

On May 17, 2023, the Nebraska Supreme Court approved the following rule amendments to the local separate juvenile court rules of Lancaster County:

## **Lancaster County Juvenile Court**

### **Rules of Practice and Procedure in the Separate Juvenile Court of Lancaster County Nebraska**

*(Effective January 1, 2015; last amended ~~April 4~~ May 17, 2020 2023)*

The following rules of practice and procedure have been adopted by the Lancaster County Separate Juvenile Court Judges and are effective upon approval by the Nebraska Supreme Court. They supersede all former rules of practice and procedure promulgated by this court.

#### **Rule I. Organization of the Court**

The Lancaster County Separate Juvenile Court shall be a single division with each judge handling cases on an alternating assigned basis.

#### **Rule II. Motions and Other Filings**

A. All motions or similar filings in which a hearing is requested shall be ~~in writing and filed with the Clerk of the District Court (the Clerk)~~ at least 5 judicial days prior to hearing, except by permission of the court.

B. Counsel at the time of making such filing shall obtain a date for hearing thereon from the judge to whom the case is assigned or the judge's bailiff and file a ~~notice of hearing with the filing~~ proposed Order for Hearing along with the motion. Unless approved by the judge, a hearing date must be obtained for each motion, even if motions in the same case are already scheduled. The Clerk shall not accept said filing unless it is accompanied by ~~notice of a~~ proposed Order for Hearing setting forth the time and date of the hearing.

~~C. Notice of said hearing shall be served in a manner allowed by rule or law three (3) full judicial days prior to said hearing. Judicial days refer to days that the court normally would be in session, not including weekends and legal holidays.~~

~~D. C.~~ All motions for orders sought to be entered without a hearing shall be accompanied by a proposed order for the judge's signature.

~~E. D.~~ A Motion to Continue can be filed disclosing that all other parties and counsel agree to the continuance in which case the court may grant the motion without a hearing. Once a case has been set for hearing, the case may not be continued except for good cause shown as determined by the court. Counsel seeking the continuance shall obtain a

proposed date from the court's bailiff and verify the new date with other counsel and unrepresented parties. If the new date is not agreeable, it is the responsibility of the movant to obtain a new date that is agreeable to all counsel and unrepresented parties. A Motion to Continue without agreement of opposing counsel and parties shall be set for hearing by the court as previously outlined herein.

~~F~~ E. Motions for Placement Change pursuant to Neb. Rev. Stat. § 43-285 can be approved by the court without further hearing unless an objection is filed ~~with the Clerk~~ and notice is given to the judge or judge's bailiff, whereupon the matter may be set for hearing by the court. The Nebraska Department of Health and Human Services shall notify ~~in writing~~ the court, guardian ad litem and counsel within 24 judicial hours of any immediate change in placement.

~~G~~. Motions for Immediate Custody involving delinquency cases may be set and heard by the court as early as 24 hours of the court receiving notice of the detention occurrence, no later than 48 hours, excluding nonjudicial days. Orders for Immediate Custody based upon violations of conditional release may be waived in writing by counsel for the juvenile.

~~H~~ F. Ex parte Motions for Temporary Custody involving nondelinquency cases shall come on for hearing within 10 days of the Ex Parte Order's being signed.

~~I~~ G. A ~~written~~ Denial may be filed ~~with the Clerk~~ and shall include counsel's estimate as to the amount of time necessary for trial.

### **Rule III. Format and Service**

A. All pleadings, motions, and proposed orders filed ~~with the Clerk~~ shall ~~be printed or typewritten on 8½" by 11" paper~~ comply with Nebraska Supreme Court rule (Neb. Ct. R. App. P. § 2-103) as to page size, text, fonts, and hyperlinking and bookmarks.

B. All pleadings shall contain the caption of the case.

~~C~~. No pleadings, documents, exhibits, court orders, judgments and decrees filed in the court shall ~~the include birth dates, Social Security numbers, and financial account numbers of any persons, including minor children, as outlined in Nebraska Supreme Court rule (Neb. Ct. R. § 6-1701).~~

~~D~~ C. The margin at the ~~bottom~~ top of the first page of any pleading or other document filed ~~with the Clerk~~ shall be at least ~~2¼~~ 1½ inches. This area is reserved for court use to permit affixing a barcode or exhibit identification markings and for other official uses. No image, printing, or marking of any nature may appear within the ~~bottom~~ top margin except as made or authorized by the court or the Clerk.

~~E D.~~ Any party making a filing shall serve the same upon all counsel of record or parties of record if not represented by counsel in a manner allowed by rule or law. Any pleading or document filed subsequent to the petition shall contain a certificate that service was made upon counsel or parties pursuant to this rule.

