2005).

Moreover, individuals who are mandated to participate in rehabilitative treatment may not even perceive their participation as involuntary (Poythress et al. 2002; Wild et al. 1998). For example, Wild et al. (1998) found that 35% of individuals legally-mandated and 61% of individuals otherwise-mandated to participate in rehabilitative treatment perceived that they were under no coercion to enter treatment. These individuals reported that they had more influence than anyone else in deciding to attend treatment, that it was their idea to attend treatment, and that they were free to do what they wanted in terms of attending treatment. These findings suggest that individuals who are mandated to participate in rehabilitative treatment may not perceive it any differently than those who voluntarily participate, which is consistent with several studies that have found mandated and voluntary treatment yield similar treatment and legal outcomes (e.g., Brecht et al. 1993; Prendergast et al. 2002).

It is important to note, however, that mandatory treatment is not without critics and the research has not consistently demonstrated these positive or neutral effects. The criticisms come in many different forms, including arguments that personal autonomy is important for individuals to be motivated to engage in treatment (e.g., Wild et al. 1998), that mandatory interventions do not account for the wide variation in individuals' needs (e.g., Klag et al. 2005), and that mandating treatment infringes on individuals' civil liberties (e.g., Rosenthal 1988). Additionally, some studies have suggested that mandated treatment has worse outcomes than voluntary treatment. For example, Howard and McCaughrin (1996) found that treatment providers who mostly dealt with court-ordered individuals reported higher rates of treatment failure than those who mostly dealt with voluntary individuals.

Several decades of research on mandatory rehabilitative treatment have yielded an inconsistent pattern of results. Although the literature is inconclusive, many studies suggest that voluntary participation may not be necessary to encourage individuals' cooperation and compliance with rehabilitative treatment. In fact, the most recent guide on the principles of effective treatment by the National Institute on Drug Abuse explicitly states that "treatment does not need to be voluntary to be effective" (2018, p. 6). Importantly, however, rehabilitative treatment is only one component of problem-solving courts. Research has yet to examine the effects of mandating participation in a problem-solving court *as a whole*. Therefore, in this paper, we address this gap in the literature by presenting an example of a mandatory family drug court that replicates the positive case outcomes found in previous research on problem-solving courts.

Family drug courts

Substance use is a pervasive problem in dependency court cases. Approximately 60 to 80% of child abuse and neglect cases involve substance use by a parent (Young et al. 2007). Parental substance use puts children at risk for maltreatment because parents' focus on obtaining and using drugs makes it difficult for them to meet their children's emotional and physical needs (Child Welfare Information Gateway 2014; United States General Accounting Office 1998). Their children are more likely to be placed in foster care, to remain in out-of-home care for longer periods of time, and to experience severe and chronic neglect (Barth et al. 2006; United States Department of Health and Human Services 1999).

Family drug courts are specialized problem-solving court tracks within dependency court systems that work toward rehabilitating parents with allegations of child abuse or neglect related to substance use (Marlowe and Carey 2012). Family drug courts implement the principles of therapeutic jurisprudence by encouraging parents' engagement in substance use treatment, coordinating parents' treatment plan with child protective services, and monitoring their progress closely (Marlowe and Carey 2012). Family drug courts monitor parents' progress by utilizing random drug testing, promoting interagency collaboration, and holding frequent court hearings (Worcel et al. 2008). The ultimate goal of family drug courts is for parents to successfully complete substance use treatment, to reunify with their children, and to prevent recidivism. As of 2017, 495 family drug courts were operating across the country (Breitenbucher et al. 2018).

Family drug courts are more successful than their traditional counterparts in both treatment and case outcomes. Family drug court parents are more likely than traditional dependency court parents to enroll in substance use treatment, enter treatment sooner, attend more treatment sessions, remain in treatment longer, and complete treatment (Ashford 2004; Boles et al. 2007; Carey et al. 2010; Green et al. 2007, 2009; Marlowe and Carey 2012; Oliveros and Kaufman 2011; Worcel et al. 2008). Family drug court parents are also more likely than traditional dependency court parents to be reunified with their children and to reunify more quickly (Ashford 2004; Boles et al. 2007; Carey et al. 2010; Green et al. 2007, 2009; Marlowe and Carey 2012; Worcel et al. 2008). However, family drug courts can vary in how they implement the core model into practice, which has led scholars to call for research on different variations to determine which aspects are most important to maintain (Green et al. 2009). Previous research has only examined family drug courts where parents voluntarily opt on the alternative track (e.g., Ashford 2004; Bruns et al. 2012; Green et al. 2009) and therefore does not demonstrate whether voluntary participation is one of those aspects.

Present evaluation

We conducted the present evaluation of the Lancaster County Family Treatment Drug Court (FTDC) to examine whether a mandatory family drug court could still promote participants' perceptions of procedural justice and ultimately lead to positive case outcomes. The mandatory nature of the FTDC raised concerns about whether it could still effectively achieve its goals of engaging parents to participate in treatment and to reunify with their children. As discussed in the preceding sections, procedural justice

would suggest that mandating participation in the alternative court process deprives parents of voice in the decision-making process and therefore may detract from their willingness to cooperate and comply with court orders. However, many studies have also found mandatory substance use treatment can have positive effects. Therefore, the mandatory nature of the FTDC may not detract from (and may even enhance) the goal of getting parents into substance use treatment and reunifying the families. Although the present evaluation does not provide a direct comparison between voluntary and mandatory participation in a problem-solving court, the results provide one example where mandatory participation in a problem-solving court replicates the positive outcomes found with other problem-solving courts.

We conducted a quasi-experimental program evaluation by collecting data from parents assigned to the FTDC and parents in the traditional dependency court (hereinafter “control parents”). We discuss the development of the control group in the section that follows. We collected data by (1) reviewing court records and (2) conducting surveys. We examined differences in compliance with court orders, case outcomes, timing to case outcomes, and perceptions of procedural justice. We also examined how parents’ perceptions of procedural justice were related to the other key variables.

We developed several hypotheses. First, we expected that FTDC parents would have more consistent compliance with court orders because of their regular and frequent court contact. Second, we expected that FTDC cases would progress through the court process faster because parents would be more compliant with court orders. Third, despite the mandatory nature of the FTDC, we expected that FTDC parents would have higher perceptions of procedural justice in the court process than control parents because of their additional opportunities for voice (i.e., monthly family team meetings). Finally, we expected a serial mediation between court group and case outcomes through perceptions of procedural justice and compliance with court orders, such that FTDC parents’ increased perceptions of procedural justice would result in more compliance with court-ordered services than control parents, which would result in more reunifications, faster reunifications, and faster case closures.

Description of the program

The Lancaster County Family Treatment Drug Court (FTDC) is a specialized problem-solving dependency court that began operating in 2014. It adheres to most of the typical components of family drug courts, including close monitoring, case management, regular urinalysis, active judicial leadership, and a multidisciplinary team (Bruns et al. 2012; Green et al. 2009; Worcel et al. 2008). The major difference between the FTDC and the typical family drug court model is that parents were ordered to participate in FTDC as part of the rehabilitation plan prescribed at their dispositional hearing. We describe major components of the FTDC and how that differed from the control group in the sections that follow and in Table 1.

Assignment

FTDC assignment FTDC families were automatically assigned to the FTDC judge’s docket when their initial child abuse or neglect petition included allegations of

substance use. These cases included parents whose children tested positive for drugs and parents who used or possessed drugs in the presence of or while caring for their children. Parents could also be transferred to the FTDC if substance use was revealed to be a major issue later in their case. All eligible cases were placed on or transferred to the FTDC docket, with the exception of parents who had another dependency court case in front of another judge.

Control assignment Control families were those with a case in front of the same FTDC judge but who were not eligible to be transferred onto the alternative track. Beginning in 2016, we worked with court administrative staff to identify child abuse and neglect cases assigned to the same judge who were not eligible for the FTDC. The court administrative staff identified the control families by indicating on the weekly court calendar which child abuse or neglect hearings were *not* FTDC families. Therefore, families were eligible for the control group if they had a dependency court case on the FTDC judge's docket and did not have substance use as a major issue identified in their case. We identified a total of 31 control families, which accounted for 14.55% of all eligible cases. We were unable to identify all eligible cases because we began identifying them 2 years after the evaluation began and because of the convenience sampling approach.

Court process

FTDC court process FTDC families followed a court process that was distinguishable from the traditional dependency court process in several respects. The court process diverged from the traditional dependency court process for FTDC families following their dispositional hearing. After the dispositional hearing where parents were ordered to participate in the FTDC, FTDC families appeared in court every 3 months for formal review hearings *and* monthly for family team meetings. Formal review hearings were on the record, presided over by the judge, and resulted in formal court orders. They were structured hearings to assess the parents' progress toward ameliorating the cause of adjudication, to adjust the rehabilitation plan as needed, and to establish a record of case progression. Family team meetings, which were the defining characteristic of the

Table 1 Key differences between Family Treatment Drug Court (FTDC) cases and traditional dependency court (control) cases

Variable	FTDC	Control
Main issue in case	Substance use	Various (e.g., mental illness, homelessness)
Court attendance	Formal review hearings every 3 months, informal family team meetings monthly	Formal review hearings every 3 to 6 months
Caseworker	Families work with specially trained caseworkers solely dedicated to working with FTDC families	—
Specialized services	Parents participate in specialized services including substance use evaluations, co-occurring evaluations, and substance use treatment	—

FTDC, were informal and provided the parties the opportunity to share updates, have group discussions, reach agreements to change the rehabilitation plan, and resolve barriers to rehabilitation. All relevant parties (e.g., parents, attorneys, caseworkers, service providers) could attend the family team meetings and have an open discussion about the parents' progress, successes, and barriers since the last reporting period. The family team meetings began with a parent self-reporting on their progress, sharing issues they would like the team to know about their children, and identifying topics they would like to discuss in the meeting. The caseworker facilitated the family team meetings but encouraged parents and other parties to actively participate in the discussion. The judge participated in the family team meetings for the last few minutes to directly ask the parents to report on their progress, to provide praise or encouragement where appropriate, and to remind the parents that the ultimate goal is to have the family safely reunify.

In addition to more frequent court attendance, FTDC families also had access to specialized professionals and services. First, FTDC families worked with a caseworker from a team solely dedicated to working with families on the track. These caseworkers were trained on the unique issues associated with substance use and the services that were available to the families. Second, FTDC parents participated in specialized services, including substance use evaluations, co-occurring evaluations, substance use treatment, and random urinalysis testing. Depending on the case facts and evaluation recommendations, they could also receive services not specific to substance use, such as parenting classes or domestic violence interventions.

Control court process Control families proceeded through the traditional dependency court process. After the dispositional hearing, control families participated in formal review hearings (described above) every 3 to 6 months. Formal hearings were their only dependency court attendance. Control families also participated in family team meetings; however, these were distinguishable from the FTDC family team meetings because they took place out of court and did not involve the judge. Their family team meetings involved their caseworker and attorney at a neutral location (e.g., family home, office) to discuss case progress.

Part 1: Court records

Sample

The sample included 293 (82.77%) FTDC parents and 61 (17.23%) control parents ($N = 354$ parents) involved in the dependency court. This total included 310 adjudicated parents (FTDC = 261, control = 49) and 44 non-adjudicated parents (FTDC = 32, control = 12) who had some involvement in the case. Most parents were mothers (FTDC = 154, control = 31); fewer were fathers (FTDC = 107, control = 18). On average, each parent had 2.10 ($SD = 1.23$) children who were 4.48 ($SD = 3.78$) years old. There were a total of 378 children. The majority of children were White (59.30%), Native American (11.90%), or Black/African-American (11.30%) (see Table 2 for full description of the families in each group).

Quasi-experimental designs often rely on propensity score matching to replicate the assumptions of random assignment in a true experimental design (West et al. 2014a, 2014b). The causal risk of quasi-experimental design is the variance introduced at baseline by history, selection, and assignment. Propensity score matching corrects for the bias in the causal effect of the nonrandom assignment by equating the treatment group and the control group at baseline (West et al. 2014b). For propensity score matching to be appropriate, baseline measures must be statistically and theoretically related to the group membership and the outcome measures (West et al. 2014a, 2014b). Due to the quasi-experimental design used in the present evaluation, we examined the statistical relationship between the court group and parent gender, number of children, mean age of children, child race, native American tribal status, previous child dependency case with the same children, allegations of failure to protect the child in the petition, allegations of substance use in the petition, average service participation, procedural justice scores, reunification, days from petition to reunification, case closure, and days from petition to case closure. Due to the administrative nature of our data collection and assignment procedures, we did not have measures of motivation throughout the evaluation and were unable to control for its influence (see Bruns et al. 2012). The only baseline parent, child, or case characteristic significantly correlated with court group was allegations of substance use in the petition ($r = .46$, $p < .001$), which we would expect to be significantly and strongly associated with court group as it is the primary factor in assignment. Additionally, procedural justice scores, a dependent variable, was significantly correlated with court group ($r = .19$, $p = .02$). All other correlations with court group were weak (r 's $< .13$) and nonsignificant (p 's $> .05$) (see Table 3 for the descriptive statistics and correlation matrix). Therefore, propensity score matching is not indicated by the data and we can proceed with the analyses assuming variance between the groups is due to the history of substance use and the differing court procedures.

Method

Research assistants accessed Nebraska's online case management system to collect information about each identified case. They read the legal and social files of each family to record parents' court orders, participation in evaluations and services, important case dates, and case outcomes. The main dependent variables of interest were parents' compliance with court orders, case outcomes, and time to case outcomes.

Compliance with court orders Research assistants reviewed parents' court orders for the entire length of their case. They coded whether the court ordered parents to participate (0 = not ordered, 1 = ordered) in several evaluations and services. We compiled a complete list of potential evaluations and services by working with the judge and caseworkers. The evaluations included a substance abuse evaluation, co-occurring evaluation, psychological evaluation, neuropsychological evaluation, medication-management evaluation, parenting assessment, and child-parent dyadic assessment. The services included visitation, individual therapy, family therapy, child-parent psychotherapy, parenting classes, domestic violence classes, and peer support.

Table 2 Descriptive statistics of Family Treatment Drug Court (FTDC) parents' cases and traditional dependency court (control) parents' cases across parent and child characteristics

		FTDC	Control
Total parents		293	61
Type of parent			
	Adjudicated	261 (89.08%)	49 (80.33%)
	Mother (1)	154 (52.56%)	31 (50.82%)
	Father (2)	107 (36.52%)	18 (29.51%)
	Non-adjudicated (4)	32 (10.92%)	12 (19.67%)
Number of Children		$M = 2.07$ (1.20)	$M = 2.21$ (1.26)
Child race			
	Non-Hispanic/White (1)	175 (59.7%)	35 (57.4%)
	African-American/Black (2)	29 (9.9%)	11 (18.0%)
	Hispanic/Latinx (3)	11 (2.3%)	6 (9.8%)
	Asian/Pacific Islander (4)	1 (0.3%)	0 (0.0%)
	Native American (5)	35 (11.9%)	7 (11.5%)
	Mixed race (6)	25 (8.5%)	0 (0.0%)
	Unknown (0)	13 (4.4%)	2 (3.3%)
Child Age		$M = 4.34$ (3.50)	$M = 5.15$ (4.88)
Adjudicated petition allegations			
	Substance use	115 (44.1%)	2 (4.1%)
	Multiple	91 (34.9%)	19 (38.8%)
	Missing	4 (1.5%)	1 (2.0%)
	Abandonment	24 (9.2%)	6 (12.2%)
	Domestic violence	13 (5.0%)	6 (12.2%)
	Prior case	8 (3.1%)	4 (8.2%)
	Homeless	2 (0.8%)	0 (0.0%)
	Other	2 (0.8%)	2 (4.1%)
	Physical abuse	1 (0.4%)	5 (10.2%)
	Medical neglect	1 (0.4%)	0 (0.0%)
	Educational neglect	0 (0.0%)	4 (8.2%)

Parentheticals indicate the code used for category

The research assistants also reviewed parents' case plans for the entire length of their case. If the court ordered parents to participate in an evaluation, they coded whether parents ever completed the evaluation (0 = not completed, 1 = completed). If the court ordered parents to participate in a service, they coded whether parents participated in that service in the most recent six-month reporting period (0 = did not participate, 1 = participated inconsistently, 2 = participated consistently, 3 = completed participation). Participation was considered inconsistent when parents missed multiple meetings and did not provide a legitimate justification for the absence as reported to the court by their caseworker. An example of inconsistent participation would be if the parent scheduled regular therapy and did not attend four of the last six appointments with no justification. Participation was considered consistent when parents missed no meetings or a very

Table 3 Correlations between court group (Family Treatment Drug Court as “FTDC”; Traditional Dependency Court as “control”), baseline demographics, and dependent variables

	<i>N</i>	<i>M (SD)</i>	Frequency	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.
1. Court group	354		FTDC (1) = 293 Control (0) = 61	—														
2. Parent gender	354			-.08	—													
3. Child age	354	4.48 (3.78)		-.08	.03	—												
4. Child race	350			.06	.12*	-.04	—											
5. Number of children	351	2.10 (1.23)		-.04	.17**	.26***	.05	—										
6. Tribal status	313		Yes (1) = 28 No (0) = 285	.04	.01	-.06	.45***	.05	—									
7. Previous case	306		Yes (1) = 20 No (0) = 25	-.13	.13	-.06	.17	.16	.30*	—								
8. Failure to protect	306		Yes (1) = 34 No (0) = 272	-.02	-.18**	.02	.01	.05	-.00	-.39**	—							
9. Substance use	306		Yes (1) = 213 No (0) = 93	.46***	-.35***	-.05	-.05	-.06	-.04	-.18	-.02	—						
10. Procedural justice score	159	4.24 (0.85)		.19*	-.06	-.09	-.01	.01	-.00	-.00	-.06	.09	—					
11. Average service participation	305	1.60 (1.09)		.07	.16**	-.09	-.05	.01	-.05	.14	.06	.25***	.29***	—				
12. Reunification	354		Yes (1) = 118 No (0) = 231	.20***	.09	-.03	-.01	.05	-.14*	-.17	-.12*	.15**	-.01	-.10	—			
13. Days from petition to reunification	96	272.53 (182.06)		-.03	-.10	.22*	-.02	-.00	-.10	.17	-.03	.01	-.02	-.30**	.04	—		
14. Case closure	354		Yes (1) = 187 No (0) = 125	.04	-.75**	-.01	-.16**	-.09	.05	-.16	.04	.08	.03	-.23**	-.05	.10	—	
15. Days from petition to case closure	186	478.63 (254.93)		-.22**	-.28**	.07	.15*	.05	.02	.10	.19*	-.00	-.15	-.26**	-.02	.84**	—	—

* $p < .05$, ** $p < .01$, *** $p < .001$

small number of meetings with an identified reason. An example of consistent participation would be if the parent scheduled regular therapy and attended six of the last six appointments, or five of the last six appointments and appropriately canceled the one appointment beforehand because the parent was sick. We created composite variables for parents' *average evaluation participation* (range of potential scores = 0–1) and parents' *average service participation* (range of potential scores = 0–3) by averaging parents' participation across the evaluations and services.

