

# NEBRASKA OFFICE OF DISPUTE RESOLUTION

The mission of the Nebraska Office of Dispute Resolution is to enhance and to advance the use of mediation and alternative dispute resolution in courts and communities by partnering with ODR-approved mediation centers and others involved with Alternative Dispute Resolution.

## 2016-2017 REPORT



STATE OF  
**NEBRASKA**  
JUDICIAL BRANCH

Office of Dispute  
Resolution

[www.supremecourt.nebraska.gov](http://www.supremecourt.nebraska.gov)

# ODR SUMMARY



## Debora Denny, J.D., Director of the Nebraska Office of Dispute Resolution

As the Robert Frost poem, Mending Wall states, “Good fences make good neighbors.” The Office of Dispute Resolution has been helping people establish boundaries and resolve issues through Alternative Dispute Resolution methods since its creation in 1991. The Dispute Resolution Act was established under the Administrative Office of the Courts and empowers the people of

Nebraska to create solutions outside of court. ADR practices prevent some cases from going to court and reduce time spent in court for those cases that are finalized in court.

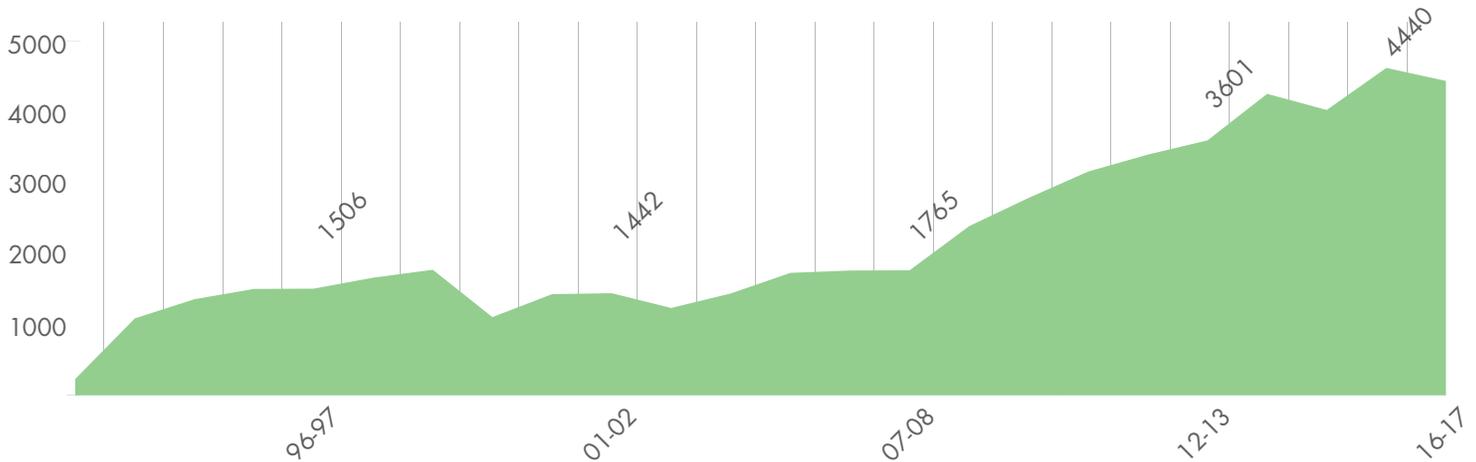
ODR, with input from an Advisory Council, oversees the development of dispute resolution and collaborative problem-solving programs in Nebraska’s 93 counties. The office works collaboratively with six non-profit mediation centers which provide services to the entire state. Each of the six non-profit mediation centers continue to operate receiving a remarkably low \$45,000 budget from the court system. This amount has not increased for nearly two decades and attests to the fiscal responsibility of the program practices at the mediation centers. Funding for the mediation centers is also supplemented through grants, contracts, and participant fees. However, the courts have always been the most consequential source of funding for the ODR-approved mediation centers.

