

NOTICE OF COMMENT PERIOD

On January 23, 2019, the proposed amendments to Neb. Ct. R. § 4-401 and Appendix A recommended by the University of Nebraska College of Law and the Nebraska Attorney Services Division were considered by the Nebraska Supreme Court. The Nebraska Supreme Court directed that the proposed amendments be published for a public comment period.

The Nebraska Supreme Court invites interested persons to comment on the proposed amendments. Anyone desiring to comment on the proposed amendments should do so in writing to the office of the Clerk of the Supreme Court and Court of Appeals, P.O. Box 98910, Lincoln, Nebraska 68509-8910, or via email to wendy.wussow@nebraska.gov, no later than March 1, 2019.

The full text of the proposed amendments is available below, or a hard copy may be obtained from the office of the Clerk of the Supreme Court and Court of Appeals upon request.

CHAPTER 4: CHILDREN AND FAMILIES

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Article 4: Guardian Ad Litem Training.

§ 4-401. Guardians ad litem; Young Adult Bridge to Independence attorneys; required training; appointments.

(A) An attorney to be appointed by the courts as a guardian ad litem for a juvenile in a proceeding brought under Neb. Rev. Stat. § 43-247(3)(a) of the Nebraska Juvenile Code shall have completed six (6) hours of specialized training provided or approved by the ~~Administrative Office of the Courts Judicial Branch Education~~ Nebraska Supreme Court Attorney Services Division (see Appendix A). Thereafter, in order to maintain eligibility to be appointed and to serve as a guardian ad litem, an attorney shall complete three (3) hours of specialized training per year as provided by the ~~Administrative Office of the Courts Judicial Branch Education~~ Nebraska Supreme Court Attorney Services Division. Courts shall appoint attorneys trained under this rule in all § 43-247(3)(a) cases when available; provided, however, that if the judge determines that an attorney with the training required herein is unavailable within the county, he or she may appoint an attorney without such training and the attorney must agree to complete the six-hour on-line training within thirty (30) days of the appointment.

(B) Commencing October 20, 2014, for an attorney appointed by the court under Neb. Rev. Stat. § 43-4510, the attorney shall have training appropriate to the role of the attorney under this statute. Such training shall be provided by the ~~Administrative Office of the Courts Judicial Branch Education~~ Nebraska Supreme Court Attorney Services Division. If the attorney has not had the appropriate training prior to the appointment, he or she shall obtain such training within 30 days of the appointment. ~~Judicial Branch Education~~ The Nebraska Supreme Court Attorney Services Division shall make appropriate education available on-line to satisfy the statutory requirements for education. The Nebraska Supreme Court's Attorney Services Division shall maintain a list of attorneys who are current in their required training and shall make such list available to all judges with juvenile court jurisdiction.

Appendix A

The Nebraska Supreme Court, through the ~~Administrative Office of the Courts Judicial Branch Education~~ Nebraska Supreme Court Attorney Services Division, shall develop the curriculum for the initial guardian ad litem education and provide specialized on-line training for guardians ad litem at a nominal cost. The ~~Administrative Office of the Courts~~ Nebraska Supreme Court Attorney Services Division may approve the rendition of an in-the-classroom version of the initial six-hour curriculum it has developed in the event an outside vendor applies to the ~~Administrative Office of the Courts~~ Nebraska Supreme Court Attorney Services Division to teach such a version of the curriculum.

The Nebraska Supreme Court's Attorney Services Division shall maintain a list of attorneys who are current in their required guardian ad litem training and shall make such list available to all judges with juvenile court jurisdiction.

In addition to offering the initial six-hour course, the ~~Administrative Office of the Courts Judicial Branch Education~~ Nebraska Supreme Court Attorney Services Division shall determine the course work required of the attorney subsequent to the completion of the initial course. Courses may be made available to satisfy the annual three-hour requirement through the ~~Judicial Branch Education~~ Nebraska Supreme Court Attorney Services Division, offered at a nominal fee and hosted on its Web site. In addition, the Nebraska Supreme Court Attorney Services Division may approve courses for the annual three-hour requirement that are offered by outside vendors if the courses meet the curriculum requirements and standards created by the ~~Administrative Office of the Courts~~ Nebraska Supreme Court Attorney Services Division.

Specialized training sessions shall provide training, information, and education regarding the role, duties, and responsibilities of a guardian ad litem, which shall include, but not be limited to, the following areas:

(A) Overview of the Juvenile Court System;

(B) Statutory duties and authority of a guardian ad litem, including any performance standards adopted by the Nebraska Supreme Court;

(1) Requirements of guardian ad litem report.

(2) Instructions for preparing a guardian ad litem report.

(3) Ethical issues and the role of a guardian ad litem.

(C) Issues which impact or impair the functioning of families, including but not limited to:

(1) Dynamics of child abuse and neglect;

(2) Substance abuse and mental health issues;

(3) Poverty, employment, and housing;

(4) Domestic violence;

(5) Physical, psychological, and psychiatric health issues;

(6) Education;

- (7) Visitation and demonstration of parental skills.
- (D) Training in the techniques of gathering relevant information and resources:
 - (1) Interviewing skills, regarding both children and adults;
 - (2) How to obtain and interpret reports from other professionals and providers;
 - (3) Inquiry into appropriateness and stability of juveniles' placement.
- (E) Psychological aspects of children, including child development issues;
- (F) Permanency Planning: Family preservation, reunification, adoption, guardianship, another permanent planned living arrangement;
 - (1) Appropriate parental-child relationship, bonding, attachment, and effects of separation and loss;
 - (2) Developmental considerations: age appropriate visitation, with particular emphasis on the needs and vulnerabilities of children age 0-5.
- (G) Cultural, ethnic diversity, and gender issues;
- (H) Relevant state and federal statutes and case law;
- (I) Indian Child Welfare Act;
- (J) Legal advocacy, mediation, and negotiation skills.