Case outcomes Research assistants also coded for several possible case outcomes that could have occurred in parents' cases (0 = did not occur, 1 = did occur), including reunification, case closure, and successful case closure. *Reunification* occurred when the court returned physical custody of the child to the parent (0 = not reunified, 1 = reunified). Following reunification, the case remained open until the court was satisfied that the child was safe and that parent had corrected the adjudicated issues. *Case closure* occurred when the court terminated its jurisdiction over the family. We categorized case closure by whether it was successful (0 = not successful, 1 = successful). *Successful case closure* occurred when the court terminated its jurisdiction over the child following reunification. Unsuccessful case closure occurred when the court terminated its jurisdiction over the children following a voluntary relinquishment or involuntary termination of parental rights. Although these might be positive outcomes for the children depending on the facts of the case, we conducted this evaluation at the parent-level and thus treated success in terms of retention of parental rights. Additionally, although a primary goal of problem-solving courts is to reduce recidivism, this ultimate outcome was not available in these court records and therefore was not included in our analyses.

Time to case outcomes Research assistants also coded parents' case progression by recording the dates on which important events occurred. Time to case outcomes is an important variable in this context because meeting milestones earlier suggests faster compliance with court orders and less time that the children are awaiting permanency. The milestones they coded for included the date of removal, petition, and the case outcomes mentioned in the preceding section. Removal occurred when the State removed the children from the parents' physical custody. Petition occurred when the State submitted its initial court filing that contained allegations of child abuse or neglect against the parent. We calculated the time to case outcomes by subtracting the number of days between each pair of target events.

Results

Compliance with court orders The court ordered FTDC parents and control parents to participate in several evaluations and services. On average, FTDC families had 17.96 court orders ($SD = 4.63$) and control families had 14.45 court orders ($SD = 3.94$). A one-way between-group analysis of variance (ANOVA) revealed that FTDC families had significantly more court orders than control families, $F(1, 179) = 15.48$, $p < .01$, $\eta^2 = .08$; this difference likely accounted for the additional court orders to participate in substance use evaluations and services and in-court family team meetings.

Overall, both FTDC parents and control parents were moderately compliant with court orders. A one-way between-group ANOVA revealed there was a significant mean difference between court group on *average evaluation participation* scores, $F(1, 192) = 4.07$, $p = .045$, $\eta^2 = .02$, showing that FTDC parents ($M = 0.61$, $SD = 0.58$) complied more consistently with court-ordered evaluations than control parents ($M = 0.44$, $SD = 0.47$). However, there was no significant mean difference between court group on *average service participation* scores, $F(1, 304) = 1.27$, $p = .26$, showing that FTDC parents ($M = 1.63$, $SD = 1.07$) and control parents ($M = 1.44$, $SD = 1.17$) had similar compliance with court-ordered services.

Case outcomes One hundred and eighteen parents (FTDC = 102, control = 16) reunified with their children. Twenty-three parents (FTDC = 15, control = 8) who reunified with their children were non-adjudicated. There was no significant proportional difference in *reunification* between FTDC parents (34.81%) and control parents (26.23%), $\chi^2(1) = 1.00$, $p = .32$.

Three hundred and ten adjudicated parents (FTDC = 261, control = 49) were formally involved in the court process and therefore could have a formal case closure. The court terminated its jurisdiction over 187 parents' cases (FTDC = 159, control = 28). There was no significant proportional difference in *case closure* between FTDC parents (71.65%) and control parents (80.33%), $\chi^2(1) = 0.25$, $p = .62$.

Case closure was divided amongst those that were successful and those that were unsuccessful. Seventy-eight parents' cases (FTDC = 69, control = 9) closed successfully following reunification. One hundred and nine parents' cases (FTDC = 90, control = 19) closed unsuccessfully after a voluntary relinquishment or involuntary termination of parental rights. There was no significant proportional difference in *successful case closures* between FTDC (32.14%) and control parents (43.40%), $\chi^2(1) = 1.24$, $p = .27$.

Time to case outcomes The average number of days between parents' important case milestones is presented in Table 4. A one-way between-group ANOVA revealed there was no significant difference in time from petition to reunification between FTDC parents ($M = 270.51$, $SD = 185.40$) and control parents ($M = 288.18$, $SD = 160.79$), $F(1, 94) = 0.09$, $p = .764$, $\eta^2 = .001$. Instead, case closure drove all significant effects between FTDC and control parents in time to case outcomes. FTDC parents' cases closed in significantly fewer days than control parents, $F(1, 184) = 9.48$, $p = .002$, $\eta^2 = .05$. The average number of days from petition to case closure was 454.94 ($SD = 228.47$) for FTDC parents and 612.29 ($SD = 346.40$) for control parents.

Part 2: Parent surveys

Sample

Parents participated in a total of 263 surveys (FTDC = 232, control = 31). They completed surveys an average of 212 days after their disposition hearing ($SD = 164.40$, range = 98–1008, median = 174.00). Fifty-eight parents (FTDC = 55, control = 3)

completed a survey at multiple points in their case. We conducted within-groups ANOVAs examining parents' first survey and parents' most recently completed survey and found no significant differences in their perceptions over time (p 's > .05). Therefore, we used the data from parents' most recently completed survey to conduct the following analyses. We limited these analyses to adjudicated parents because we were interested in the impact of mandatory participation on perceptions of procedural justice in the court process and non-adjudicated parents are not mandated to participate in the court process. This resulted in 159 unique surveys (FTDC = 138, control = 21). Most surveys (71.07%) were completed by mothers; a smaller proportion (28.93%) were completed by fathers.

Table 4 Average number of days (SD) between important court hearings and case outcomes for Family Treatment Drug Court (FTDC) parents and traditional dependency court (control) parents

Hearing/outcome		Petition	Removal	Reunification	Voluntary relinquishment	TPR	Case closure
Petition	FTDC	—	31.77 (139.97)	270.51 (185.40)	464.53 (206.14)	440.80 (129.35)	454.94* (228.47)
	Control	—	48.67 (202.57)	288.18 (160.79)	497.13 (204.12)	622.50 (211.56)	612.29* (346.40)
Removal	FTDC	—	—	262.01 (185.03)	530.00 (207.02)	431.20 (126.78)	492.92* (223.56)
	Control	—	—	357.07 (230.80)	531.69 (108.02)	677.75 (197.72)	635.67* (292.53)
Reunification	FTDC	—	—	—	—	—	135.55 (104.29)
	Control	—	—	—	—	—	121.14 (136.47)
Voluntary relinquishment	FTDC	—	—	—	—	—	151.02 (98.08)
	Control	—	—	—	—	—	190.86 (160.30)
TPR	FTDC	—	—	—	—	—	83.50 (43.13)
	Control	—	—	—	—	—	684.00 (0.00)
Case closure	FTDC	—	—	—	—	—	—
	Control	—	—	—	—	—	—

The law requires the State to file a petition within 48 hour of removal in order to maintain temporary custody of a child (see Neb. Rev. Stat. 43-250(2) for the relevant statute for the current project). The petition to removal result is outside of the 48-hour rule because it includes the number of days for parents who were discovered and/or petitioned much later in the case. It is therefore being influenced by large outliers. At the case (rather than parent) level, the State removed FTDC children 9.19 days (SD = 59.74) and control children 38.22 days (SD = 74.96) after filing the first petition in the dependency court. Therefore, the 48-hour rule is being complied with on the case-level when controlling for later-identified parents. The State removed FTDC children from their parents' physical custody significantly sooner in the court process than control children, $F(1, 182) = 8.06$, $p = .01$, $\eta^2 = .04$. Removal is the only date variable that is not parent-specific

Procedure

Research assistants attended in-court family team meetings and review hearings of both FTDC and control parents. Their goal was to survey parents three times throughout the length of their case at approximately 4-month intervals. Research assistants approached parents at the end of their hearing to request their participation. If parents agreed to participate, research assistants and the parent went into a nearby conference room where they could complete the survey in private. Research assistants reassured parents that their individual responses would not be shared with the judge or other parties and encouraged parents to be as honest as possible.

Materials

We created a short survey to measure parents' perceptions of the court process. Parents rated their agreement with 11 items on 5-point scales (1 = *strongly disagree*, 3 = *neither agree nor disagree*, 5 = *strongly agree*). The items measured the components of procedural justice, including voice, neutrality, trust, and respect (see Tyler and Blader 2003). Examples of the items included "The process of getting my children back is fair" and "I have a say in the decisions that affect me and my children." We calculated *procedural justice scores* by averaging parents' responses across all 11 items, which yielded high internal consistency (Cronbach's $\alpha = .93$). Higher scores indicated that parents perceived the court as more procedurally just and therefore more fair.

Results

Both FTDC parents and control parents had generally positive perceptions of the court. We conducted a series of between-group ANOVAs to determine if FTDC parents had different perceptions of the court process than control parents. Results are presented in Table 5. Although both groups shared generally positive perceptions of the court process, FTDC parents had significantly higher perceptions of procedural justice than control parents on five of 11 items: that the process was fair, their voice was heard in team meetings, they received praise from their caseworker, they received praise from the judge, and they could go to their caseworker with concerns. FTDC parents also had significantly higher average *procedural justice scores* ($M = 4.31$, $SD = 0.82$) than control parents ($M = 3.84$, $SD = 0.99$), $F(1, 157) = 5.71$, $p = .02$, $\eta^2 = .04$.

Part 3: Mediation analyses

Sample

The mediation analyses are limited to a subsample of 168 adjudicated parents (FTDC = 145, 86.31%, control = 23, 13.70%) for whom we had data for at least two of the three variables included in the model: average service participation, case outcome, and procedural justice score. This included 117 mothers (69.64%) and 51 fathers (30.36%). Following casewise deletion of missing data in the mediation analyses with a weighted least-square means and variance (WLSMV) estimator (see further

Table 5 Family Treatment Drug Court (FTDC) and traditional dependency court (control) parents' perceptions of procedural justice in the court process

Item		Mean (SD)	df	<i>F</i>	<i>p</i>	η^2
The process of getting my children back is fair.	FTDC	3.98 (1.24)	1, 157	3.99	.048*	.03
	Control	3.38 (1.50)				
I am comfortable speaking at family team meetings.	FTDC	4.25 (1.12)	1, 157	1.66	.20	.01
	Control	3.90 (1.22)				
My voice is heard at family team meetings.	FTDC	4.33 (0.98)	1, 157	13.60	< .001*	.08
	Control	3.43 (1.40)				
I have a say in the decisions that affect me and my children.	FTDC	3.99 (1.13)	1, 157	2.33	.13	.02
	Control	3.57 (1.40)				
I can be honest in team meetings.	FTDC	4.48 (0.87)	1, 157	0.06	.81	< .01
	Control	4.34 (0.93)				
The main goal of this process is to get my children returned to me.	FTDC	4.68 (0.75)	1, 157	0.36	.55	< .01
	Control	4.57 (0.98)				
I have access to the services that I need to get my children returned to me.	FTDC	4.36 (1.06)	1, 157	1.01	.30	.01
	Control	4.10 (1.30)				
I know what needs to be done to get my children returned to me.	FTDC	4.59 (0.84)	1, 157	0.36	.55	< .01
	Control	4.48 (0.81)				
I receive praise from my caseworker when I make progress toward my goals.	FTDC	4.17 (1.27)	1, 157	5.90	.02*	.04
	Control	3.43 (1.47)				
I receive praise from the judge when I make progress toward my goals.	FTDC	4.48 (1.01)	1, 157	12.33	< .001*	.07
	Control	3.62 (1.28)				
I can go to my caseworker with any concerns I have about my ability to meet my goals.	FTDC	4.07 (1.28)	1, 157	6.47	.01*	.04
	Control	3.29 (1.49)				

discussion below), the subsample included 147 adjudicated parents (FTDC = 129, control = 18), which included 106 (72.12%) mothers and 41 (27.89%) fathers.

Method

We conducted the mediation analyses using parents' court group, average service participation, case outcomes, time to case outcomes, and procedural justice scores. We dummy-coded *court group* to capture which court process the parents were following (0 = control, 1 = FTDC).

We used parents' *average service participation* scores reported in Part 1. This score was an average of how consistently parents participated in court-ordered services in the most recent six-month reporting period. Higher numbers indicate more consistent participation (0 = did not participate, 3 = completed participation).

We also used parents' case outcomes and time to case outcomes reported in Part 1. We were specifically interested in whether the parents reunified with their children, whether the case closed successfully, and the number of days that elapsed between the date the petition was filed and these milestones. *Reunification* occurred when the court returned physical custody of the children back to the parent (0 = not reunified, 1 = reunified). *Successful case closure* occurred when the court terminated its jurisdiction over the family following reunification (0 = unsuccessful case closure, 1 = successful case closure). We recorded time to case outcomes in the number of days and therefore lower numbers indicated the parents met milestones earlier and the children waited less time for permanency.

Finally, we used parents' *procedural justice scores* reported above in Part 2. This score was a composite variable (Cronbach's $\alpha = .93$) created by combining responses to the 11-item survey. Higher numbers indicate higher perceptions of procedural justice (1 = strongly disagree, 5 = strongly agree).

Analysis

We used structural equation modeling (SEM) in MPlus 7 (Muthén and Muthén 2010) with weighted least-square means and variance (WLSMV) estimator to test the hypothesis that FTDC parents would reunify more often and sooner than control parents because they perceived the process as more fair and, therefore, participated more consistently in court-ordered services. We had 5.36% missing data for average service participation scores, 5.36% missing data for procedural justice scores, 2.38% missing data for reunification, and 0.0% missing for successful case closure. The WLSMV estimator was used because reunification and successful case closure are categorical variables (Muthén 1984). The WLSMV estimator does not allow missing data and, therefore, cases with missing data were excluded from the model casewise. Casewise deletion is appropriate when there is less than 10% missing data (Langkamp et al. 2010).

First, preliminary analyses and descriptive statistics tested whether the data met the basic assumptions of SEM. Next, serial mediation analyses tested the hypothesized models (see Fig. 1) with a bootstrapped approach (Shrout and Bolger 2002). The bootstrapped approach maximizes statistical power through resampling which minimizes the risk of type I errors and creates confidence intervals (CIs) through empirical approximation of sampling distributions of indirect effects (Shrout and Bolger 2002).

Nonparametric resampling methods (bias-corrected bootstrap) with 5000 samples drawn to derive the 95% CIs were used for the modeled direct and indirect effects of court group on reunification.

Results

Correlations and descriptive statistics confirmed the data met the basic assumptions of SEM for the model predicting reunification, but not for time to reunification, case closure, or successful case closure (see Table 6). There were significant positive linear relationships between court group and reunification, average service participation scores, and procedural justice scores. Further, there were significant positive linear relationships between reunification and average service participation scores and procedural justice scores. Finally, there was a significant positive linear relationship between average service participation scores and procedural justice scores. Average service participation scores were highly correlated with reunification ($r > .70$). Further, partial correlations between court group and reunification, controlling for procedural justice score and average service participation scores together and independently remained moderate and significant. When controlling for procedural justice scores, court group is significantly and positively correlated with reunification ($r = .29, p < .001$). When controlling for average service participation scores, court group is significantly and positively correlated with reunification ($r = .32, p < .001$). When controlling for both procedural justice scores and average service participation, court group is significantly and positively correlated with reunification ($r = .31, p < .001$). Due to these findings, we ran SEM for the serial mediation of procedural justice score and average service participation score between court group and reunification. We did not test the mediation analyses for the outcomes that were not correlated with court group because the assumption of a linear relationship between the predictor variable and the dependent variable was not met (MacCullum and Austin 2000).

The reunification model was just-identified, resulting in perfect global fit, $\chi^2 (6, n = 168) = 116.20, p = 0.00$, CFI = 1.00, TLI = 1.00, RMSEA = 0.00, WRMR = 0.00. Standardized path coefficients are reported in Fig. 2 and unstandardized coefficients (and SEs) are reported in Table 7. Results revealed a serial mediation of court group on reunification through procedural justice scores and average service participation scores. The model explained 3.60% in the variance of procedural justice scores, 10.70% of the variance in average service participation scores, and 81.20% of the variance in reunification.

The total effect of court group on reunification is present, 0.23, 95% CI [0.025, 0.449]. The total effect of court group on reunification, considering the influences of procedural justice scores and average service participation scores, is absent, 0.17, 95% CI [-0.008, 0.336]. Therefore, when including perceptions of procedural justice in the court process and the consistency with which parents participated in court-ordered services, the FTDC did not increase the likelihood of reunification. However, the serial mediation effect of court group on reunification through procedural justice scores and average service participation scores was present, 0.05 95% CI [0.005, 0.125]. Therefore, FTDC parents perceived the court process as more fair than control parents, which led to higher average service participation, which in turn led to more parent-child reunifications.

Discussion

The Lancaster County Family Treatment Drug Court (FTDC) is a mandatory problem-solving court that serves parents who have lost physical custody of their children because of substance use. The present program evaluation examined the outcomes and mechanisms of the FTDC to examine whether the positive outcomes of problem-solving courts replicate when participants are mandated to participate. Overall, our results demonstrated that a problem-solving court can still promote procedural justice and positive case outcomes even when participation is mandatory.

The results mostly supported our hypotheses. We found that FTDC parents were more compliant with court-ordered evaluations than control parents, but just as compliant with court-ordered services. We also found that FTDC parents' cases closed faster than control parents' cases. These were both likely due to the regular and frequent court contact.