We are pleased to announce the receipt of a \$1 million grant to expand the use of Victim Youth Conferencing (VYC) across the state. VYC is a restorative justice practice aimed to

prevent the school-to-prison pipeline many delinquent youth experience. The goal of this grant is to provide conferencing in all twelve (12) judicial districts by the end of 2020, while collecting evidence-based data on the positive effects of this restorative justice practice in the Nebraska community. These conferences are expected to both reduce recidivism rates, lower crime severity, and decrease the financial burden of juvenile delinquency on the court system. ODR has partnered with the University of Minnesota’s Center for Restorative Justice and Peacemaking and is excited to embark on this new project.

Consistent leadership has recently helped the ODR reach long term goals. Debora Denny has been the director of the ODR for 13 years, starting in March of 2005 and Administrative Secretary, Rachel Lempka, has been with the ODR since May of 2000. The ODR is excited to be adding a fulltime Program Analyst position during the Spring of 2018, using funds from the Sherwood Grant to expand Victim Youth Conferencing statewide. In Nebraska, ODR staff, mediation center staff, and ODR approved mediators have skills and education that surpass most requirements for mediation nationally.

Nebraska Mediation Centers’ Annual Case Volume 1992-2017



Established by the 1991 Dispute Resolution Act, ODR has served over 80,000 people statewide with mediation and ADR programs. Nearly 80% of cases mediated at ODR approved centers resulted in resolution during the most recent fiscal year.

