

On November 15, 2017, the Nebraska Supreme Court approved the following rule amendments to rules II, III, and VI of 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**

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

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C. Notice of said hearing shall be ~~mailed or personally delivered to other counsel or unrepresented parties served in a manner allowed by rule or law~~ 3 full judicial days prior to said hearing. ~~The use of the U.S. Postal Service shall constitute sufficient compliance.~~ Judicial days refer to days that the court normally would be in session, not including weekends and legal holidays.

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F. Motions for Placement Change pursuant to Neb. Rev. Stat. § 43-285 can be approved by the court without further hearing ~~after 7 days from filing~~ unless an objection is filed with the Clerk and notice is given to the judge or judge's bailiff, whereupon the matter ~~shall~~ 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.

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

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E. 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. ~~Service by the U.S. Postal Service shall be deemed sufficient.~~ 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.

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#### **Rule VI. Appointment of Counsel and Fees**

A. The court will appoint counsel for a party determined indigent by the court and whenever else appointment of counsel would be appropriate. The parties shall complete a Request for Court-Appointed Counsel as directed by the court.

B. Attorneys appointed as a guardian ad litem shall have fulfilled the training requirements described in Neb. Ct. R. § 4-401(A) of the Nebraska Supreme Court rule regarding guardian ad litem training for attorneys and shall maintain their eligibility to serve as a guardian ad litem by completing ongoing specialized training as provided by the Administrative Office of the Courts Judicial Branch Education

Division. If the required ongoing training has not been completed, attorneys appointed as a guardian ad litem will have 30 days to obtain the necessary training or will be removed from the case and a new guardian ad litem appointed by the court.

~~B. C.~~ The court may require any party to resubmit a financial statement periodically as ordered by the court. The court may order parties to reimburse Lancaster County for the services of court-appointed counsel if their financial situation changes. Failure to maintain contact with counsel may result in the attorney being discharged.

~~C. D.~~ Attorneys willing to serve as court-appointed counsel shall complete the form entitled “Request for Court Appointment List” and shall file it with the Juvenile Court Administrator. The Juvenile Court Judges shall review the request and place the attorney on the list in the appropriate categories. The Juvenile Court Administrator shall maintain a current list of attorneys, and the list shall be open to public inspection upon request.

~~D. 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, 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.

~~E. F.~~ The court will monitor attorney performance on a continuing basis to ensure the competency of attorneys on the appointment list. An attorney may be removed from the list by a majority vote of juvenile court judges. If an attorney is under consideration for removal from the list, written notification will be given indicating the concerns giving rise to consideration for removal, and be given the opportunity to respond in writing before a final decision is made. An attorney who has been removed from the list may be considered for reinstatement by a majority vote of the judges after the deficiencies contained in the notice have been resolved. A practicing attorney who wishes to have his/her name removed from the list shall file a request for removal with the Juvenile Court Administrator.

~~F. G.~~ Court-appointed counsel shall utilize the Juvenile Court web-based system to submit requests for approval of attorney fees pursuant to Lancaster County Juvenile Court Attorney Fee Guidelines.

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