We also found that all parents perceived the court process as fair, but that FTDC parents had significantly more positive perceptions of the court than control parents. This was consistent with past research (Frazer 2006; Gottfredson et al. 2007; Gover et al. 2007; Kaiser and Holtfreter 2016; McIvor 2009; Roman et al. 2011; Wales et al. 2010; Wiener et al. 2010) and demonstrates that a problem-solving court can still promote procedural justice when participation is mandatory. The more frequent and less formal court contact (i.e., in-court family team meetings) provided FTDC parents opportunities to express their preferences and to engage with team members in court that control parents did not have. Specifically, FTDC parents agreed more than control parents that their voice was heard during family team meetings and felt more positively toward the judge and their caseworker. These findings further highlight the important

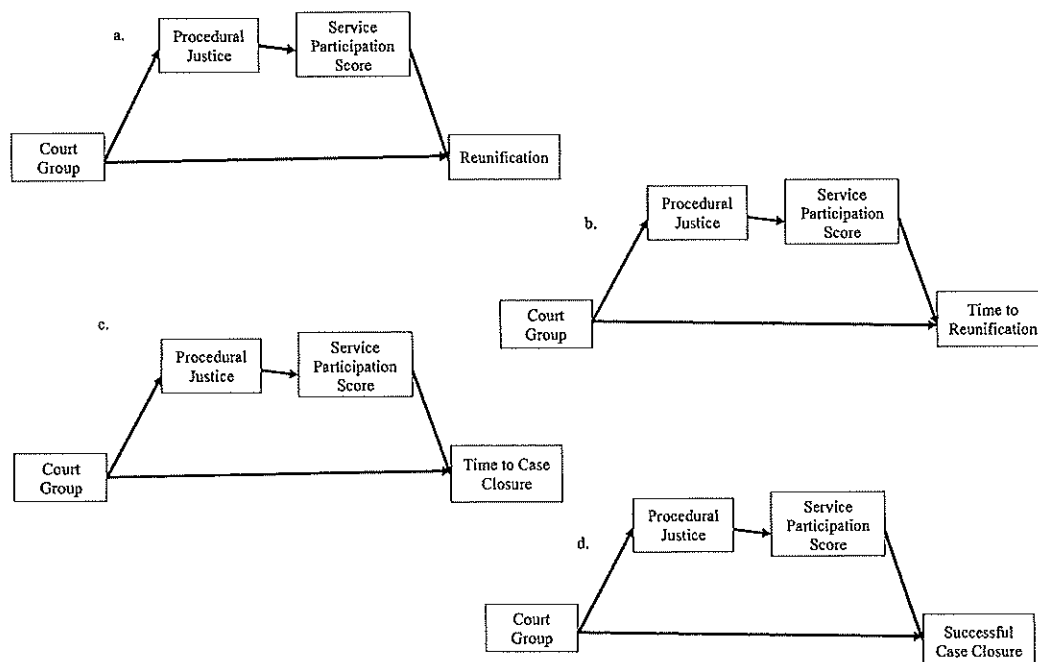


Fig. 1 Hypothesized models of serial mediation from court group (Family Treatment Drug Court versus traditional dependency court) to reunification, time to reunification, and time to case closure

role of voice and relationships between professionals and parents in promoting fairness in the court process.

Further, we also replicated previous findings that procedural justice and compliance with court orders mediated the relationship between court group and positive case outcomes (i.e., reunification) (Frazer 2006; Gottfredson et al. 2007; Gover et al. 2007; McIvor 2009). However, we did not replicate this finding for time to case outcomes or successful case closure. FTDC parents were more likely than control parents to reunify with their children because they perceived the court process as more fair and, as a result, participated in services more consistently. Therefore, the mandatory nature of the FTDC did not interfere with the established positive effects of therapeutic jurisprudential approaches on perceptions of fairness in the court process, and also did not eliminate procedural justice as the mechanism for positive case outcomes.

There was initial concern that the mandatory nature of the FTDC would interfere with parents' cooperation and compliance with court orders, but this concern was not reflected in our data. Therefore, although scholars emphasize voluntary enrollment as critical to promoting procedural justice in problem-solving courts (Redlich 2010; Wiener et al. 2010), we found that a mandatory problem-solving court was still able to promote procedural justice in a way that led to positive case outcomes. FTDC parents may have perceived the court process as fair despite their mandatory participation because the initial decision to participate is not the only way to ensure voice in the court process. FTDC parents had many opportunities to express their voice throughout the court process during the monthly family team meetings and the regular and less formal contact between parents and the judge, attorneys, caseworkers, and other parties.

It is important to note that describing any court process as voluntary fails to recognize that none of the participants actually have a choice about being court involved and ignores the inherently coercive nature of making a deal with the government to dismiss criminal charges (Frailing 2010; Redlich 2010). Regardless of which court process the participant "chooses" to use, they may be required to complete the same types of treatments and make the same lifestyle changes. Problem-solving courts simply adapt the process and provide support based on strategies found to be more humane and to encourage compliance.

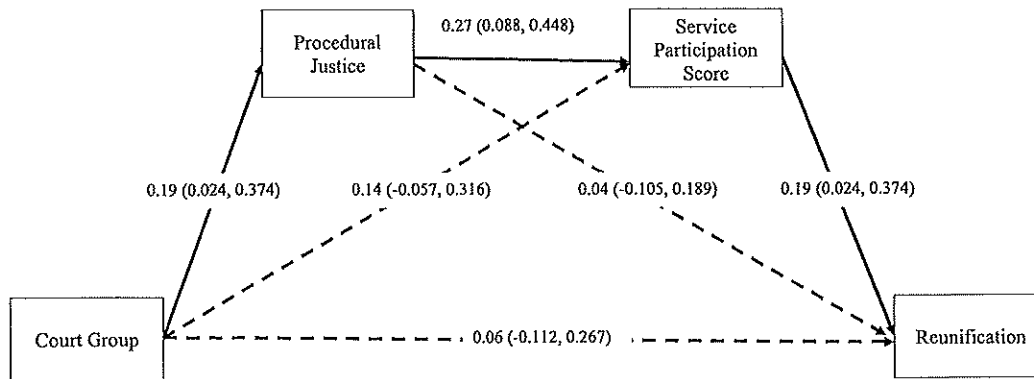
Problem-solving courts are often surrounded by concerns about due process protections because participants are asked to waive numerous procedural rights (e.g., right to trial, right to a jury, right against compelled self-incrimination) (Quinn 2001). Scholars often counter due process concerns by emphasizing that voluntary enrollment is a functional waiver of the associated procedural rights and therefore adequately addresses those concerns (Brank and Haby 2010). This may leave some wondering whether the mandatory program discussed here protects due process rights of parents. In criminal courts, voluntary participation furthers constitutional protections associated with the due process of law by allowing individuals to make an explicit and informed waiver of their protections (Quinn 2001). It is important to note that the FTDC is a dependency court within the juvenile court system, where the rules of evidence apply differently under the law and due process protections are less rigorous (*L.L. v. Colorado* 2000; *Santosky v. Kramer* 1982).

Further, two features of the FTDC ensure that due process rights of parents in juvenile court are protected to the same extent as the control parents. First, the juvenile courts operate through the *parens patriae* powers of the government. *Parens patriae* is

Table 6 Correlations between court group (Family Treatment Drug Court as “FTDC”; Traditional Dependency Court as “control”), case outcomes, participation scores, and perceptions of procedural justice

	<i>N</i>	<i>M</i> (<i>SD</i>)	Frequency	1.	2.	3.	4.	5.	6.	7.
1. Court group	168		FTDC (1) = 145 (86.3%) Control (0) = 23 (13.7%)	–						
2. Reunification	164		Yes (1) = 67 (39.9%) No (0) = 97 (57.7%)	.16*	–					
3. Successful case closure	168		Yes (1) = 56 (33.3%) No (0) = 110 (66.3%)	.05	–.20*	–				
4. Days from petition to reunification	65	313.35 (183.56)		–.04	–	–.15	–			
5. Days from petition to case closure	108	535.16 (227.50)		–.13	–.43***	–.41***	.81***	–		
6. Average service participation	159	1.71 (0.98)		.19*	.76***	.61***	–.21*	–.35***	–	
7. Procedural justice score	159	4.42 (0.85)		.19*	.24**	.23**	–.02	–.15	.29***	–

* $p < .05$, ** $p < .01$, *** $p < .001$; correlations run in SPSS



Indirect effect of court group on reunification through procedural justice scores: 0.01 CI 95% [-0.018, 0.051]

Indirect effect of court group on reunification through service participation scores: 0.12 CI 95% [-0.015, 0.280]

Indirect effect of court group on reunification through procedural justice scores and service participation scores: 0.05 CI 95% [0.005, 0.125]

Total indirect of court group on reunification: 0.17 CI 95% [-0.008, 0.336]

Total effect of court group on reunification: 0.23 CI 95% [0.025, 0.449]

Fig. 2 Representing each unique model pathway of the serial mediation of court group on reunification through procedural justice scores and average participation scores. Nonsignificant pathways (CI 95%) are represented with dotted lines and significant pathways (CI 95%) are represented with solid lines. Standardized path coefficients and CI 95% are reported

the authority to provide for the general welfare and intervene when an individual cannot provide for their own or a dependent's welfare. This authority is limited and considered a civil issue that requires fewer procedural protections under the law. Second, the program formally begins after the dispositional hearings. Therefore, unlike criminal problem-solving courts, the program does not begin until after parents have been adjudicated responsible for child abuse or neglect and after the initial rehabilitation plan is created. Thus, FTDC parents are not pleading guilty to join the program and do not have the threat of formal prosecution lingering. The facts of the case are decided in accordance with the requirement of due process for child dependency court.

Table 7 Unstandardized coefficient and standard errors representing each unique modeled pathway between court group (Family Treatment Drug Court versus traditional dependency court) and reunification through procedural justice and average service participation score

	Estimate	Standard error
Reunification on		
Court group	0.18	0.31
Procedural justice	0.04	0.09
Average service participation	0.92*	0.05
Participation on		
Court group	0.38	0.28
Procedural justice	0.32*	0.12
Procedural justice on		
Court group	0.47*	0.23

Asterisk indicates significant at 95% confidence interval

Second, the court orders FTDC parents to participate in more services than control parents as evidenced by a significant difference in the number of dispositional orders. However, those additional services are inherent in the FTDC program, including in-court family team meetings and substance use treatment. Despite the additional orders, FTDC parents still perceived the court process as more fair than control parents. Therefore, although juvenile courts are held to lesser procedural protections than criminal courts, the FTDC provides the same procedural protections as the traditional dependency court process without resulting in more negative perceptions of the process.

Methodological considerations

It is important to discuss the strengths and limitations of our methodology when considering the practical and theoretical implications of this evaluation. This was the first evaluation, to our knowledge, to examine a mandatory family drug court. In light of this, more work on mandatory problem-solving courts is needed before broad generalizations are made from these results.

The first and major limitation of the present evaluation is that we did not directly compare the effects of voluntary and mandatory participation in a problem-solving court. Therefore, the results of the present evaluation should not be interpreted to suggest that one form of enrollment is more effective than the other. However, what the results do suggest is that a mandatory problem-solving court can still promote procedural justice in ways observed in voluntary problem-solving courts. Future development of problem-solving courts should consider whether voluntary participation fits the model of the program and, if mandatory participation is necessary, should ensure that there are other ways to promote procedural justice.

Moreover, we conducted this project as part of a program evaluation of the Lancaster County Family Treatment Drug Court (FTDC). It therefore only represents the experiences of parents in one program. This allowed us to have fairly open access to both the parents and the court records necessary to conduct the present evaluation, but may not generalize to other courtrooms, other types of problem-solving courts, or other jurisdictions. It does, however, provide at least one demonstration of a mandatory problem-solving court that works effectively for participants.

We also acknowledge limitations in the control group. First, the FTDC is mandatory so we used a quasi-experimental design without a “pure” control group. Although propensity score matching was not indicated by the data, the control parents were different than FTDC parents because they did not have allegations of substance use in their child abuse/neglect petition. Therefore, the adjudicated issue addressed by the court process was fundamentally different in kind and treatment for control parents than FTDC parents. This meant we could not identify whether parents on the FTDC were more successful in their drug treatment programs or case outcomes than they would have been had they followed the traditional dependency court process. We also could not identify whether the control parents would have been more successful in their rehabilitation plan had they had the same processes as the FTDC parents. The control parents did allow us to make meaningful comparisons, however, because they followed the traditional dependency court process, were demographically comparable, and sat in front of the same judge as FTDC parents. Second, this was a program evaluation of the

FTDC so we were able to identify FTDC parents more easily than control parents. This left us with a larger sample of FTDC parents than control parents. Although the proportion of FTDC parents to control parents was skewed, we did have large enough groups to conduct most significance tests and to detect several medium-sized effects.

It is important to note that our survey results rely on a subsample of FTDC and control parents. We invited parents to complete our survey following in-court family team meetings or review hearings. However, parents were not always present in court. Additionally, a small portion of parents declined to complete surveys. They provided various justifications when declining to participate, such as having limited time or not being interested. Additionally, despite considerable effort, research assistants were unable to attend every in-court family team meeting or review hearing, which meant some missed data collection opportunities. Therefore, our sample of parents surveyed may be biased by their willingness to complete the survey and toward parents more engaged in the court process. Both of these biases would result in more positive perceptions of the court. However, this is true for both FTDC and control parents and therefore should not impact observed differences between the two groups.

This sampling bias may have also impacted the mediation analysis. Parents included in the model included those who completed at least one survey. They were more likely to be attending court and therefore may have been more likely to be participating in services and following court orders. As a legal fact, these parents would also be likely to be reunified as a consequence of their engagement. However, descriptive statistics from parents who completed the survey illustrated variability in their perceptions of court, average service participation, and reunification. The bias introduced by the subsample willing to complete surveys would be expected to average across court groups.

Lastly, we collected most of this data from court records. This allowed us to gather a record of parents' court orders and case progression as well as objective data on whether they were participating in services. This did, however, limit us to the information present in the court's official documentation, which may not have fully captured parents' experiences with the court. This was evidenced by a small proportion of parents' participation in services missing from their case plans. While some information was missing, most of the information was present in the court records, meaning both that the court had a record of parents' progress toward reunification and that we could collect a record for the present evaluation.

Overall, there were both strengths and limitations in the methodology we employed in the present evaluation. We believe it provides a strong foundation that can inform future work on problem-solving courts but is not definitive on whether mandatory problem-solving courts will work in all applications.

Conclusion

Much of the research on problem-solving courts focuses on whether their models holistically perform better than their traditional counterparts. However, problem-solving courts are made up of several components that differentiate them from traditional courts. Problem-solving courts adhering to the same key components often implement them in very different ways (Carey et al. 2008; Green et al. 2009). Therefore,

it is important to maintain flexibility in the implementation of a problem-solving court so that it can work in ways that consider the needs of a specific population or jurisdiction. The Lancaster County FTDC and the results of the presented evaluation are a prime example of this idea. Although the literature on problem-solving courts emphasizes the need for voluntary participation, the Lancaster County FTDC demonstrated that a problem-solving court can still promote procedural justice and positive case outcomes without this requirement. It will be important for future research to continue breaking apart the specific components of problem-solving courts to determine which are essential to their efficacy and which can be tailored to meet the court's specific needs.

Courts across the country are shifting their focus away from punishment and toward rehabilitation in order to promote positive and long-term outcomes. Family drug courts, in particular, are developing and using innovative methods of addressing substance use to rehabilitate parents, reunite families, and prevent recidivism. The Lancaster County Family Treatment Drug Court provides one example of how these problem-solving courts can adapt their processes and continue to effectively serve parties to successfully work toward their goals.

Acknowledgments This program evaluation was made possible by a Drug Court Enhancement Grant from the Office of Juvenile Justice & Delinquency Prevention (C-16-0724) of the United States Department of Justice; The Nebraska Resource Project for Vulnerable Young Children; The University of Nebraska Center on Children, Families, and the Law; and the Nebraska Court Improvement Project. Additionally, the authors would like to thank the attorneys; Department of Health and Human Services case workers, supervisors, and administrators; court administrators and staff; research assistants; and families of Lancaster County, Nebraska, for their dedication and determination to making this project a success.

References

- Ashford, J. B. (2004). Treating substance-abusing parents: a study of the Pima County family drug court approach. *Juvenile and Family Court Journal*, 55(4), 27–37.
- Barth, R., Gibbons, C., & Guo, S. (2006). Substance abuse treatment and the recurrence of maltreatment among caregivers with children living at home: a propensity score analysis. *Journal of Substance Abuse Treatment*, 30(2), 93–104.
- Berkowitz, G., Brindis, C., Clayton, Z., & Peterson, S. (1996). Options for recovery: promoting success among women mandated to treatment. *Journal of Psychoactive Drugs*, 28(1), 31–38.
- Boles, S. M., Young, N. K., Moore, T., & DiPiro-Beard, S. (2007). The Sacramento dependency drug court: development and outcomes. *Child Maltreatment*, 12(2), 161–171.
- Bradford, B. (2014). Policing and social identity: procedural justice, inclusion and cooperation between police and the public. *Police and Society*, 24(1), 22–43.
- Brank, E. M., & Haby, J. A. (2010). The intended and unintended consequences of problem-solving courts. In R. L. Wiener & E. M. Brank (Eds.), *Problem solving courts: Social science and legal perspectives* (pp. 239–251). New York, NY: Springer.
- Brecht, M. L., Anglin, D., & Wang, J. (1993). Treatment effectiveness for legally coerced versus voluntary methadone maintenance clients. *American Journal of Drug and Alcohol Abuse*, 19(1), 89–106.
- Breitenbucher, P., Pfeifer, J., & Wheeler, M. (2018). *Beyond guidance: a sneak preview of upcoming national FDC standards*. Training session presented at 2018 National Association of Drug Court Professionals Annual Training Conference, Houston, Texas. Retrieved on June 1, 2018, from <http://www.nadepconference.org/wp-content/uploads/2018/05/TS-13-1.pdf>.
- Bruns, E. J., Pullmann, M. D., Weathers, E. S., Wirschem, M. L., & Murphy, J. K. (2012). Effects of a multidisciplinary Family Treatment Drug Court on child and family outcomes: results of a quasi-experimental study. *Child Maltreatment*, 17(3), 218–230.
- Carey, S. M., Finigan, M. W., & Pukstas, K. (2008). *Exploring the key components of drug courts: a comparative study of 18 adult drug courts on practices, outcomes and costs*. Portland, OR: NPC Research. Retrieved on June 1, 2018, from <https://www.ncjrs.gov/pdffiles1/nij/grants/223853.pdf>