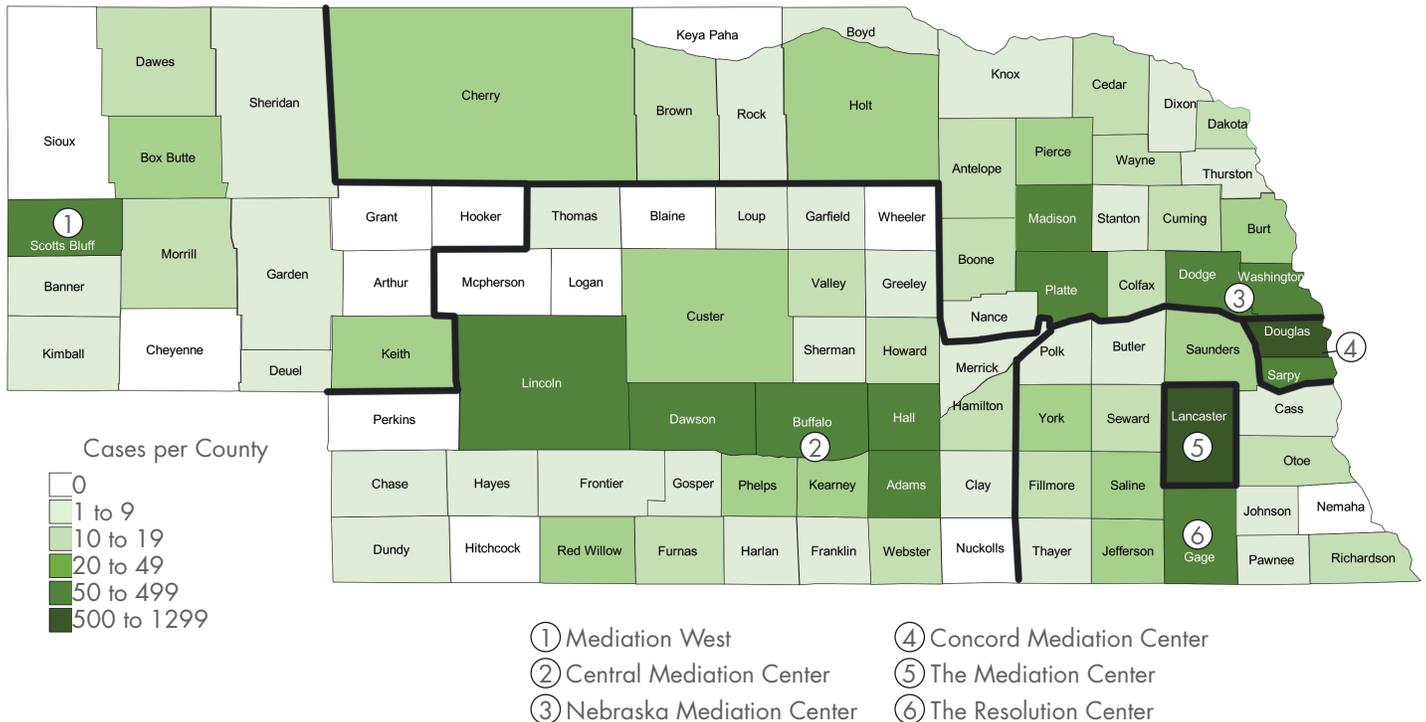
# Dispute Resolution Advisory Council

Member	Term Expires
Hon. Michael W. Pirtle, Chair, Omaha	12-19
Hon. Roger Heideman, Vice Chair, Lincoln	12-19
Kristin Blankley, Lincoln	12-20
Hon. Mark Johnson, Madison	12-18
Hon. Randin Roland, Sidney	12-20
Chris Hanus Schulenberg, Lincoln	12-20
Hon. David Urbom, McCook	12-19
Prof. Jacqueline Font-Guzman, Omaha	12-19
Mary Kay Hansen, Lincoln	12-19
Robert Denton, Fremont	12-20
Kimberly Booth, Omaha	12-20
Kelly Riley, Ex Officio, Beatrice	12-18
Charles Lieske, Ex Officio, Scottsbluff	12-19
David Hubbard, Ex Officio, Omaha	12-19



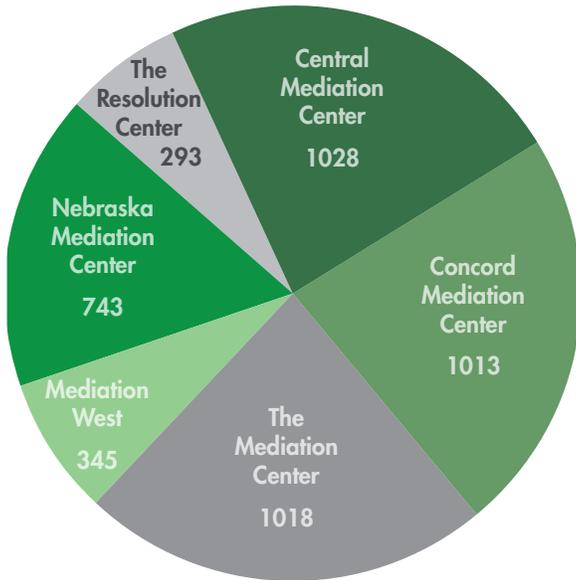
*Nebraska ODR Director Debora Denny, The Mediation Center Executive Director Casey Karges, Chief Justice Michael Heavican, and TMC Board Chair Jim Gordon at the 25th Anniversary Celebration for The Mediation Center. The Mediation Center is one of six regional ODR-approved mediation centers across the state, each celebrating 25 years of mediation service.*

## Nebraska ODR-Approved Mediation Cases Per County FY 2016-2017 Total Cases: 4,655



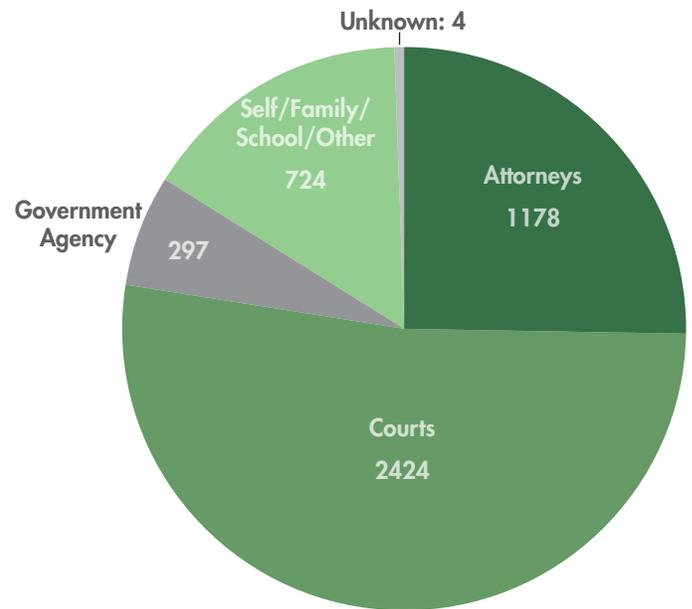
# ODR-APPROVED MEDIATION CENTER CASE DATA 2016-17