**RULE IV. Courtroom Decorum and Procedures**

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H. ~~Cellular telephones, pagers, or other such~~ All electronic devices shall be turned off or otherwise disabled silenced so as not to cause a disturbance during court proceedings.

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**RULE VI. Appointment of Counsel and Fees**

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E. Appointments of attorneys shall be made on an impartial and equitable basis and shall be distributed among attorneys on a rotation system, subject to the court's sole discretion to make exceptions due to the nature and complexity of the case, an attorney's experience, the nature and disposition of the ~~defendant~~ party, a language consideration, a conflict of interest, the availability of an attorney, geographic considerations, prior or current representation of a party, and any other relevant factors that may be involved in a specific case.

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**RULE VII. Child Support Referee**

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F. Findings and Recommendations. Upon the hearing of a matter, the referee shall prepare, ~~in writing,~~ his or her findings and recommendations to the parties or their attorneys and submit a report to the court containing findings of fact and recommendations and any and all exceptions.

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**RULE IX. Trial Terms**

A. Any case which is to be tried to the court may be assigned by the court to a trial term. A trial term is a period of time determined by each judge during which more than

one case will be scheduled for trial. By order of the judge to whom the case is assigned, other requirements governing the progression of the case may be imposed. Cases assigned to a trial term for trial shall proceed as follows:

(1) All counsel and persons having cases set for trial during a trial term shall be ready for trial whenever called during the next and all subsequent trial terms.

(2) The court's bailiff will maintain a current list of cases set for trial during the judge's trial terms. Cases set for trial during a trial term will be called up for trial in the order ~~in which they are listed thereon~~ as set forth by the court.

#### **RULE X. Miscellaneous Rules**

A. Case plans and court reports shall be delivered to all counsel, parties, and the court at least 5 days prior to the hearing.

B. Guardian ad litem reports shall be delivered to all counsel, parties, and the court at least ~~1 day~~ 2 days prior to the hearing. The guardian ad litem shall utilize a form approved by the court.

C. Counsel shall inform the court's bailiff if an interpreter is needed for any hearing so that arrangements can be made to obtain an appropriate interpreter.

D. Counsel representing incarcerated parents shall request a transportation order or request to appear in an alternative manner sufficiently in advance from the court's bailiff if the party wants to be present.

E. All children under the court's jurisdiction as defined by Neb. Rev. Stat. § 43-247(3)(a) ~~shall~~ are encouraged to be present in court in person or via video conferencing upon request and approval of the court at the dispositional hearing and at every ~~6 month~~ review hearing ~~unless excused by the court. A request to excuse a child or children from the hearing may be submitted to the court's bailiff in advance by any party and reviewed by the judge.~~

F. Parties shall provide financial statements for child support as ordered by the court and shall submit said statements and any requests for deviations 10 days in advance of any child support hearing. The parties shall exchange calculations 3 days in advance of the hearing.

G. Once juvenile court jurisdiction is terminated or the juvenile's counsel withdraws or is no longer counsel, the juvenile's counsel shall destroy any printed probation reports or evaluations, and shall permanently delete all electronic copies of probation reports and/or evaluations.

H. All parties are expected to appear in person for all hearings unless otherwise permitted by the assigned judge. Consistent with Neb. Rev. Stat. § 43-278 and/or Rule

XII of the Rules of Practice and Procedure in the Separate Juvenile Court of Lancaster County, counsel and litigants may appear via Zoom videoconferencing for good cause shown by contacting the judge's bailiff as far in advance as is practicable. If Zoom accommodations are made for any requesting individual, only that individual will be granted access to the proceeding by Zoom. For nonevidentiary hearing, each courtroom will make Zoom available during Lincoln Public School "snow days" unless otherwise communicated to counsel.

**RULE XI. Rules for Problem-Solving Courts**

A. Presiding judge; assignment of judges; and succession plan for problem-solving court judges.

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(3) Prior to assuming the position of a problem-solving court judge, or as soon thereafter is practical, the assigned judge shall attend a judicial training program administered by the ~~National Drug Court Institute~~ or other training program approved by the State's Problem-Solving Court Coordinator. At least every 3 years after the initial training, each problem-solving court judge shall attend training events complying with the Nebraska Problem-Solving Court standards.

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(5) As of the date hereof, the following judges shall preside in the problem-solving courts:

(a) ~~Juvenile Drug~~ Safe and Healthy Families Court:

(i) Presiding judge: ~~Roger J. Heideman~~ Elise White

(ii) Successor judge: ~~Linda S. Porter~~ Reggie Ryder

(b) Family Treatment Drug Court:

(i) Presiding judge: Roger J. Heideman

(ii) Successor judge: ~~Reggie L. Ryder~~ Shellie Sabata

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