



# State of the J U D I C I A R Y

*2010*  
*State of Nebraska*  
*Chief Justice Michael G. Heavican*  
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**Nebraska Supreme Court**

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Michael G. Heavican, Chief  
John F. Wright  
William M. Connolly  
John M. Gerrard

Kenneth C. Stephan  
Michael McCormack  
Lindsey Miller-Lerman

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**State Court Administrator**

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Janice K. Walker



## State of the Judiciary 2010

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Mr. President, Mr. Speaker, members of the Legislature, and fellow Justices of the Supreme Court. I would like to thank the members of this body, and specifically the Speaker, for inviting me to address you again this year. It is always a great honor for me to do so.

Let me first introduce my fellow Justices of the Court.

To my immediate right is Justice John Gerrard of Norfolk. To the right of Justice Gerrard is Justice Michael McCormack of Omaha. To my immediate left is Justice Kenneth Stephan of Lincoln. And to Justice Stephan's left is Justice Lindsey Miller-Lerman of Omaha. Justice John Wright of Scottsbluff and Justice William Connolly of Hastings are not able to be with us today.

As the third branch of government, the judiciary is mindful of its role in providing citizens and litigants access to a swift and fair system of justice. As I have in past years, I will first speak to you about swift and fair justice for children in our juvenile court system.

### ***Children in the Courts - Probation***

Consistent with the Nebraska Supreme Court's Strategic Agenda, the Court's Office of Probation Administration has initiated a series of new and progressive programs. These programs are designed to prevent juveniles from going into state care and to address alternatives to detention for nonviolent juvenile offenders in the court system.

Beginning in January 2009, the Office of Probation Administration cooperated with the Department of Health and Human Services to provide community-based services for juveniles and families in the Omaha area in a pilot project entitled "The Nebraska Juvenile Service Delivery Project." This endeavor is intended to safely supervise children at home or in the community while they receive needed assistance.

The goal is for children to receive rehabilitative services without being made wards of the State. Prior to this project, in order to access such services it had been a common practice for these children to be made State wards supervised by the Department of Health and Human Services while simultaneously being supervised by probation staff. This was a costly, confusing, and redundant practice.

The Juvenile Service Delivery Project is already showing promising results:

- Nearly 80% of all juveniles in the project are receiving needed services in their own home while on probation;
- There has been a 59% reduction in the number of these children being simultaneously supervised by both State Probation and the Department of Health and Human Services;
- Access to all of these services is greatly expedited through the new program.
- I want to thank the Department of Health and Human Services for making funds available to probation so that the project can succeed.

This project has the potential to be implemented statewide.

The Court's Office of Probation Administration is also working with members of the Legislature's Judiciary Committee, officials of Douglas County, and other interested parties to reduce the number of juveniles housed in the Douglas County Juvenile Detention Center. The Office of Probation Administration is refining the screening instruments used in determining detention of probation violators and is developing alternatives to detention for those violators.

The Court's Minority Justice Committee and the Nebraska State Bar Association have given special attention to juvenile detention issues in Douglas County and are working closely with probation staff and this body's Judiciary Committee on this project.

### ***Children in the Courts – Abuse and Neglect***

Our juvenile courts also deal with abused and neglected children. I have spoken to you in the past about our Through the Eyes of the Child Initiative. This Initiative continues to be a major part of our efforts to improve court processing in abuse and neglect cases. The following improvements have been made:

- There has been a significant drop in Nebraska's foster care population, from 6,222 children in foster care in 2006 to 5,221 children in foster care in 2009. The role of our State's juvenile courts in facilitating that decrease in the number of foster care children has been to continue to emphasize front-loading in the juvenile court process. Prehearing conferences have been initiated throughout the State so that when children are placed in foster care services for both children and their parents are provided as quickly as possible.

- There has been a significant increase in the timeliness of adoptions: Only 18% of adoptions happened within 24 months in 2006; the number increased to 36% of adoptions within 24 months in 2009.
- Judges who host national Adoption Day celebrations in Omaha, Lincoln, Grand Island, and Hastings were joined this year by judges in Kearney, O’Neill, and Scottsbluff. Scotts Bluff County reports that in 2009 they had a record number of adoptions from foster care due, in part, to the Through the Eyes of the Child Initiative.
- Statewide, the number of adoptions increased from 397 in 2006 to 537 in 2009.
- There has also been a small but positive improvement in timeliness of permanency in child placement between 2006 and 2009. In 2006, 39% of cases achieved permanency within 12 months; in 2009, 41% of cases achieved permanency within 12 months.

The Supreme Court is also currently in the process of adopting new, tighter guidelines for timeliness of hearings, including permanency hearings in abuse and neglect cases.

### ***Children’s Summit***

In September of 2009, all juvenile court judges and county court judges with juvenile court jurisdiction attended a training and planning session in Grand Island. This session was called the Children’s Summit. Some of you attended all or part of that Summit, and I want to thank you for doing so.

Issues impacting children in the courts, including parenting time, reasonable efforts at family reunification, children’s presence at court hearings, permanency hearings, and using mediation in the juvenile court process were all discussed at the Summit.

At the conclusion of the Summit, three future priorities for the Through the Eyes of the Child Initiative were announced, including further reducing the time to family reunification; improving treatment opportunities for parents who abuse drugs and alcohol; and improving the use of parenting time in the family reunification process. These priorities will be the focus of action teams working throughout the State.