Total Case Volume by Center



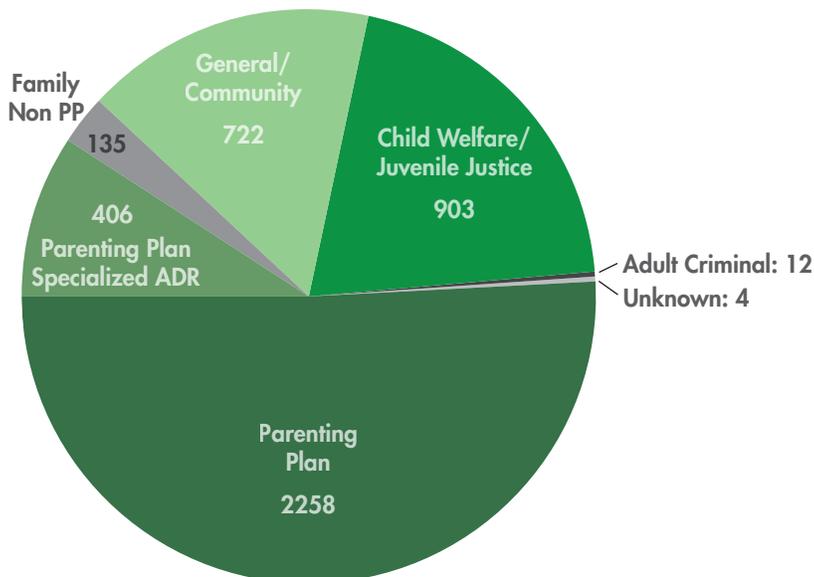
FY 2016-2017: Case volume reached 4,440 cases at ODR-approved Mediation Centers. Parenting plan cases comprise 60% of cases, with child welfare and juvenile justice cases amounting to 20% of cases. There were 2,664 parenting plan cases at the centers

Mediation Center Case Referral Sources



**Nearly 80% of cases mediated at ODR-approved centers resulted in resolution**

Case Volume by Case Type



*Courts continue to be the main source of referral's to ODR-approved Mediation Centers. Referrals from most other sources have climbed. Annual referrals from attorneys have increased the most compared to the FY 2012-2013 doing so in both number and percentage.*