- Carey, S. M., Sanders, M. B., Waller, M., Burrus, S. W. M., & Aborn, J. A. (2010). *Jackson county community family court – process, outcome, and cost evaluation: final report*. Portland, OR: NPC Research. Retrieved on June 1, 2018, from http://npcresearch.com/wp-content/uploads/Jackson_Byrne_06101.pdf.
- Child Welfare Information Gateway. (2014). *Parental substance use and the child welfare system*. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau. Retrieved on June 1, 2018, from <https://www.childwelfare.gov/pubPDFs/parentalsubabuse.pdf>.
- Copeland, J., & Maxwell, J. C. (2007). Cannabis treatment outcomes among legally coerced and non-coerced adults. *BMC Public Health*, 7, 111–118.
- Farabee, D., Prendergast, M., & Anglin, M. D. (1998). The effectiveness of coerced treatment for drug abusing offenders. *Federal Probation*, 62(1), 3–10.
- Frailing, K. (2010). How mental health courts function: outcomes and observations. *International Journal of Law and Psychiatry*, 33(4), 207–213.
- Frazer, M. S. (2006). *The impact of the community court model on defendant perceptions of fairness: a case study at the Red Hook Community Justice Center*. New York, NY: Center for Court Innovation.
- Gatowski, S. I., Dobbin, S. A., & Summers, A. (2013). Exploring the value-added of specialized problem-solving courts for dependency cases. In R. L. Wiener & E. M. Brank (Eds.), *Problem solving courts: Social science and legal perspectives* (pp. 33–53). New York, NY: Springer.
- Gerber, M. M., González, R., Carvacho, H., Jiménez-Moya, G., Moya, C., & Jackson, J. (2018). On the justification of intergroup violence: the roles of procedural justice, police legitimacy, and group identity in attitudes toward violence among indigenous people. *Psychology of Violence*, 8(3), 379–389.
- Gottfredson, D. C., Kearly, B. W., Najaka, S. S., & Rocha, C. M. (2007). How drug treatment courts work: an analysis of mediators. *Journal of Research in Crime and Delinquency*, 44(1), 3–35.
- Gover, A. R., Brank, E. M., & MacDonald, J. M. (2007). A specialized domestic violence court in South Carolina: an example of procedural justice for victims and defendants. *Violence Against Women*, 13(6), 603–626.
- Green, B. L., Furrer, C. J., Worcel, S. D., Burrus, S. W. M., & Finigan, M. W. (2007). How effective are family treatment drug courts? Results from a 4-site national study. *Child Maltreatment*, 12(1), 43–59.
- Green, B. L., Furrer, C. J., Worcel, S. D., Burrus, S. W. M., & Finigan, M. W. (2009). Building the evidence base for family drug treatment courts: results from recent outcome studies. *Drug Court Review*, 6(2), 53–82.
- Hiller, M. L., Knight, K., Broome, K. M., & Simpson, D. D. (1998). Legal pressure and treatment retention in a national sample of long-term residential programs. *Criminal Justice and Behavior*, 25, 463–481.
- Howard, D. L., & McCaughrin, W. C. (1996). The treatment effectiveness of outpatient substance misuse treatment organizations between court-mandated and voluntary clients. *Substance Use & Misuse*, 31(7), 895–926.
- Kaiser, K. A., & Holtfreter, K. (2016). An integrated theory of specialized court programs: using procedural justice and therapeutic jurisprudence to promote offender compliance and rehabilitation. *Criminal Justice and Behavior*, 43(1), 45–62.
- King, M. S. (2008). Restorative justice, therapeutic jurisprudence and the rise of emotionally intelligent justice. *Melbourne University Law Review*, 32, 1096–1126.
- Klag, S., O'Callaghan, F., & Creed, P. (2005). The use of legal coercion in the treatment of substance abusers: an overview and critical analysis of thirty years of research. *Substance Use and Misuse*, 40, 1777–1795.
- L.L. v. Colorado*. 10 P.2d 1271 (2000).
- Langkamp, D. L., Lehman, A., & Lemeshow, S. (2010). Techniques for handling missing data in secondary analysis with large surveys. *Academic Pediatrics*, 10(3), 205–210.
- Lind, E. A., Tyler, T. R., & Huo, Y. J. (1997). Procedural context and culture: variation in the antecedents of procedural justice judgements. *Journal of Personality and Social Psychology*, 73(4), 767–780.
- Looney, M., & Metcalf, S. (1974). The “fatigue factor” in drug addiction: insufficient motive for treatment. *Hospital Community Psychiatry*, 23, 528–530.
- MacCullum, R. C., & Austin, J. T. (2000). Applications of structural equation modeling in psychological research. *Annual Review of Psychology*, 51, 201–226.
- MacKenzie, B. (2016). The judge is the key component: the importance of procedural fairness in drug-treatment courts. *Court Review*, 52, 8–33.
- Maddux, J. F. (1988). Clinical experience with civil commitment. In C. G. Leukefeld & F. M. Tims (Eds.), *Compulsory treatment of drug abuse: research and clinical practice*. NIDA Monograph No 86 (pp. 35–56). Rockville, MD: NIDA.
- Marlowe, D. B., & Carey, S. M. (2012). *Research update on family drug courts*. Alexandria, VA: National Association of Drug Court Professionals. Retrieved on June 1, 2018, from <http://www.nadcp.org/wp-content/uploads/Research%20Update%20on%20Family%20Drug%20Courts%20-%20NADCP.pdf>.

- McIvor, G. (2009). Therapeutic jurisprudence and procedural justice in Scottish drug courts. *Criminology and Criminal Justice*, 9(1), 29–49.
- Muthén, B. (1984). A general structural equation model with dichotomous, ordered categorical, and continuous latent variable indicators. *Psychometrika*, 49, 115–132.
- Muthén, L., & Muthén, B. (2010). *Mplus user's guide* (6th ed.). Los Angeles: Muthén & Muthén.
- National Institute on Drug Abuse. (2018). *Principles of drug addiction treatment: a research-based guide* (Third ed.) Retrieved from <https://www.drugabuse.gov/publications/principles-drug-addiction-treatment-research-based-guide-third-edition/principles-effective-treatment>.
- Neb. Rev. Stat. § 43–250(2). Retrieved on June 1, 2018, from <https://nebraskalegislature.gov/laws/statutes.php?statute=43-250>.
- Oliveros, A., & Kaufman, J. (2011). Addressing substance abuse treatment needs of parents involved with the child welfare system. *Child Welfare*, 90(1), 25–41.
- Perron, B. E., & Bright, C. L. (2008). The influence of legal coercion on dropout from substance abuse treatment: results from a national survey. *Drug and Alcohol Dependence*, 92(1–3), 123–131.
- Poythress, N. G., Pettila, J., McGaha, A., & Boothroyd, R. (2002). Perceived coercion and procedural justice in the Broward mental health court. *International Journal of Law and Psychiatry*, 25, 517–533.
- Prendergast, M. L., Farabee, D., Cartier, J., & Henkin, S. (2002). Involuntary treatment within a prison setting: impact on psychosocial change during treatment. *Criminal Justice and Behavior*, 29(1), 5–26.
- Quinn, M. C. (2001). Whose team am I on anyway? Musings of a public defender about drug treatment court practice. *New York University Review of Law and Social Change*, 26, 37–75.
- Redlich, A. (2010). The past, present, and future of mental health courts. In R. L. Wiener & E. M. Brank (Eds.), *Problem solving courts: social science and legal perspectives* (pp. 147–161). New York, NY: Springer.
- Rempel, M., & Destefano, C. D. (2001). Predictors of engagement in court-mandated treatment. *Journal of Offender Rehabilitation*, 33(4), 87–124.
- Roman, J.K., Yahner, J., & Zweig, J.M. (2011). How do drug courts work? In 94–120. Rossman, S.B, Roman, J.K., Zweig, J.M., Rempel, M., & Lindquist, C.H. (Eds.), *The multi-site adult drug court evaluation: the impact of drug courts*, 92–120. Urban Institute: Justice Policy Center.
- Rosenthal, M. P. (1988). The constitutionality of involuntary civil commitment of opiate addicts. *Journal of Drug Issues*, 18(4), 641–661.
- Santosky v. (1982). *Kramer*, 455 U.S. In 745.
- Shrout, P. E., & Bolger, N. (2002). Mediation in experimental and nonexperimental studies: new procedures and recommendations. *Psychological Methods*, 7(4), 422.
- Spencer, P. (2012). *To dream the impossible dream? Therapeutic jurisprudence in mainstream courts (2012)*. International Conference on Law and Society. Retrieved on February 1, 2019, from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2083370.
- Tyler, T. R. (1989). The psychology of procedural justice: a test of the group-value model. *Journal of Personality and Social Psychology*, 57(3), 830–838.
- Tyler, T. R., & Blader, S. L. (2003). The group engagement model: procedural justice, social identity, cooperative behavior. *Personality and Social Psychology Review*, 7(4), 349–361.
- Tyler, T. R., & Huo, Y. J. (2002). *Trust in the law: encouraging public cooperation with the police and courts*. New York, NY: Russell Sage Foundation.
- United States Department of Health and Human Services (DHHS). (1999). *Blending perspectives and building common ground: a report to congress on substance abuse in child protection*. Washington, D.C.: U.S. Government Printing Office.
- United States General Accounting Office (GAO). (1998). *Foster care agencies face challenges securing stable homes for children of substance abusers*. GAO/HEHS-98-182. Washington, D.C.: U.S. Government Printing Office.
- Wales, H. W., Hiday, V. A., & Ray, B. (2010). Procedural justice and the mental health court judge's role in reducing recidivism. *International Journal of Law and Psychiatry*, 33, 265–271.
- West, S. G., Cham, H., & Liu, Y. (2014a). Causal inference and generalization in field settings: experimental and quasi-experimental designs. In H. T. Reis & C. M. Judd (Eds.), *Handbook of research methods in social and personality psychology* (2nd ed., pp. 49–80). New York, NY: Cambridge University Press.
- West, S. G., Cham, H., Thoemmes, F., Renneberg, B., Schultze, J., & Weiler, M. (2014b). Propensity scores as a basis for equating groups: basic principles and application in clinical treatment outcome research. *Journal of Consulting and Clinical Psychology*, 82(5), 906–919.
- Wiener, R. L., & Brank, E. M. (2010). *Problem solving courts: social science and legal perspectives*. New York, NY: Springer.

- Wiener, R. L., Winick, B. J., Georges, L. S., & Castro, A. (2010). A testable theory of problem solving courts: avoiding past empirical legal failures. *International Journal of Law and Psychiatry*, 33, 417–427.
- Wild, T. C., Newton-Taylor, B., & Alleto, R. (1998). Perceived coercion among clients entering substance abuse treatment: Structural and psychological determinants. *Addictive Behaviors*, 23(1), 81–95.
- Winick, B. J. (2003). Therapeutic jurisprudence and problem solving courts. *Fordham Urban Law Journal*, 30, 1055–1090.
- Winick, B. J. (2013). Problem solving courts: therapeutic jurisprudence in practice. In R. L. Wiener & E. M. Brank (Eds.), *Problem solving courts: social science and legal perspectives* (pp. 211–236). New York: Springer.
- Winick, B. J., & Wexler, D. B. (2002). Drug treatment court: therapeutic jurisprudence applied. *Touro Law Review*, 18, 479–486.
- Worcel, S. D., Furrer, C. J., Green, B. L., Burrus, S. W. M., & Finigan, M. W. (2008). Effect of family treatment drug courts on substance abuse and child welfare outcomes. *Child Abuse Review*, 17, 427–443.
- Young, N. K., Boles, S. M., & Otero, C. (2007). Parental substance use disorders and child maltreatment: overlap, gaps, and opportunities. *Child Maltreatment*, 12(2), 137–149.

Publisher's note Springer Nature remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.

Melanie Fessinger served as a graduate research assistant for the Nebraska Resource Project for Vulnerable Young Children at the University of Nebraska's Center on Children, Families, and the Law. She received her Master's Degree in Legal Studies at the University of Nebraska-Lincoln. She is pursuing a Doctorate in Psychology with a dual specialization in Psychology and Law and Basic and Applied Social Psychology at the Graduate Center, City University of New York and John Jay College of Criminal Justice.

Katherine Hazen is a Project Evaluator for the Nebraska Resource Project for Vulnerable Young Children and the Children's Justice Clinic at the University of Nebraska's Center on Children, Families, and the Law. Prior to this, Katherine was a Graduate Research Assistant for the Nebraska Resource Project for Vulnerable Young Children and the Nebraska Court Improvement Project at the UNL Center for Children, Families, and the Law. She has also had experience working in diverse areas of the criminal justice system. She received her Juris Doctorate in May of 2018 and is a student in the Law-Psychology Program and Social Cognitive Program at the University of Nebraska-Lincoln, pursuing a Doctorate of Philosophy in Social Psychology.

Jamie Bahm is a Project Manager with the Nebraska Resource Project for Vulnerable Young Children at the University of Nebraska's Center on Children, Families, and the Law. She also provides training and consultation for the Children's Justice Clinic at the University of Nebraska College of Law. Prior to her current position, she worked for the Nebraska Department of Health and Human Services as the Supervisor for the Family Treatment Drug Court program, as well as specializing in casework with adjudicated youth with high behavioral health needs. Jamie earned her Master of Science and Bachelor of Science degrees, both in criminology and criminal justice from the University of Nebraska.

Jennie Cole-Mossman, LIMHP, is the Co-Director of the Nebraska Resource Project for Vulnerable Young Children at the University of Nebraska's Center on Children, Families, and the Law. She has been the Coordinator of the Nebraska Infant and Toddler Court Improvement Project, which was part of the Through the Eyes of the Child Initiative, where she provided technical assistance and training to overcome system barriers for infants and toddlers in the child welfare system. Prior to that time, she was the Young Child Services Coordinator of Project Safe Start Nebraska, a SAMHSA-funded project providing technical assistance and Child-Parent Psychotherapy to Family Drug Courts in Omaha and Lincoln. She is a licensed independent mental health practitioner with extensive training and experience in early childhood trauma, Child-Parent Psychotherapy, and Parent-Child Relationship Assessments and Reflective Practice. She is an endorsed Child-Parent Psychotherapy trainer and a FAN Reflective Practice trainer.

Judge Roger Heideman earned his BA from Benedictine College in Atchison, Kansas, in 1984, then went on to complete his JD at the University of Nebraska College of Law in 1992. After serving as partner for the law firm of Morris, Titus & Heideman, Judge Heideman was appointed to the Separate Juvenile Court bench in 2006 by Governor Heineman. He has served as the Lead Judge for Lancaster County's Through the Eyes of the Child team from 2007 to 2009. He is currently the lead judge for the Lancaster County Family Treatment Drug Court Track.

Eve Brank, J.D., Ph.D., is the Director of the University of Nebraska's Center on Children, Families, and the Law and a professor in the Department of Psychology at the University of Nebraska-Lincoln. Her research focuses on the way in which the law intervenes—and sometimes interferes—in family and individual decision-making. That includes issues about raising children (e.g., parental responsibility laws and blaming parents), adult children caring for aging parents, and constitutionally protected rights within the criminal and juvenile justice systems.

Affiliations

Melanie Fessinger¹ • Katherine Hazen¹ • Jamie Bahm² • Jennie Cole-Mossman² • Roger Heideman³ • Eve Brank¹

✉ Katherine Hazen
katherine.hazen@unl.edu

Melanie Fessinger
mfessinger@jjay.cuny.edu

Jamie Bahm
jamie.bahm@unl.edu

Jennie Cole-Mossman
jcole-mossman@unl.edu

Roger Heideman
rheideman@lancaster.ne.gov

Eve Brank
ebrick2@unl.edu

¹ Center on Children, Families, and the Law and the Department of Psychology, University of Nebraska-Lincoln, 206 S. 13th Street, Suite 1000, Lincoln, NE, USA

² Center on Children, Families, and the Law, University of Nebraska-Lincoln, 206 S. 13th Street, Suite 1000, Lincoln, NE, USA

³ Lancaster County Juvenile Court, 575 10th St., Lincoln, NE, USA

Giving Parents a Voice:

A Case Study of a Family Treatment Drug Court Track in Lancaster County, Nebraska

Roger J. Heideman, Jennie Cole-Mossman, Lori Hoetger & Katherine Hazen

Family drug courts (FDCs) were first established in 1994 as one judge's response to substance abuse in the majority of his dependency-court cases.¹ Since then, hundreds of similar specialized dependency courts have been established around the country. FDCs are based on an adult-drug-court model established in response to the apparent revolving door of drug offenders in criminal court. Drug courts and other problem-solving courts seek to identify the social and psychological dysfunction that brought the individuals before the court. Problem-solving-court judges adopt therapeutic jurisprudence to assess the dysfunction, prescribe appropriate services, and provide support, encouragement, and accountability. Procedural justice, characterized by judicial leadership and participant autonomy, is one of the psychological tools used to successfully adopt therapeutic jurisprudence. Successful problem-solving courts rely on judicial leadership for the network of providers and to engage with the participants. Additionally, the voluntary nature of problem-solving courts ensures participants are given autonomy and allowed to exercise voice and control in the process.

In this article, we explore the successes and struggles of one family drug court, the Family Treatment Drug Court (FTDC) Track, in Lancaster County, Nebraska. The FTDC Track developed out of a voluntary FTDC initiated by a Lancaster County juvenile-court judge with grant funding. Funding from Project Safe Start-Nebraska was used to train court personnel (including a Department of Health and Human Services case manager dedicated to the FTDC), provide Child Parent Psychotherapy to families, and ensure parents on the Track were able to get immediate treatment placement through an agreement made with a local residential treatment facility. At the termination of the grant, the Lancaster County FTDC no longer had any incentive to offer participants, and the court had difficulty enrolling parents. Judge Roger Heideman, the first author and a Lancaster County juvenile-court judge, decided to create a mandatory Family Treatment Drug Court Track. Any families with allegations of child abuse or neglect related to substance use or abuse by a parent are assigned to Judge Heideman's docket, ordered to participate in the FTDC Track in the dispositional order, and receive specialized services, more frequent

meetings, and more supervision and accountability.²

An independent evaluation, including case-file reviews and parent interviews, demonstrates that the mandatory nature of the FTDC Track has not negatively impacted perceptions of fairness. Forty-two cases have been assigned to the FTDC Track since it began in early 2014. Parents report that they feel the process of getting their children returned to them is fair and that they can be open and honest in team meetings. Additionally, parents on the FTDC Track report that they receive praise from the judge more than do families not on the Track. Though the FTDC Track is mandatory, parents on the FTDC Track indicate that they feel they have a voice in the dependency-court process.

This article will first discuss the goals and tools of problem-solving courts, specifically the role of the judge in implementing therapeutic jurisprudence through the use of procedural-justice principles. Next, it will discuss the development of family drug courts and how the FTDC Track was started and developed in Lancaster County. The goals and methods of the FTDC Track will be presented, along with the results of an ongoing evaluation of the FTDC Track. Finally, the article will conclude with an in-depth discussion of the evolution of the FTDC Track, emphasizing the issues faced, solutions implemented, and lessons learned. Though problem-solving courts are usually voluntary, the experience in the FTDC Track demonstrates that there are alternative ways to give participants voice in a mandatory program.

PROCEDURAL JUSTICE IN PROBLEM-SOLVING COURTS

Problem-solving courts seek to identify and address the psychological and social issues that bring individuals before the court, including drug addiction, mental illness, and domestic violence. Juvenile court, first established in Illinois in 1899,³ is often considered the first problem-solving court.⁴ Each day, dependency-court judges consider issues of permanency case by case, based on the issues facing each family. Judges consider whether parents are suffering from mental illness, substance abuse, or other relevant issues and determine what will best address those needs, including treatment, vocational training, parenting classes, and other rehabilitative services. More

Footnotes

1. José B. Ashford, *Comparing the Effects of Judicial Versus Child Protective Service Relationships on Parental Attitudes in the Juvenile Dependency Process*, 16 RES. SOC. WORK PRAC. 582 (2006).
2. The court administrator examines all petitions filed in Lancaster County Juvenile Court for allegations of child abuse and neglect that include substance abuse by a parent. This may include an allegation that the child is placed at risk of harm due to the parent's substance abuse or information included in a supporting affidavit that indicates a parent's substance abuse contributed to the allegations.

3. Marvin Ventrell, *Evolution of the Dependency Component of the Juvenile Court*, 49 JUV. & FAM. CT. J. 17, 17 (1998).
4. Cindy S. Lederman, *The Marriage of Science and the Law in Child Welfare Cases*, in PROBLEM SOLVING COURTS 23, 25 (Richard L. Wiener & Eve M. Brank eds., 2013).

recently, judges in adult court have also looked beyond the traditional legal goals of the criminal-justice system to address the revolving door of nonviolent offenses.⁵ Drug courts,⁶ mental-health courts,⁷ and domestic-violence courts⁸ seeking to address this concern have been established across the country. Specialized dependency courts have also begun to focus on the specific issues facing families, establishing family drug courts and family domestic-violence courts.

Like traditional dependency courts, problem-solving courts and specialized dependency courts should be based on the principles of therapeutic jurisprudence to address the psychological and social causes of crime.⁹ Therapeutic jurisprudence is a change in jurisprudential practice that incorporates social science into the legal system and recognizes the (often negative) impact the law and legal actors can have on an individual.¹⁰ The judge acts as a therapeutic agent by assessing the social and psychological malfunctions of the defendant, prescribing services to address those malfunctions, and providing social support through listening and accountability to promote compliance.¹¹ Therapeutic jurisprudence provides judges insight into what they need to know and do to be successful through psychological principles.

Procedural justice is among the tools and principles available for successful application of therapeutic jurisprudence.¹² As discussed in this article, "procedural justice" refers to the evaluation of formal decision-making procedures as fair and unbiased.¹³ The fair-process effect demonstrates that when individuals are allowed to present their side of the story, they are more satisfied with the outcome and the experience.¹⁴ Fair process has been operationalized in the research as providing participants the opportunity to express their preferences.¹⁵ Through a variety of mechanisms, evaluations of fair process and satisfaction with the process predict compliance with the outcome, such as the court order.¹⁶ As a tool of therapeutic

jurisprudence, judges in problem-solving courts employ the principles of procedural justice by actively listening to participants' needs and concerns.¹⁷

Judicial leadership is key to successfully implementing problem-solving courts with therapeutic jurisprudence and procedural justice.¹⁸ Participants receive signals related to procedural justice from the judge. The judge's therapeutic actions, including active listening, oversight, and engagement, communicate to participants that their preferences and needs are heard, valued, and respected, and that someone else cares about the outcome of their case.¹⁹ When judges take the time to listen to the court participants' successes and struggles, as problem-solving-court judges do, participants experience and evaluate the whole process differently, as more just and fair. The just-and-fair evaluation increases the likelihood the participants will engage in services, comply with court orders, and be successfully discharged from the court.

Traditionally, respect for participant autonomy and expression of preferences are considered central to ensuring therapeutic jurisprudence and procedural justice. Problem-solving-court judges should seek to avoid paternalism and allow participants to decide for themselves if they want treatment and the other benefits that go along with participation or if they would rather address the charges in a traditional court.²⁰ The voluntary nature of problem-solving courts is thought to provide for self-determination and choice, which are central to psychological health.²¹ Additionally, it allows participants to

Judicial leadership is key to successfully implementing problem-solving courts with therapeutic jurisprudence and procedural justice.

5. Richard L. Wiener, Bruce J. Winick, Leah Skovran Georges & Anthony Castro, *A Testable Theory of Problem Solving Courts: Avoiding Past Empirical and Legal Failures*, 33 INT'L J. L. & PSYCHIATRY 417, 419-20 (2010).

6. See Office of Justice Programs National Institute of Justice, *Drug Courts*, <http://www.nij.gov/topics/courts/drug-courts/pages/welcome.aspx>; David B. Wilson, Ojmarrah Mitchell & Doris L. Mackenzie, *A Systematic Review of Drug Court Effects on Recidivism*, 2 J. EXPERIMENTAL CRIMINOLOGY 459 (2006).

7. See THE COUNCIL OF STATE GOVERNMENTS JUSTICE CENTER, *MENTAL HEALTH COURT: A PRIMER FOR POLICYMAKERS AND PRACTITIONERS* (2008).

8. See Department of Justice National Institute of Justice, *Domestic Violence Courts*, <http://www.nij.gov/topics/courts/domestic-violence-courts/pages/welcome.aspx>.

9. See Bruce J. Winick, *Applying the Law Therapeutically in Domestic Violence Cases*, 69 UMKC L. REV. 33 (2000); Bruce J. Winick, *Therapeutic Jurisprudence and Problem Solving Courts*, 30 FORDHAM URB. L.J. 1055 (2003); Lederman, *supra* note 4.

10. Bruce J. Winick, *The Jurisprudence of Therapeutic Jurisprudence*, 3 PSYCHOL. PUB. POLY & L. 184, 185 (1997).

11. Winick, *supra* note 9, at 1066-89.

12. *Id.* at 1088-89.

13. Wiener et al., *supra* note 5, at 422.

14. John Thibaut & Laurens Walker, *A Theory of Procedure*, 66 CAL. L. REV. 541, 547-52 (1978); Tom R. Tyler & Robert Folger, *Distributional and Procedural Aspects of Satisfaction with Citizen-Police Encounters*, 1 BASIC APPL. SOC. PSYCHOL. 281 (1980).

15. Robert Folger, David Rosenfield, Janet Grove & Louise Corkran, *Effects of "Voice" and Peer Opinions on Responses to Inequity*, 37 J. PERS. SOC. PSYCHOL. 2253 (1979).

16. Norman G. Poythress, Joe Schumacher, Richard Wiener & Mary Murrin, *Procedural Justice Judgments of Alternative Procedures for Resolving Medical Malpractice Claims*, J. APPL. SOC. PSYCHOL. 1639 (1993); Norman G. Poythress, *Procedural Preferences, Perceptions of Fairness, and Compliance with Outcomes: A Study of Alternatives to the Standard Adversary Trial Procedures*, 18 LAW & HUM. BEHAV. 361 (1994).

17. Winick, *supra* note 9, at 1088-89.

18. Brian MacKenzie, *The Judge Is the Key Component: The Importance of Procedural Fairness in Drug-Treatment Courts*, 52 CT. REV. 8 (2016); Sophia I. Gatowski, Shirley A. Dobbin & Alicia Summers, *Exploring the Value-Added of Specialized Problem-Solving Court for Dependency Cases*, in PROBLEM SOLVING COURTS 33, 37-38 (Richard L. Wiener & Eve M. Brank eds., 2013).

19. See Wiener et al. *supra* note 5; Gatowski, *supra* note 18.

20. Winick, *supra* note 9, at 1071-78.

21. *Id.* at 1072.

Problem-solving courts can help improve outcomes for vulnerable children involved in dependency cases.

therapeutic jurisprudence and procedural justice in part through their voluntary nature.

Problem-solving courts generally aim to address a particular population or problem in the court system. One population that is particularly vulnerable is abused and neglected children. Problem-solving courts can help improve outcomes for vulnerable children involved in dependency cases. Family drug courts developed to address cases where children are removed from their parents' care due to substance-abuse issues.

FAMILY DRUG COURTS

Judge Charles McGee implemented the first family drug court in 1994 as a response to observing that a large majority of cases on his dependency-court docket involved substance abuse.²² In the more than 20 years since then, over 300 jurisdictions have established such programs.²³ FDCs were adapted from the adult-criminal-drug-court model with an emphasis on individualized services and substance-abuse treatment.²⁴ The general FDC model stresses the importance of coordinating substance-abuse treatment with child protective services. Parents are presented with the option to voluntarily enroll in the FDC instead of participating in the traditional dependency-court docket. FDCs often involve more frequent hearings or meetings, escalating sanctions for infractions, and rewards for compliance and case progression.

An important aspect of FDCs is the relationship between the judge and the parents. In an FDC in Pima County, Arizona, the judge served a case-management function and was focused on providing parents with support in substance-abuse treatment. This may explain the findings that parents in the Pima County FDC perceived more trust and fairness in the judge than non-FDC parents perceived in their social worker.²⁵ These findings provide evidence that a judge highly involved in all aspects of the case can result in better perceptions of fairness by the parents.

For these reasons, Judge Linda Porter in Lancaster County, Nebraska, decided to implement an FDC with the aid of grants

express their preferences or exercise voice and gives participants some process control, two of the central features of procedural justice. It is important for the psychosocial well-being of the participants and their perceptions of and engagement in the process that participants do not feel coerced into treatment. Problem-solving courts are thought to achieve the goals of

from Project Safe Start–Nebraska and the Substance Abuse and Mental Health Services Administration (SAMHSA). The Project Safe Start grant, starting in 2010, intended to raise the bar for services for young children and their relationship with their parents, particularly in families with methamphetamine abuse. These grants enabled Judge Porter to establish a voluntary family-treatment drug court that followed the core tenets of family drug courts. The initial FTDC paid for Child Parent Psychotherapy, an evidence-based therapy that helps reestablish healthy parent-child relationships and was not paid for by Medicaid in Nebraska until more recently. In 2014, Judge Heideman assumed the role of the presiding judge of the FTDC. The families were provided with a specialized substance-abuse intake and a caseworker dedicated to the FTDC. In addition, families participated in monthly team meetings with the judge and more frequent review hearings than non-FTDC dependency cases.

The Lancaster County FTDC was entirely voluntary; parents who have substance abuse alleged in the petition were given the option of proceeding with the Lancaster County FTDC or with the traditional court system. Initially, the main incentive for participating in the Lancaster County FTDC was the immediate availability of treatment and payment for Child Parent Psychotherapy. A treatment provider in Lincoln, Nebraska, agreed to hold beds open for parents involved with the program. This meant that parents would be able to enter treatment immediately instead of having to be placed on a waiting list that could mean days or weeks before getting treatment. Once the grants that funded the initial Lancaster County FTDC ended, there was less incentive to participate in the additional hearings and team meetings. Very few parents chose to participate with the Lancaster County FTDC.²⁶

Families were not asked why they refused to participate. However, one hypothesis suggested by the team in Lancaster County is that there was not enough of an incentive to participate. In adult criminal drug court, the incentives are clear and very different from those defendants can receive in adult criminal court (e.g., expungement of record). But the incentives in Lancaster County FTDC did not differ from those in traditional dependency court. Parents who comply with court orders and complete a case plan in both FTDC and traditional dependency court will work toward reunification with their children and case closure. There were no immediately obvious benefits to participating in the Lancaster County FTDC, other than potentially pleasing the judge.

In early 2014, Judge Heideman decided to change the Family Treatment Drug Court from a voluntary program to a mandatory one. The program would retain many of the other tenets of the FTDC, except parents would not be presented with the choice to participate. This raised several concerns

22. Ashford, *supra* note 1, at 582.

23. WEST HUDDLESTON & DOUGLAS B. MARLOWE, *PAINTING THE CURRENT PICTURE: A NATIONAL REPORT ON DRUG COURTS AND OTHER PROBLEM SOLVING COURT PROGRAMS IN THE UNITED STATES* (2011), <http://www.ndci.org/sites/default/files/nadcp/PCP%20Report%20FINAL.PDF>

24. Meghan M. Wheeler & Carson L. Fox, Jr., *Family Dependency*

Treatment Court: Applying the Drug Court Model in Child Maltreatment Cases, 5 *DRUG CT. PRAC. FACT SHEET* 1 (2006).

25. Ashford, *supra* note 1, at 588.

26. Other studies on family-treatment drug courts report a refusal rate of approximately 56%. José B. Ashford, *Treating Substance-Abusing Parents: A Study of the Pima County Family Drug Court Approach*, 55 *JUV. & FAM. CT. J.* 27, 31 (2004).

about the program. For one, it was possible parents would be resistant to a mandatory track that included elements additional to the traditional dependency court. Also, the team was concerned that making the FTDC mandatory would fundamentally change the effectiveness of the program. The team decided to conduct an evaluation of the new program to determine if these concerns were warranted.

FAMILY TREATMENT DRUG COURT TRACK

The new program was renamed the Family Treatment Drug Court Track to reflect its mandatory nature. The FTDC Track was officially implemented in January 2014. The main goals of the FTDC Track include: establish a network of evidence-based service providers who have experience with substance abuse and can adequately serve families; provide ongoing support to parents; monitor families' growth and progress and acknowledge positive steps with praise; allow parents to assess their own strengths, weaknesses, and progress throughout the Track; and provide services for children to ensure healthy emotional and physical development through evidence-based practices. The main components of the FTDC Track are identification and selection of families, monthly team meetings, emergency team meetings as needed, 90-day review hearings, specialized trauma-informed substance-abuse and parenting services, and timely implementation of corrective measures.

Identification and Selection of Families

As stated above, the FTDC Track is mandatory for eligible families. The primary way families are identified as eligible for the FTDC Track is if parental substance abuse is identified in the affidavit supporting the removal of the children from the parents' care. This could include individuals who were on drugs or in possession of drugs while caring for their child or whose child tested positive for drugs at birth. These families are automatically placed on Judge Heideman's docket. Families are also identified as eligible if parental substance abuse is identified in the initial investigation by Child Protective Services or if parental substance abuse is identified following adjudication. All eligible families are placed on or transferred to Judge Heideman's docket. The only exception is if the family has had a prior child-dependency-court case with a different juvenile-court judge; these families remain with their initial judge unless that judge determines the FTDC Track is a better option for the family. It is not known how many families qualify for the FTDC Track but remain with another judge.

Monthly Team Meetings and Emergency Team Meetings

Each family participates in a monthly team meeting that includes the caseworker, parents, parents' attorneys, guardian ad litem, county attorney, and any other interested party. The judge is not present for the first part of the team meeting. The caseworker leads the team meetings but involves and engages the parents as much as possible. For example, the caseworker asks the parents to report on their own progress in the case, state their self-reported sobriety date, and inform other parties how the children are doing. If there is an issue the parties come to agreement on, such as visitation, the parties can stipulate to changes in the rehabilitative plan.

Judge Heideman joins each team meeting for the last 10

minutes. He sits at the table with the parents and does not wear his judicial robes. The judge engages the parents, asking them for updates and how they feel the case is going. Importantly, he directly asks the parents for a self-assessment of their progress. This allows parents to express their hopes and frustrations and allows all parties to get a sense of how the parents are feeling about their own progress. The judge directly gives the parents praise or criticism based on their report. Throughout the case, the judge ensures that the parents are aware that everyone's goal is to have the children safely reunified with their parents.

In addition, any party is able to schedule an emergency team meeting to address concerning behaviors or new situations such as a discharge from treatment or loss of housing. This provides the ability to immediately get the parent back on track. Parties can address issues as they arise instead of waiting for future hearings. This prevents parents from deteriorating quickly.

90-Day Review Hearings

In addition to the monthly team meetings, the families have formal review hearings every 90 days (or more frequently if necessary). More frequent review hearings have been held for issues such as a change in treatment needs or reported non-compliance with the case plan. These hearings are more structured than the team meetings. Judge Heideman presides from the bench, attorneys can call witnesses and raise objections, and parties introduce exhibits into evidence. The judge issues orders following the review hearings.

Specialized Substance-Abuse Services

Case managers dedicated to the FTDC Track have familiarity with what services are available for people with a history of substance abuse. All recommendations the case managers submit to the court incorporate best practices for families with parental substance abuse. Parents undergo recommended drug and alcohol treatment that may range from outpatient to long-term inpatient. All parents are also required to undergo random drug and alcohol testing. The preferred method of testing is a call-in method where the parent must call in to the designated line each morning to know if they are scheduled to test that day. The judge prefers this method, as it allows the parents to be accountable for their own testing.

If the family includes children under the age of five, the family also receives a Parent Child Interaction Assessment (sometimes referred to as a Safe Start Assessment) and Child Parent Psychotherapy if needed. The assessment and the therapy are designed to address any trauma or harm caused by the parental substance abuse and accompanying events that led to the removal of the child. This evidence-based therapy can help repair and enhance the parent-child relationship, promote the child's social and emotional development, and minimize the harmful developmental consequences that may have resulted from the necessity of being placed in care.

Other services that address the specific needs of this popu-

The judge engages the parents, asking them . . . how they feel the case is going.

These corrective measures are designed to hold the parent accountable . . . and to provide a structured schedule to give the parent less time to be tempted by drugs or alcohol.

is not complying with the provisions of the case plan, the caseworker may use corrective measures. These measures are only ordered following disposition. Corrective measures include (1) paying lab costs associated with drug tests, (2) participating in structured activities, and (3) completing writing assignments. These corrective measures are designed to hold the parent accountable for his or her actions and to provide a structured schedule to give the parent less time to be tempted by drugs or alcohol.

Parents will never be terminated from the FTDC Track. The only ways parents are discharged from the Track are (1) reunifying with their children and closing the case or (2) terminating their parental rights to the children. As long as the family has an open case, the family will be on the FTDC Track.

EVALUATION OF THE FTDC TRACK

As stated above, an evaluation of the FTDC Track is ongoing to ensure the mandatory nature of the Track does not impede its effectiveness or deter parents from fully engaging. Members of the evaluation team reviewed case files for information on dates of court hearings, case-closure information, and case plans. In addition, members of the evaluation team interviewed parents following family team meetings on their perceptions of the FTDC Track.

Case Information

As of October 15, 2015, 42 families have participated in the FTDC Track for a total of 69 children (average age = 2.2 years). Twenty-eight families (66.7%) identify as white, four (9.5%) identify as African-American, four (9.5%) identify as Hispanic, and three (7.1%) identify as American Indian (the race and ethnicity of the remaining families are unknown).

Eleven cases (26.2%) have closed as of October 15, 2015, due to establishment of permanency via reunification ($N = 6$)

or termination of parental rights and successful adoption ($N = 5$). The average number of days between when the petition is filed to the date the court terminates its jurisdiction over the case is 451.1, approximately 15 months. The parents in nine cases additional to the above closed cases (21.4%) have relinquished their parental rights, and the parents in three additional cases (7.1%) have had their parental rights terminated.

Potential Corrective Measures

If a parent fails to participate in ordered services or otherwise

or termination of parental rights and successful adoption ($N = 5$). The average number of days between when the petition is filed to the date the court terminates its jurisdiction over the case is 451.1, approximately 15 months. The parents in nine cases additional to the above closed cases (21.4%) have relinquished their parental rights, and the parents in three additional cases (7.1%) have had their parental rights terminated.