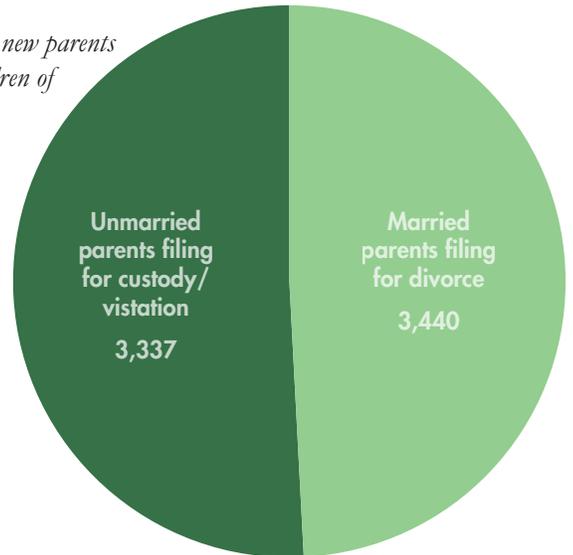
# PARENTING ACT TRENDS



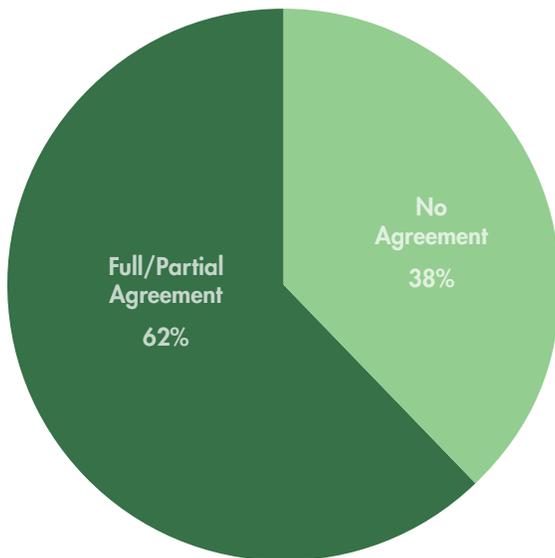
The Nebraska Parenting Act requires persons involved in divorce and custody proceedings to develop a parenting plan to support the best interests of the children involved. This can be done through a mediation center that receives partial funding from the Parenting Act court fee. In 2007 the Parenting Act Fund was created. Funds from filing fees support the provision of parenting mediation to indigent and low income parents. In the past, this fee was applied to cases involving only married persons. LB307 (2017) extends the fee to all custody cases regardless of marital status.

### 2016 Nebraska Court Filings with Parenting Plans

*Nearly half of all new parents plans were for children of unmarried parents.*

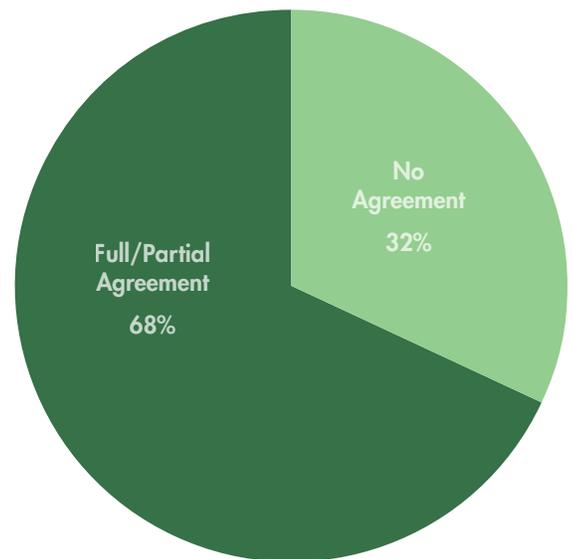


### Outcomes of Specialized Alternative Dispute Resolution Closed Cases FY 2016-2017



*SADR facilitation allows parents to meet privately with a mediator that has additional training to handle these high conflict cases.*

### Outcomes of Joint Closed Cases FY 2016-2017



*Jointly mediated parenting plans allow parents to sit down together and jointly decide on a parenting plan that will best fit their family's needs with the help of a mediator*

# RESTORATIVE JUSTICE: VICTIM YOUTH CONFERENCING

- The Victim Youth Conferencing Pilot Program began in March 2015 to address the negative impact of the deep immersion of youth into the juvenile justice system.
- An external evaluation reported that 70 youth and 114 victims were served during the first year.
- More than 4 out of 5 youth in this study did not recidivate.
- 93% of these cases achieved reparations agreements with 97% satisfaction of youth, parents and victims.
- Although these conferences have been proven effective, it has only been used on a small scale in Nebraska due in large part to a lack of program and administrative resources and funding.
- 100% of victims and 97% of youth and their parents would recommend participating in Victim Youth Conferencing.