Notably, it is becoming clear early in FTDC Track cases whether children can be safely reunited with their parents or whether alternative permanency options need to be pursued. Children have been reunified with a parent in 11 cases (26.2%). Anecdotally, it appears that children are reunifying with parents relatively quickly (on average, 213.8 days, or about 7 months).²⁷ Parental rights have been relinquished or terminated in 12 cases. The average number of days from the petition being filed to parents relinquishing their parental rights is 428 days, a little over 14 months. The average number of days from the petition being filed to the filing of a motion to terminate parental rights is 389.1 days, or less than 13 months. Although these data are preliminary, they indicate that the parties are able to identify whether reunification or an alternative permanency placement should be sought early in the case.

Parents' Perceptions of Procedural Justice

A member of the evaluation team conducted interviews with parents following team meetings. The interviewer explained that he or she was assisting the judge in implementing and evaluating the Track and that the judge would appreciate hearing from parents involved with the Track. The interviewer also told the parents that their individual responses would never be shared with the judge or any other person outside the evaluation team; the responses would only be aggregated and shared in summary form.

Parents who agreed to answer the questions were given a form with 11 questions about their experiences on the Track. The questions asked the parents whether they thought the process was fair and how much say they had in the process. The parents also answered questions about their relationship with Judge Heideman and their case manager. Each question was answered on a scale of 1 (*strongly disagree*) to 5 (*strongly agree*). Statements were aimed at parents' perceptions of the fairness of the court process and the degree to which they felt comfortable speaking at team meetings. Parents were allowed to skip questions if they did not feel comfortable answering and also had the opportunity to provide comments and questions about the Track at the bottom of the form.

To examine whether a difference exists between parents involved with the FTDC Track and those who were not, evaluators interviewed eight parents from five families involved in dependency cases in Judge Heideman's court who were not on

27. In 2014, the median number of months from removal to reunification in the southeastern Department of Health and Human Services service area, including Lancaster County, Nebraska, was 12 months. This is not a directly comparable sample as this includes families that do not have allegations of substance abuse, but it

provides some context for the current data. See THROUGH THE EYES OF THE CHILD INITIATIVE, CASE PROGRESSION & COURT IMPROVEMENT DATA REPORT 2014-2015: DISTRICT 3: LANCASTER COUNTY, https://cip.nebraska.gov/sites/cip.nebraska.gov/files/files/34/2015_data_team_3.pdf.

the Track.²⁸ These families are different than FTDC Track families because they did not have allegations of substance abuse included in the petition or subsequently discovered in the initial investigation, but the parents did have children removed from their care. These comparison families only participated in traditional dependency court, and the judge did not attend their team meetings (held every three months).

Forty-three parents were interviewed in 33 separate FTDC Track cases.²⁹ Overall, parents seemed to appreciate the Track and recognized that it aims to safely return the children to the parents' care. Twenty-nine parents (65.9%) agreed that the process of getting their children back was fair, and 38 (88.4%) agreed that the goal of the FTDC Track was to get their children returned to them. Thirty-four (79.1%) reported that they had access to the services they needed to get their children returned to them. Importantly, the majority of parents (86%) stated that they knew what needed to be done to get their children returned to them. These results indicate that parents understood the FTDC Track process and viewed it as fair.

A majority of parents on the FTDC Track reported that they had voice in the process of getting their children returned to their care. Thirty-three parents (76.8%) agreed that their voice was heard at family team meetings; thirty-one (72.1%) agreed that they had a say in decisions that affected them and their children. This is important because it demonstrates that parents still felt like valuable participants in the process even though the FTDC Track is mandatory.

As discussed above, judicial leadership and parents' relationship with the judge are both important in problem-solving courts. Thirty-six parents (83.7%) reported that they received praise from the judge when they made progress toward their goals. In contrast, only 30 parents (69.8%) stated they received praise from their caseworker when they made progress. Consistent with previous research,³⁰ it appears that parents on the FTDC Track have a positive relationship with the judge.

The parents in the comparison group not on the FTDC Track perceived the dependency-court process similarly to those on the Track. The majority (87.5%) recognized that the goal of the process was to get their children returned to them, reported that they knew what needed to be done to have their children returned to their care (87.5%), and said that they had access to the services they needed (87.5%). Additionally, all of the parents indicated that they felt comfortable speaking in team meetings, but just over half (62.5%) felt that their voice was heard in team meetings. The majority (87.5%) agreed that they had a say in the decisions that affected them and their children. Five parents (62.5%) agreed that the dependency-court process was fair. Overall, there were not many differences in how parents on the Track and traditional dependency-court parents perceived the process.

Similarly, the majority of non-Track parents (75%) agreed

that they received praise from their caseworker when they made progress toward their goals. Five (62.5%) agreed that they could go to their caseworker if they had concerns about their ability to meet their goals. However, only three non-Track parents (37.5%) agreed that they received praise from the judge when they made progress toward their goals as compared to the majority (83.7%) of Track parents. Track parents reported receiving praise significantly more than did non-Track families ($\chi^2(4) = 19.806, p = .001$).

Parents on the FTDC Track may perceive more praise from the judge than similar parents not on the Track. Though the comparison group is small, preliminary analysis shows that proportionally more parents on the Track report receiving praise from the judge than parents not on the Track. This indicates that the FTDC Track may be fostering a more positive relationship between parents and the judge, a factor that may be important in improving outcomes for children.

DISCUSSION

Judicial leadership plays a major role in problem-solving courts and can lead to better engagement among participants. Participants who are engaged in the process and perceive the process as fair are more likely to comply with the terms of the process. This can result in better outcomes for all participants, including vulnerable children in family problem-solving courts.

One potential barrier to implementing problem-solving courts and maintaining the implementation is funding. Funding is often temporary or contingent on factors external to the program itself, thus not always guaranteed for any length of time. Once a problem-solving court loses its funding, it may be difficult or impossible for the court to continue.

For family drug courts in particular, the loss of funding may mean the program can no longer support the incentives that encourage parents to participate in a voluntary program. FDCs require parents to participate in more meetings and to be subjected to more potential sanctions than traditional dependency court; there is no real incentive from FDCs themselves. Programs often include incentives for parents, such as the immediate availability of a treatment bed. But without a funding source, these incentives become more difficult to maintain.

One solution to that problem is to make the FDC mandatory for eligible parents. However, an important part of many problem-solving courts is that they give participants a voice in the process, beginning with the decision to choose to partici-

A majority of parents . . . reported that they had voice in the process of getting their children returned to their care.

28. Parents interviewed for the control group do not have substance abuse identified as an issue contributing to their involvement in the court. Therefore, it is not a perfect comparison group but the best one that could be constructed because it was not feasible to do a randomized control trial.

29. Parents are interviewed at multiple time points throughout the

case to evaluate changes in perception over time, but due to the small sample size, the results presented here are only for one interview from each parent. We included the parent's most recent interview in these analyses.

30. Ashford, *supra* note 1.

pate. If a program is no longer voluntary, participants could perceive the program as less fair and feel that they have less of a voice in the process.

This article describes one program that was mandatory for all eligible participants. From the beginning, the program was driven by strong judicial leadership that encouraged all program participants, from caseworkers to attorneys to parents, that the program would help children safely reunify with their parents. A year and a half after implementation of the program, the mandatory FTDC Track is working well. Forty-two families have participated in the Track; eleven of these families have successfully reunified. Families appear to be either reunifying or terminating the relationship between parents and children more quickly than in other dependency cases. Children seem to be achieving permanency quickly in FTDC Track cases. In addition, the mandatory nature of the Track does not appear to hurt perceptions of procedural justice. Parents report they feel they have a voice in the process and that their voice is heard at team meetings to the same extent as in traditional dependency court. The similarity of these ratings is not surprising because traditional dependency court and the FTDC Track are both problem-solving models, seeking to address social and psychological dysfunction. Importantly, parents on the FTDC Track recognize that the judge praises them for their progress toward their goals. This indicates the relationship between parents and the judge is positive, despite the mandatory nature of the Track.

More data collected over time can help determine whether the Track successfully and safely reunifies children with their parents when there are issues with substance abuse. Such a program can be a model for other courts that wish to use a problem-solving court to address substance abuse in dependency cases but lack long-term funding to implement incentives to participate. Preliminary results indicate that judicial adoption of therapeutic jurisprudence and procedural-justice principles can have a positive impact for substance-abuse-involved parents and their children in dependency court, even if participation in the program is not voluntary.

LESSONS LEARNED FOR OTHER COURTS

For other courts considering beginning a mandatory FDC, there are a few important lessons the Lancaster County FTDC Track has taught the authors. First, judicial leadership is vital to the success of the Track. A judge will have to devote considerable resources to the Track and convince other court personnel of the Track's importance. Part of judicial leadership is being a therapeutic agent to the parents on the Track. This includes providing support to parents in a way that may be very different than traditional dependency court. Informal interaction can help parents relate to the judge and see him or her as another support person instead of someone who is working to keep their kids away from them. Second, the mandatory nature of the Track does not necessarily take away from its impact. This may be because the informal interaction with the judge creates a relaxed, collaborative atmosphere and allows for the parents to feel they are an important part of a team. Lastly, it is very important to create buy-in to the Track early on in the process of development. Many individuals, including court personnel, Department of Health and Human

Services staff, family support agencies, and mental-health service providers, can give important insight to what is needed to help parents succeed. Whatever form a family drug court may take, it will help parents in their journey and will work toward the goal of reunifying children with their families.



Judge Roger Heideman earned his B.A. from Benedictine College in Atchison, Kansas, in 1984, then went on to complete his J.D. at the University of Nebraska–Lincoln College of Law in 1992. After serving as partner for the law firm of Morris, Titus & Heideman, Judge Heideman was appointed to the Separate Juvenile Court bench in 2006 by Governor Heineman. He served as the lead judge for Lancaster County's Through the Eyes of the Child team from 2007 to 2009. He is currently the lead judge for the Lancaster County Family Treatment Drug Court Track.



Jennie Cole-Mossman, LIMHP, is currently co-director of the Nebraska Resource Project for Vulnerable Young Children. She was previously the coordinator of the Nebraska Infant and Toddler Court Improvement Project, which was part of the Through the Eyes of the Child Initiative, where she provided technical assistance and training to overcome system barriers for infants and toddlers in the child-welfare system. Before that time, she was the young-child-services coordinator of Project Safe Start–Nebraska, a SAMHSA-funded project providing technical assistance and Child Parent Psychotherapy to family drug courts in Omaha and Lincoln. She is a licensed independent mental-health practitioner with extensive training and experience in early childhood trauma, Child Parent Psychotherapy, and parent-child relationship assessments.



Lori Hoetger is a project evaluator at the University of Nebraska–Lincoln's Center on Children, Families, and the Law. She is a current graduate student in the University of Nebraska–Lincoln Psychology and Law dual-degree program. Lori received her J.D. from UNL in 2009 with highest distinction and will complete her Ph.D. in psychology in 2016. Her research focuses on legal decision making, including adolescent decision making.



Katherine Hazen is a graduate research assistant for the Nebraska Resource Project for Vulnerable Young Children at the Center on Children, Families, and the Law at the University of Nebraska–Lincoln. She is in her third year of the Law and Psychology Program at UNL, pursuing a Juris Doctorate and Doctorate of Philosophy in social psychology. Katherine received her Bachelor of Science in psychology from Endicott College, in Beverly, Massachusetts, in 2012. She is currently working on her Master's Equivalency, examining authority perceptions of fair process.

Memorandum

From: Nebraska Resource Project for Vulnerable Young Children
To: Judicial Resource Commission
Re: Family Treatment Drug Court
Date: November 5, 2019

Introduction

In January 2014 the Lancaster County Family Treatment Drug Court (FTDC) Track was established as an alternative court process for child abuse and neglect cases with a petition alleging substance abuse. This memorandum describes the evaluation method and findings on case outcomes and parents' experiences with the court process. The Nebraska Resource Project for Vulnerable Young Children evaluation found that FTDC cases close through both reunification and termination of parental rights in fewer days than other abuse and neglect cases and that FTDC parents feel more heard by the court team, case workers, and the judge than other abuse and neglect cases.

Families facing allegations of child abuse or neglect because of substance use are assigned to Judge Heideman's court except when the family had a previous case with a different judge. Cases can also transfer to Judge Heideman from other Lancaster County juvenile court judges when substance use issues are revealed later in the case. Eligible families begin the FTDC after the disposition hearing and order when they are assigned a case manager who primarily works with families on the FTDC. In the FTDC, court orders often include particular services, such as utilizing a call-in drug testing service, and that families participate in a monthly Family Team Meeting with case managers, attorneys, service providers, support persons, and Judge Heideman. Families involved in FTDC meet informally with the court team once a month to identify successes and barriers to engaging in services. Additionally, FTDC families have formal review hearings every three months. The FTDC program is primarily characterized by the more frequent formal and informal contacts between families and the court. As of July 30, 2019, records indicated that 190 families have been involved with FTDC and 44 families have been identified for a comparison group.

Beginning on October 1, 2016, Lancaster County received a drug court enhancement grant from the Office for Juvenile Justice and Delinquency Prevention (OJJDP) of the United States Department of Justice. The grant funds were intended to secure spots in treatment programs to allow parents to enter treatment quickly and to develop a supportive housing program. Families in which the children were removed after October 1, 2016 received access to these services which were funded by the OJJDP Grant.

The Nebraska Resource Project for Vulnerable Young Children (NRPVYC) at the University of Nebraska–Lincoln's Center on Children, Families, and the Law is conducting an ongoing two-part evaluation of the FTDC. To conduct this evaluation, the NRPVYC evaluation team reviewed case files through the Nebraska online case management database, JUSTICE, for case progression and outcome data and interviewed parents about their experiences with the court.

The results reveal that FTDC cases close in fewer days and that FTDC parents are more satisfied as compared to other abuse and neglect cases.

Case Information and Progression

The NRPVYC evaluation team reviewed the case files of 234 families involved with the child dependency court (FTDC: $n = 190$; Control: $n = 44$). This accounted for 445 total children (average age = 5.1 years) (FTDC: $n = 361$; Control: $n = 84$). DHHS case plans and court reports identified 234 children as White (52.6%), 74 as Black or African American (16.6%), 58 as American Indian or Alaska Native (13.0%), 18 as mixed race (4.0%), 18 as Hispanic (4.0%), and 2 as Asian or Pacific Islander (0.4%). The race of 20 children was unknown (4.5%). There was at least one father involved in 120 (63.2%) FTDC families, and 25 (56.8%) control group cases. A Native American Nation intervened in 21 (11.1%) FTDC cases and 5 (11.4%) control cases under the Indian Child Welfare Act (ICWA). See Table 1 for all case progression statistics, including means and significance tests.

The court closed 136 (71.6%) FTDC group cases and 33 (75.0%) of control group cases. **FTDC cases closed in significantly fewer days after the petition was filed on average than control group cases**, $F(1, 167) = 12.9, p < .001$. Additionally, FTDC cases closed in significantly fewer days after the date of disposition as compared to control group cases, $F(1, 163) = 7.4, p < .010$. See Figure 1 for the mean number of days between the date the petition was filed and the

disposition hearing was held to the date the court terminated their jurisdiction for both FTDC and control cases.

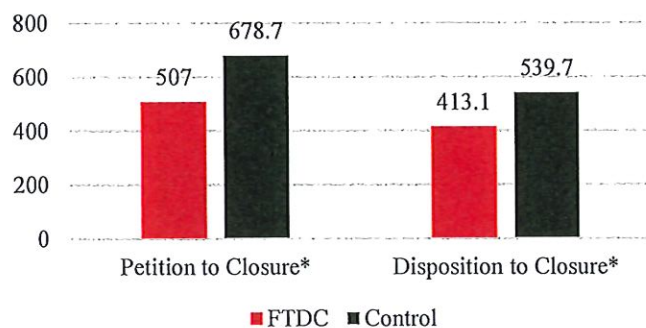


Figure 1. Case progression for all closed cases for the FTDC and control group cases.

* $p < .05$.

The same proportion of families have been reunified in FTDC and control group cases. See Figure 2 for the case status for FTDC and control cases. Of the 190 FTDC cases, the children had been reunified with at least one parent in 83 (43.7%) families. Of the 44 control cases,

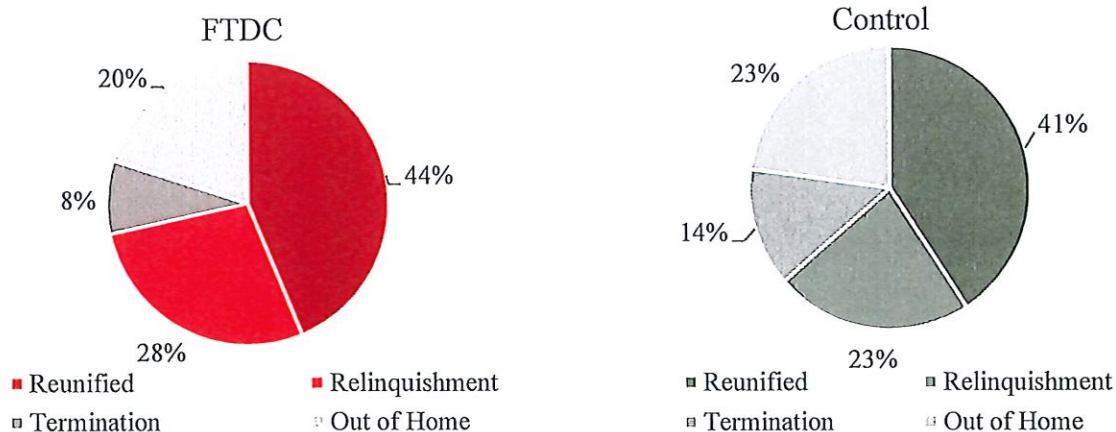


Figure 2. Case outcomes for FTDC ($n = 190$) and control group ($n = 44$) cases.

the children had been reunified with at least one parent in 18 (40.9%) families. Although children reunified with their parents in the same number of days following the petition, **cases closed in fewer days following reunification for FTDC as compared to control group cases.** See Figure 3 for the average number of days between significant case milestones for FTDC and control cases in which the child(ren) have reunified with at least one parent. The average number of days from petition to reunification was the same for FTDC and control group cases, $F(1, 95) = 1.1, p > .05$. From date of disposition, the average number of days to reunification was also the same for FTDC and control group cases, $F(1, 95) = 0.1, p > .05$.