Victim Youth Conferencing in Nebraska  
5 Year Trend



*The number of new Victim Youth Conferencing has more than doubled annually since FY 2013-2014 in Nebraska.*

## Looking Forward

- The Sherwood Foundation has awarded the ODR \$1 million to integrate the restorative justice practice of Victim Youth Conferencing across the state.
- Statewide expansion of these conferences is occurring 2018-2020
- The goal is to provide services in all twelve (12) judicial districts by the end of 2020.
- The grant will pay for a restorative justice program analyst with ODR and a program coordinator for each of the six mediation centers to work to increase the use of restorative justice practice across the centers' regional judicial districts.



*Victim Youth Conferencing promotes accountability, empathy, and reparation.*

**10,198 youths were arrested in 2015.**

**Of those arrests, only 202, or 2%, were for violent crimes.**

# RESTORATIVE PRACTICES: CHILD WELFARE CONFERENCING



## Family Group Conferences

This research-based child and family-centered approach may be used at any stage of the child welfare process, including as a voluntary referral. FGC Coordinators proficient in working with complex family dynamics in children and youth matters individually meet with, prepare, and engage family, extended family, and a network of others to create a meaningful and accountable family plan or a youth/young adult plan. Private family time is an essential component of the decision-making process.

## Pre-hearing Conference Facilitation at Initial Removal

Scheduled by the juvenile court immediately preceding the initial protective custody hearing, knowledgeable child welfare facilitators assist in facilitating a brief (30-45 minute) conference to address key preliminary safety and permanency issues with parents, child welfare, attorneys, guardians ad litem. Visit the Court Improvement Project page to learn more about the Through the Eyes of the Child Initiative and the history of PHCs in Nebraska.

## Pre-hearing Conference Facilitation at Twelve Month Permanency Review

Optimally scheduled 60 days prior to twelve-month permanency review court hearing, this court-ordered off-site facilitated prehearing conference requires the parents, child welfare workers, attorneys, and GALs to confront critical progress, permanency decisions and action steps for the future of the child.

## Pre-hearing Conference of Termination of Parental Rights Matters

Experienced, proficient facilitators in the matters of TPR, conflict dynamics, and future welfare of the child prepares and facilitates a conference of parents, attorneys, GALs and other professionals to confront the critical issues and determine next steps including a consideration of relinquishment as well as contested trial, in a termination of parental rights matter.

*The Office of Dispute Resolution has worked for nearly three decades to reduce the exposure of children and youth to lengthy adversarial court trials by increasing the use of alternative dispute resolution (ADR) practices.*

**26%** of  
Nebraska's population are  
**CHILDREN**

## Child Dependency Mediation

Small, one-to-one private problem solving between family members and providers, or family members themselves.

## Expedited Family Group Conference

A family group conference specially created for use in Nebraska cases at the initial removal stage.

# Nebraska Office of Dispute Resolution Approved Mediation Centers

## **Mediation West, Scottsbluff**

*info@mediationwest.org* | 308.635.2002  
Charles Lieske, Executive Director  
[mediationwest.org](http://mediationwest.org)

## **Nebraska Mediation Center, Fremont**

*nmc@nebraskamediationcenter.com* | 402.753.9415  
Jane Martin-Hoffman, Executive Director  
[nebraskamediationcenter.com](http://nebraskamediationcenter.com)

## **Central Mediation Center, Kearney**

*info@centralmediationcenter.com* | 308.237.4692  
Melissa Gaines Johnson, Executive Director  
[centralmediationcenter.com](http://centralmediationcenter.com)

## **The Mediation Center, Lincoln**

*info@themediationcenter.org* | 402.441.5740  
Casey Karges, Executive Director  
[themediationcenter.org](http://themediationcenter.org)

## **Concord Mediation Center, Omaha**

*contact@concordcenter.com* | 402.345.1131  
Lori McKeon, Interim Executive Director  
[concordmediationcenter.com](http://concordmediationcenter.com)

## **The Resolution Center, Beatrice**

*info@theresolutioncenter.org* | 402.223.6061  
Kelly, Riley, Executive Director  
[theresolutioncenter.org](http://theresolutioncenter.org)

**Debora Denny, J.D., Director**  
***debora.denny@nebraska.gov***  
**402.471.2766**

***nsc.odr@nebraska.gov***