Of the families in which children have been reunified with at least one parent, 74 (89.2%) FTDC and 16 (88.9%) control group cases have closed. **Importantly, FTDC cases closed in fewer days following the petition, disposition, and reunification than control group cases.** The average number of days from petition to case closure was significantly shorter for FTDC than the control group, $F(1, 87) = 9.6, p < .01$. The number days from disposition to case closure was also significantly shorter for FTDC cases than the control group, $F(1, 85) = 7.03, p < .01$. Finally, the average number of days from reunification to case closure was significantly fewer for FTDC than the control group, $F(1, 85) = 6.9, p < .01$. **For successful families, more frequent contacts with the court provides the professionals with more confidence in sending children home and keeping children in their homes, which enables the FTDC team to close cases in fewer days.**

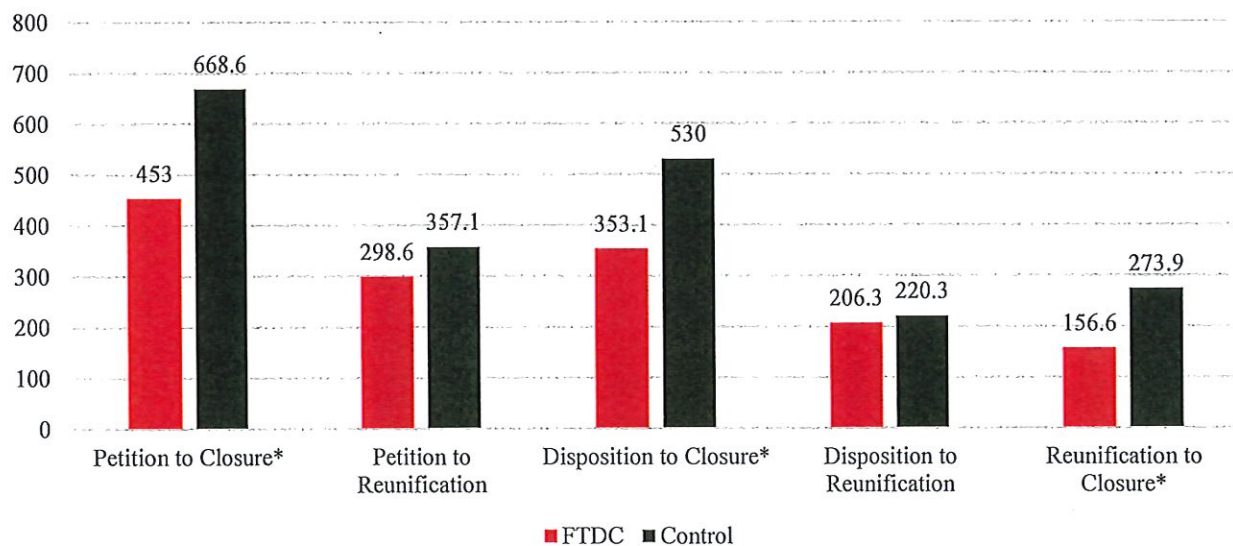


Figure 3. Case progression for reunified cases for the FTDC and control group cases.

* $p < .05$.

The same proportion of FTDC and control group cases resulted in termination or relinquishment of parental rights. Sixty-nine (36.3%) FTDC cases and 16 (36.4%) control group cases resulted in at least one parent's rights terminated. Similarly, the State filed the same number of Motions to Terminate Parental rights for cases in both groups, including 47 (24.7%) Motions in FTDC cases and 11 (25.0%) in Motions in control cases. The groups also ended with the same number of terminations of parental rights in a formal trial and parents' voluntary

relinquishment of their rights. At least one parent relinquished their parental rights in 53 (27.9%) FTDC cases and 10 (22.7%) control group cases. And the court terminated the parental rights at least one parent following a trial in 16 (8.4%) FTDC cases and 6 (13.6%) control group cases. See Figure 2 for a graphical depiction of the case status for FTDC and control cases.

FTDC cases achieve permanency through termination of parental rights and adoption in fewer days than control group cases. Professionals report that this is because the more frequent contacts required by the FTDC court process enable them to be more certain about the parents' ability to make progress toward the rehabilitation plan. For cases in which at least one parent's parental rights were terminated by the court following a trial, the Motion to Terminate Parental Rights was filed in significantly fewer days for those on FTDC as compared to the control group cases, $F(1, 19) = 7.5, p < .05$. Motions to Terminate Parental Rights were also filed in descriptively fewer days for FTDC cases, $F(1, 44) = 1.2, p > .05$. Professionals were prepared to progress toward ultimate outcomes in cases in which they had more contacts with the parents, as demonstrated by their willingness to ask for consideration of those outcomes in fewer days.

Further, FTDC cases close through adoption in fewer days following relinquishment and termination of parental rights. For cases in which a parent relinquished their parental rights, FTDC cases close in significantly fewer days following relinquishment than control group cases, $F(1, 51) = 10.2, p < .01$. See Figure 4 for case progression means in which at least one parent relinquished their parental rights. Similarly, FTDC cases close in descriptively fewer days following a trial to terminate parental rights than control group cases, $F(1, 15) = 4.0, p > .05$. See Figure 5 for case progression means for cases in which at least one parent has lost their parental rights through court order following a trial.

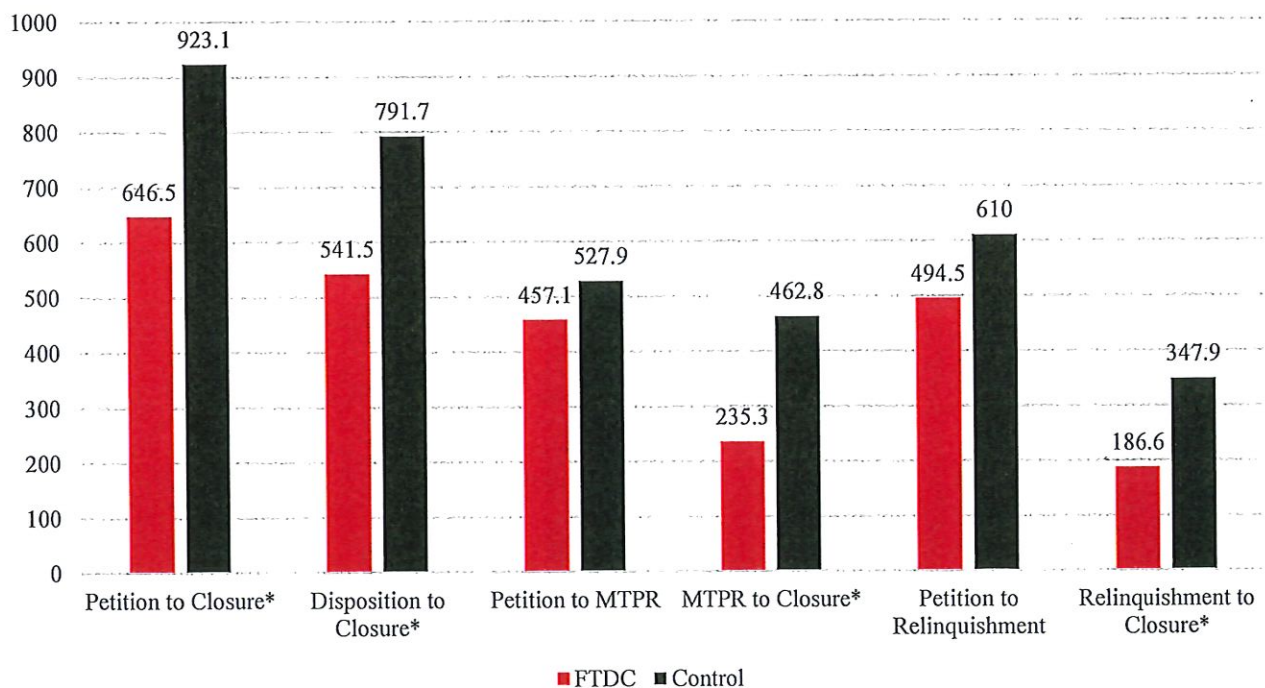


Figure 4. Case progression for cases in which at least one parent relinquished their parental rights for the FTDC and control group cases.

* $p < .05$, MTPR = Motion to Termination Parental Rights

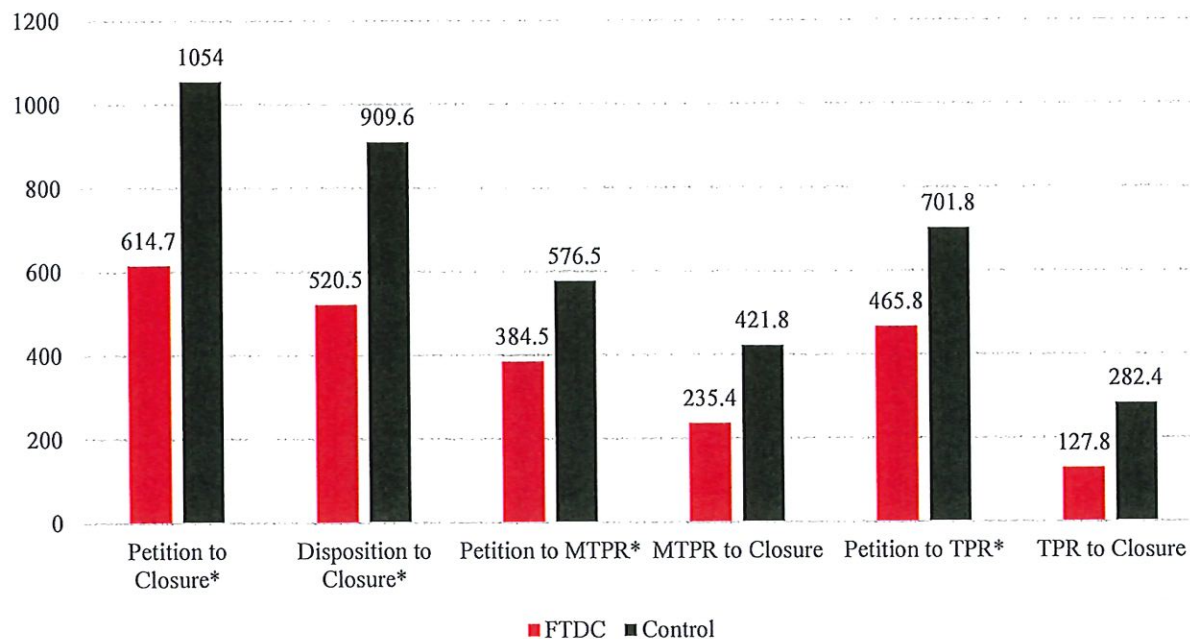


Figure 5. Case progression for cases in which at least one parent's parental rights were terminated following trial for the FTDC and control group cases.

* $p < .05$, MTPR = Motion to Termination Parental Rights, TPR = Termination of Parental Rights

Parent perceptions of the court process

The NRPVYC evaluation team has attempted 325 interviews with FTDC ($n = 282$) and control ($n = 43$) parents. NRPVYC evaluators began tracking declined interviews in Fall 2016 and do not have data on declined interviews before then. Parents have declined 41 (20.0%, based on 205 total interviews since Fall 2016) interviews. FTDC Track parents have declined 32 (18.2%, based on 176 FTDC interviews since Fall 2016) interviews and control parents have declined 9 (31.0%, based on 29 control interviews since Fall 2016) interviews.

See Table 2 and Figure 6 for the mean responses to the eleven statements and significance tests. FTDC parents had generally positive perceptions: 92.2% agreed that they can be honest at team meetings, 85.2% agreed they are comfortable speaking at family team meetings, 78.7% agreed that the process of getting their children back is fair, and 76.2% agreed that they had a say in the decision that affect them and their children. The control parents had more mixed results, some similar to the FTDC but with important differences: 92.8% agreed that they can be honest at team meetings, 82.2% agreed they are comfortable speaking at family team meetings, 57.1% agreed that the process of getting their children back is fair, and 57.1% agreed that they had a say in the decision that affect them and their children.

NRPVYC evaluators ran a series of statistical tests to determine if FTDC and control parents had different perceptions of the court process than control group parents which are depicted in Table 2 and Figure 6. **FTDC parents had significantly more positive perceptions of the court process on several items.** FTDC parents perceived the court process as more fair than control

parents. FTDC parents agreed more strongly that their voice was heard in team meetings than control parents. FTDC parents agreed more strongly that they had a say in the decisions that affected them and their children than did control parents. FTDC parents believed they received praise from their case manager and the judge when they made progress towards their goals more so than control parents believed. FTDC parents also reported feeling that they could go to their case manager with concerns about their ability to meet their goals more so than did control parents.

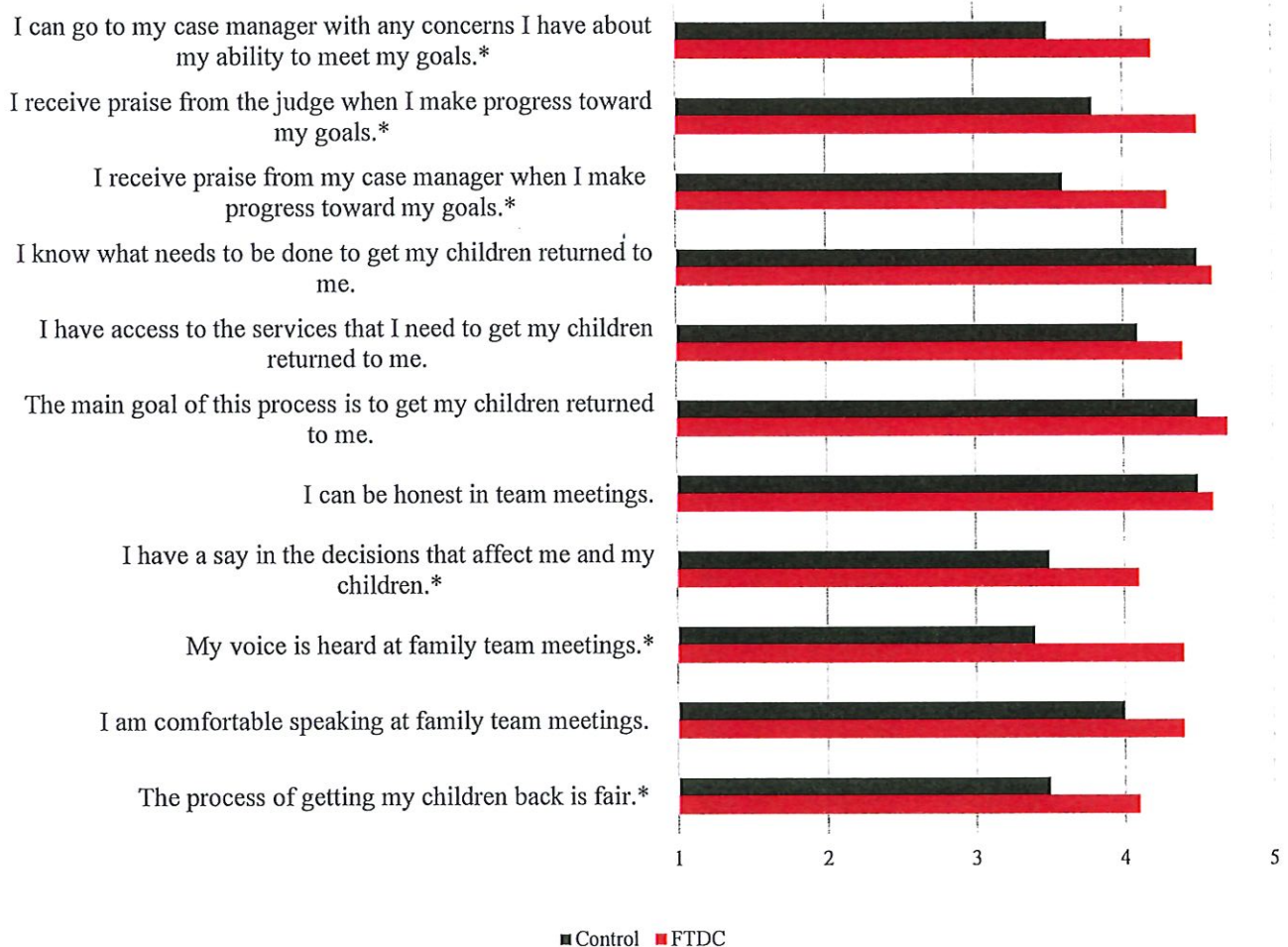


Figure 6. FTDC and control parent mean perceptions of the court process.

*p < .05.

FTDC and control parents agreed that they felt comfortable speaking and being honest in team meetings. Additionally, they both also agreed that the main goal of the process is to get their children returned to them, that they know what they need to do to get their children returned to them, and that they have access to the services they need to achieve that goal. Although none of the mean differences were significant, the **FTDC parents consistently agreed more strongly than control parents. Overall, FTDC parents felt they were more heard by the court and that they received more praise from the judge and their caseworkers than control group parents.**

Conclusions

The Lancaster County FTDC is an alternative court process for the rehabilitation of parents responsible for child abuse or neglect due to substance use. The FTDC is distinguished from the traditional juvenile court by five characteristics: 90-day review hearings, monthly family team meetings, specialized case workers, trauma informed services, and a reward structure for successes. **Over the last five years the Nebraska Resource Project for Vulnerable Young Children evaluation has demonstrated that families on the FTDC proceed through the court process more quickly, through both reunification and termination of parental rights, and that parents experience the court process as significantly more fair than other parents.** These findings are consistent with a vast literature that demonstrates adult criminal and family drug courts are more successful than traditional court processes because the judge and other professionals get to know the participants in more frequent and substantive meetings, the parties tailor the services to the participants needs, and because the participants feel they have a say in the decisions that are made about them (see, Fessinger, Hazen, Bahm, Cole-Mossman, Heideman, & Brank, 2019; Gifford, Eldred, Vernerey, & Sloan, 2014; Kaiser & Holtfreter, 2016).

Alternative courts, such as the FTDC, require more time on the court's calendar than do traditional dependency court cases because of the more frequent team meetings and review hearings, which are essential to ensure the design of such courts. Family team meetings allow the parties, including the judge, to get regular updates on the parents' progress toward their case goals as well as identify and address the barriers to progress. Additionally, the meetings ensure the parents have a voice in the court process by getting their input on the decisions made about them informally. Finally, during these meetings the parents meet with the judge for even a few minutes. During these interactions the judge gets an update directly from the parents and asks them if they are need anything. Additionally, the judge praises the parents and offers encouragements when appropriate. Our evaluation demonstrates that these meetings and interactions improve the parents' experiences with the court which directly predicts whether parents will engage in rehabilitation plan. The findings of our evaluations, recently published in the *Journal of Experimental Criminology* demonstrated that FTDC children are more likely reunify with their parents because they experience the court process as more fair and therefore participate in services more consistently on average (Fessinger et al., 2019). The FTDC requires more resources from the court immediately (such as time on the Judge's docket), however, in the long term, families on the drug court feel more heard by the court and participate more consistently in services which results in the cases closing in fewer days.

Table 1. Mean difference significance testing for case progression (Control group $n = 44$; All FTDC Track $n = 190$).

		Closed Cases			Reunification			Voluntary Relinquishment			Termination of Parental Rights		
		<i>N</i>	<i>M (SD)</i>	<i>F (df)</i>	<i>N</i>	<i>M (SD)</i>	<i>F (df)</i>	<i>N</i>	<i>M (SD)</i>	<i>F (df)</i>	<i>N</i>	<i>M (SD)</i>	<i>F (df)</i>
Petition to Case Closure	Control	33	678.7 (313.4)	12.9 (1, 167)***	15	668.6 (337.4)	9.6 (1, 87)**	9	923.1 (309.5)	13.0 (1, 53)***	5	1054.0 (373.6)	13.7 (1, 17)**
	FTDC	136	507.0 (227.6)		74	453.0 (223.8)		46	646.5 (187.9)		14	614.7 (158.1)	
Disposition to Case Closure	Control	33	539.7 (306.4)	7.4 (1, 163)**	15	530.0 (320.0)	7.03 (1, 85)**	9	791.7 (278.1)	10.6 (1, 53)**	5	909.6 (351.6)	11.5 (1, 17)**
	FTDC	132	413.2 (219.6)		72	353.1 (214.2)		46	541.5 (196.5)		14	520.5 (160.0)	
Petition to Reunification	Control	15	394.7 (234.1)	2.3 (1, 86)	18	357.1 (232.3)	1.1 (1, 95)	4	596.3 (275.4)	3.4 (1, 6)	-	-	-
	FTDC	73	304.3 (207.8)		79	298.6 (204.9)		4	277.3 (206.9)		-	-	
Reunification to Case Closure	Control	15	273.9 (253.0)	7.2 (1, 86)**	15	273.9 (253.0)	6.9 (1, 85)**	4	449.3 (385.5)	0.0 (1, 5)	-	-	-
	FTDC	73	155.0 (130.1)		72	156.6 (130.3)		3	465.7 (325.6)		-	-	
Petition to MTPR	Control	10	518.5 (235.6)	2.9 (1, 48)	5	439.2 (238.8)	0.0 (1, 8)	7	527.9 (171.1)	1.2 (1, 44)	6	576.5 (229.1)	7.5 (1, 19)*
	FTDC	40	425.7 (127.7)		5	436.6 (45.7)		39	457.1 (158.2)		15	384.5 (98.5)	
MTPR to Case Closure	Control	10	423.3 (251.3)	14.9 (1, 48)***	5	488.0 (322.8)	2.1 (1, 7)	6	462.8 (293.1)	13.2 (1, 38)***	5	421.8 (349.8)	3.5 (1, 17)
	FTDC	40	233.4 (95.9)		4	247.0 (61.3)		34	235.3 (100.0)		14	235.4 (100.5)	
Petition to Relinquishment	Control	8	610.0 (136.4)	7.3 (1, 51)**	4	587.5 (120.9)	1.2 (1, 6)	8	610.0 (136.3)	3.0 (1, 58)	2	777.5 (96.9)	3.5 (1, 10)
	FTDC	45	459.0 (146.6)		4	509.0 (80.5)		52	494.5 (181.7)		10	499.5 (198.9)	
Relinquishment to Case Closure	Control	8	347.9 (257.2)	10.2 (1, 51)**	4	458.0 (314.4)	0.8 (1, 5)	8	347.9 (257.2)	10.2 (1, 51)**	2	545.0 (540.2)	4.0 (1, 9)
	FTDC	45	186.6 (97.5)		3	273.3 (167.8)		45	186.6 (97.5)		9	204.0 (102.3)	
Petition to TPR	Control	5	771.6 (224.0)	10.3 (1, 15)**	-	-	-	3	722.3 (320.8)	2.8 (1, 10)	6	701.8 (263.4)	6.6 (1, 18)*
	FTDC	12	481.7 (144.6)		-	-		9	510.7 (136.4)		14	465.8 (149.4)	
TPR to Case Closure	Control	5	282.4 (261.9)	4.0 (1, 15)	-	-	-	2	395.5 (408.0)	4.2 (1, 8)	5	282.4 (261.9)	4.0 (1, 15)
	FTDC	12	127.8 (61.5)		-	-		8	143.3 (64.8)		12	127.8 (61.5)	

Note: TPR = Termination of Parental Rights. The mean of one group is considered significantly different from the mean of another if the means are outside the standard deviations of each other. P-values tell scientists how certain they can be about the presence of a difference between groups. Social scientists use p-value less than .05 as the cut-off for statistical significance – meaning that social scientists are comfortable stating two means are different when we are 95% certain. $P = .05$ indicates we are 95% certain the groups are different, $P = .01$ means we are 99% certain, and $P = .001$ means we are 99.9% certain there is a difference between the group's means. *** $p < .001$, ** $p < .01$, * $p < .05$

Table 2. Univariate Analyses of Variance (ANOVA) comparing FTDC and control parents' perceptions of the court process at most recent interview (FTDC: $n = 155$; control: $n = 28$).

Item	FTDC Mean (SD)	Control Mean (SD)	DF	F	p
The process of getting my children back is fair.	4.1 (1.2)	3.5 (1.5)	1, 181	5.8	.02*
I am comfortable speaking at family team meetings.	4.4 (1.0)	4.0 (1.1)	1, 181	2.5	.11
My voice is heard at family team meetings.	4.4 (0.9)	3.4 (1.3)	1, 180	22.4	<.00*
I have a say in the decisions that affect me and my children.	4.1 (1.1)	3.5 (1.5)	1, 181	4.8	.03*
I can be honest in team meetings.	4.6 (0.7)	4.5 (0.9)	1, 181	0.6	.42
The main goal of this process is to get my children returned to me.	4.7 (0.7)	4.5 (1.0)	1, 181	1.5	.23
I have access to the services that I need to get my children returned to me.	4.4 (1.0)	4.1 (1.3)	1, 181	2.3	.13
I know what needs to be done to get my children returned to me.	4.6 (0.8)	4.5 (0.8)	1, 181	.79	.38
I receive praise from my case manager when I make progress toward my goals.	4.3 (1.2)	3.6 (1.4)	1, 181	5.9	.02*
I receive praise from the judge when I make progress toward my goals.	4.5 (1.0)	3.8 (1.2)	1, 181	13.8	<.00*
I can go to my case manager with any concerns I have about my ability to meet my goals.	4.2 (1.2)	3.5 (1.5)	1, 181	6.4	.01*

Note. The mean of one group is considered significantly different from the mean of another if the means are outside the standard deviations of each other. P-values tell scientists how certain they can be about the presence of a different between groups. Social scientists use p-value less than .05 as the cut-off for statistical significance – meaning that social scientists are comfortable stating two means are different when we are 95% certain. $p = .05$ indicates we are 95% certain the groups are different. * Significant at the $p < .05$ level



STATE OF NEBRASKA

OFFICE OF INSPECTOR GENERAL OF CHILD WELFARE

State Capitol, P.O. Box 94604

Lincoln, Nebraska 68509-4604

402-471-4211

Toll Free 855-460-6784

Fax 402-471-4277

oig@leg.ne.gov

September 15, 2020

Dear Governor Ricketts, Justices of the Nebraska Supreme Court, and Members of the Nebraska Legislature:

In accordance with Neb. Rev. Stat. §43-4331, it is our honor to present the Office of Inspector General of Nebraska Child Welfare (OIG) Annual Report for Fiscal Year 2019-2020. We submit this report together as Ombuds Rogers served as Inspector General throughout the fiscal year, and Inspector General Carter began her term at the beginning of September.

There are both old and new issues confronting the child welfare and juvenile justice systems in Nebraska. As was noted in the OIG's first annual report and each year thereafter, DHHS has not met the statutory caseload requirement for child welfare caseworkers responsible for keeping maltreated children safe and delivering quality services. There remain too many attempted suicides and suicides of youth who are system-involved. And complaints about children's placement outside their home, child well-being, initial assessment, permanency, case management, and visitation persist.

Recent developments that impact these systems include the significant physical and programmatic changes to the Youth Rehabilitation and Treatment Centers (YRTCs), implementation of the Family First Prevention Services Act, and transfer of private case management from PromiseShip to St. Francis Ministries in Douglas and Sarpy Counties. It cannot be overstated that these changes, no matter how well-intentioned, greatly affect communities, staff, and the children and families served.


As a newcomer to Nebraska and her position, the newly confirmed Director of the Division of Children and Family Services, Stephanie Beasley, has shown an understanding of the importance of oversight in government. We look forward to a productive relationship with her and her team to better learn from harms within child welfare in order to prevent similar tragedies in the future.

Finally, we would be remiss if we didn't acknowledge the COVID pandemic and the enormous challenges it has brought to families and those that serve them. Hard decisions continue to be made throughout the systems about keeping children and youth safe, while staying connected to family.

We remain committed to promoting accountability and integrity in Nebraska's child welfare and juvenile justice systems. Thank you for your time and attention to this report.

Respectfully,


Jennifer A. Carter


Julie L. Rogers



941 O St., Ste. 325 • Lincoln, NE 68508 • legalaiddofnebraska.org
phn (402) 435-2161 • tf (800) 742-7555 • fax (402) 435-2171

September 15, 2020

Hon. Stephanie Stacy, Judicial Resources Chair
Nebraska Supreme Court
State Capitol Building, Rm. 2219
Lincoln, NE 68509

RE: Judicial Vacancy in the Separate Juvenile Court of Lancaster County

Dear Justice Stacy and Commission Members:

This letter concerns the potential judicial vacancy in the Separate Juvenile Court of Lancaster County due to the recent retirement of Hon. Linda S. Porter. Legal Aid of Nebraska has had a contract to do juvenile court cases in Lancaster County for over 30 years, so we are very familiar with the work in this Court. This work has been conducted by an exceptionally experienced team, led by our Managing Attorney Patrick Carraher.

As Executive Director of Legal Aid, I urge you to declare a vacancy so that this judicial position may be filled as soon as possible. If the number of juvenile judges in Lancaster County is reduced, we will see delays in every part of the child welfare system. This would be tragic, because child welfare needs are urgent. Abused children need safety. Homeless children need a place to live. The parents of these children need professional services. We simply cannot limit timely access to such services.

In addition to hearing cases, the judges of the Separate Juvenile Court of Lancaster County have always been leaders in initiatives such as "Through The Eyes of The Child" and various problem solving courts. The entire State of Nebraska benefits from the leadership provided by our juvenile judges. If the number of juvenile judges in Lancaster County is reduced, I would fear that our judges would no longer have any time to devote to these matters, and entire state would suffer.

Lancaster County continues to experience a rapid population growth. We need to insure that our courts can continue to meet the needs of our growing population. A reduction in the number of juvenile court judges would be a backwards step for Lancaster County.

I appreciate your attention to our concerns, and again urge you to declare a vacancy for this judicial position. I would also ask that this letter be included with the materials for the Judicial Resources Commission Hearing scheduled for September 17, 2020.

Sincerely,

A handwritten signature in dark ink, appearing to read "Milo Mumgaard".

Milo Mumgaard,
Executive Director

OMAHA • BANCROFT • LINCOLN • NORFOLK • GRAND ISLAND • NORTH PLATTE • SCOTTSBLUFF • LEXINGTON



To: Members of the Judicial Resources Commission,

From: Douglas L. Luebe, County Judge, 6th Judicial District

I fully support filling the vacancy in the Sixth Judicial County Court District due to Judge Kurt Rager's retirement, with the home court to remain in Dakota County. Below I explain my reasons for this opinion.

Since graduating from Creighton Law School in 1984, until the present, I have worked within the Dakota County Court system as a prosecutor, defense attorney, GAL, parent's attorney, attorney for other litigants and judge. I had clients from around the TRI-State area. In 2003 I was appointed to the County Court Bench in the 6th Judicial District. My primary counties are Cedar, Dixon, and Thurston Counties. I also regularly sit in Dakota County. My home court is Cedar County. Throughout the past 36 years there has been a fulltime county court judge in Dakota County.

To ensure a current understanding of the Dakota County workload, except for one occasion, I have been the sole judge in that court since Judge Rager's retirement July 31, 2020. Do not misunderstand, a good number of judges offered a helping hand but I thought it important for me to get a good feel for Dakota County's circumstances before submitting this recommendation.

Obviously I could not have done so without the cooperation of the each county court staff, prosecutors, defense bar, and the civil litigants and their attorneys.

Over the last 36 years, circumstances in Dakota County have changed. Below are my relevant observations:

- A. Even more so than in 1984, the geographic and demographic particulars of the approximately 20,000 people in Dakota County have changed; they are not typical of the ordinary rural county in Nebraska. For example, routinely many criminal, juvenile, and some civil cases are conducted in languages such as: Somali (multiple times), Mum (one of many Guatemalan dialects), Oromo, Hispanic (multiple times) Tigrinya, French, Marshallese, Chukeese, and Egyptian. There are also demands for Laotian, Vietnamese, Mandarin (a form of Chinese), Burmese, and Karin. Frequently, there are as many as four or more cases needing interpreters in one day. Often, two different language interpreters are needed in one case. The additional time required to properly conduct such proceedings is substantial, and is frequently increased due to the litigant's lack of understanding of how our court system operates. It is one thing for a court with numerous judges to divide these types of proceedings between them, but it is completely different when the additional time demands are placed on one judge. Many of the needed interpreter services must be accessed through some electronic means which, especially where testimony occurs, is all too often less than ideal. The Supreme Court's website directory for interpreters does not list interpreters for some of these languages; we then need to seek out the Court's coordinator to locate and schedule the needed interpreter, or sometimes we go through a

teleconference service called Language Line. These circumstances clearly come within the scope of your deliberations under multiple subsections of Neb. Rev. Stat. § 24-1206 (1).

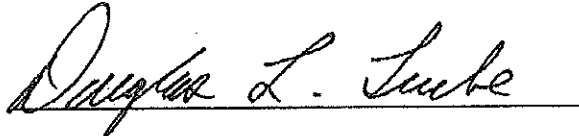
- B. You are required under §24-1206 to consider the weighted caseload reports, which proclaim they are to "provide objective, standardized determinations of resource needs". I was unable to find the formula used to determine the weight of each type of case. However, as I understand concerning certain juvenile cases, the practice has been to assign to specialized separate juvenile court cases, double the weight assigned to a similar case before a county court judge. County Court jurisdiction requires the judge to wear many more hats than a separate Juvenile Court judge. Indeed, unless just recently decided, it is currently up for debate whether that "double weight" practice should be continued under the new workload study just completed. To appropriately consider this data, such adjustments should be known to you if in fact such adjustments occur in any type of case. Clearly, such adjustments at least give the appearance that the weights assigned are not "standardize determinations" as they purport to represent. As a result, such adjustments could significantly impact your decisions on this vacancy or future vacancies; and could also impact your decisions under §24-1206(2) addressing future recommendations to the Legislature. These adjustments also raise concerns under the Indian Child Welfare Act. It would appear a Native American, or non-native child, in Sarpy, Douglas or Lancaster Juvenile Court would then be entitled to twice the judicial resources as a Native American child before the Dakota County, Thurston County, Knox County, Scottsbluff County Court, or other county court. This is important here because a significant number of Dakota County residents are Native American. The Winnebago and Omaha reservations are located in the adjacent County of Thurston.
- C. Implicit in both A and B above, is the complex family disruption dynamic, the breakdown of the family phenomenon, found within the small but diverse population of Dakota County. Further, gang activity, the interactions/conflicts between the various racial and ethnic groups, their societal norms, and the norms represented in part by our Constitutions and Statutes, all of which are enhanced by the substance abuse plague within on our society. These factors greatly impact the Criminal and Juvenile areas of the law, and should not be minimized. The demands of such cases show no signs of decreasing. These circumstances justify our Supreme Court's focus exhibited by the "Through the Eyes of a Child" program. A program which promotes and encourages judges to take more time, and increase interaction with the child in the courtroom. A practice widely adopted by rural judges as confirmed by a recent study available to the Court Administrator's Office.
- D. I was told to be prepared to answer why there should be four county judges in the District when there are only three district judges. By its very nature the county court is where the very basics of daily life are dealt with much more frequently and more rapidly. The rapidity is required by the Supreme Court's case progression standards and various statutes of limitations; and is met in part by the daily, weekly or at least more frequent, appearance by the county court judge. At least three of the counties in District 6 typically only see a district

judge a couple of half days a month. Which is one of the reasons why in the last three annual case load reports of this District show a significant number (10.5 to 7.8%) of the domestic relations cases filed in district court requested a county court judge to hear the case.

Your decision on any vacancy should not be overly skewed by a weighted caseload spreadsheet. Each vacancy has other unique factors to consider. Our Supreme Court has often stated, each case be considered on a "case by case" basis. It seems proper that each vacancy be considered on a vacancy by vacancy basis.

Thank you for considering my comments. I regret my personal circumstances, due to the pandemic concerns, present my appearance before you. The social distancing comment in your notice for this hearing, and precautions urged by orders of the Supreme Court, dictated prudence must prevail over my desire to appear in person.

Dated: September 16, 2020

A handwritten signature in cursive script, reading "Douglas L. Luebe", is written over a horizontal line.

DOUGLAS L. LUEBE

COUNTY COURT JUDGE-6TH JUDICIAL DISTRICT

Mussmann, Dawn

From: Janet Gill <Janet.gill@hotmail.com>
Sent: Wednesday, September 16, 2020 5:04 PM
To: Mussmann, Dawn
Subject: Dakota County Judge Position

Ms Dawn Mussmann,

As a Dakota County Commissioner, I was planning to come to the hearing tomorrow in Lincoln regarding the replacement of Judge Rager in Dakota County. I will not be able to make it now due to a family matter.

I would like to advocate on behalf of area citizens that the position remains based in Dakota City, Nebraska. There are several points that justify that our retiring judge be replaced in Dakota County:

- Large case numbers in this district (second only to Dodge County/Fremont area).
- Dakota County's location in a tri-state area (NE/IA/SD) and part of the Siouxland metro area with a population of over 100,000 impacts the volume and types of cases handles.
- Meat Packing plants are a major employer in the Siouxland area and have many employees whom are not native English speakers. Cases that may involve non-English speaking individuals typically require additional time and resources to ensure adequate translation and interpretive services.
- Dakota County borders Thurston County, which includes the Omaha and Winnebago Indian Reservations. Due to unique legal structure with cases involving Native Americans, additional casework is often required surrounding the Indian Child Welfare Act.

In summary, the unique location and demographics of this region justify the replacement of Judge Rager with another Judge based in Dakota City NE., Dakota County.

Thanks for your consideration and feel free to contact me if you have any additional questions.

Sincerely,
Janet Gill
Dakota Couty Commissioner
712/259-5938