Getting accurate data reports to those action teams is an integral part of improving the performance of all participants in the juvenile court system. We have made great progress in the past year in providing data to our Through the Eyes of the Child action teams. Data reports for

each team were distributed at the Children's Summit and are now publicly available on the Through the Eyes of the Child website, [www.throughtheeyes.org](http://www.throughtheeyes.org).

Although the data indicates that we still have room for improvement, the collection and analysis of the reports is a significant step in improving the work we do on behalf of Nebraska's most vulnerable children.

### ***Education for Lawyers***

The Grand Island Summit was also part of an ambitious effort to provide excellent training around the State for guardians ad litem and other participants in the juvenile court system. Regional training is continuing in Lexington, Valentine, Hastings, and South Sioux City, as well as Lincoln, Papillion, and Omaha this spring.

Attorneys around the state will have access to this excellent and inexpensive training. Coupled with Mandatory Continuing Legal Education requirements being implemented by the Court this year, these educational opportunities are part of an ongoing effort to increase the quality of legal representation for Nebraska's foster children.

### ***Judicial Branch Education***

Internally, the Court's Office of Judicial Branch Education has increased opportunities for distance learning for judges, support personnel, and probation officers. We have instituted monthly on-line education sessions for all members of the court family about such things as the Through the Eyes of the Child Initiative, legislative updates, procedural changes, and personnel matters. Delivery of on-line educational material is both timely and cost effective. It allows us to improve our service to the public while significantly reducing the cost of providing that service.

### ***Technology***

Providing education through technology is just part of the Court's emphasis on technology. As you are aware, our courts are in the process of implementing other money-saving and productivity-increasing technology projects.

For example, electronic payment of fines, which we call e-payment, is now available statewide. In December 2009, more than 2,580 payments were made using the e-payment system. In all, 18% of citations were paid online in December, a record for e-payment use. For all of 2009, online payments totaled \$3,408,806.62.

The estimated staff time saved was 1,757 hours. The vast majority of those collections were for traffic or speeding tickets, but individuals can now pay all fines and fees on-line.

Another major court technology initiative has been the implementation of electronic, or e-filing, throughout the State. At this point the bulk of the State's district and county courts are accepting e-filings. By the end of March the court system will have reached a major milestone with every available court accepting e-filings.

Work continues in converting the computer system in the district and juvenile courts in Douglas County to our statewide computer network so that e-filing will be available in those courts soon.

Also, we continue to automate the work of court clerks around the State. A recent example is our program to computerize what we call "default judgments." A default judgment is given to a plaintiff when the defendant does not respond in court. This happens frequently in county courts. In the past our staff had to go through a lengthy process of pulling files and issuing paperwork. Now, after review by a county court judge, the default is entered into the computer and the system automatically does the rest of the work. The 38 county courts using this new default judgment system processed over 4,000 judgments and saved an estimated 1,000 hours in staff time.

Another example of how courts are using technology creatively is happening in the 10<sup>th</sup> Judicial District in south-central Nebraska. The Nuckolls County Court has used technological advances to assist other courts which have more filings and greater workloads. The Nuckolls County Clerk Magistrate typically processes 50 filings a day for the Lancaster County Court. The 10<sup>th</sup> Judicial District also utilizes a district-wide online calendar for scheduling.

These courts are also using "Skype," a computer video camera that provides free video calls. Skype also allows for group interaction among judges, magistrates, attorneys, and interpreters, greatly cutting down on travel costs.

In other courts across the State interpreter services are being provided in various court processes also utilizing Skype. These innovations were pioneered in the Colfax County Court and are now being utilized in several other counties. We have also implemented a statewide system of on-call certified Spanish interpreters. This system uses telephones and Skype, thereby increasing the quality of interpretation while at the same time minimizing costs.

## *Budget Concerns*

I have emphasized the courts' use of technology in this presentation so that you, as members of the Legislature and all citizens of Nebraska, understand that the Court is mindful of the difficult economic times our State is facing. The Court is also aware of the tough budget decisions that the Legislature has made and will need to make in the future. I want to acknowledge and thank the Legislature for recognizing the unique circumstances of the State's judiciary during its special session this past November.

As I reported to the Appropriations Committee at that time, the Supreme Court had already taken action to reduce expenditures prior to the Special Session. Consistent with the executive branch initiative, the Court had restricted hiring, travel, and large purchases. We had previously reduced mileage reimbursement to a level below the amount which is given other State employees, and salary increases for many of our court employees was less than that given to most employees in the executive branch. We have since indefinitely postponed the hiring of necessary administrative positions.

Because our budget is 95% salaries and benefits, budget reductions are particularly difficult for the judiciary. Nevertheless, this Court is continuing efforts to make cuts while at the same time maintaining necessary court services.

Nebraska has requested cost-free assistance from the National Center for State Courts. We are one (1) of five (5) states selected to participate in an intensive planning process to reshape courts for the 21st century.

The Supreme Court and the judicial branch will continue to explore options which will allow Nebraska to save money yet better serve the citizens of the state. We will work with you in making any future budget sacrifices.

Thank you so much for this opportunity to speak to you today.



State of the Judiciary 2010  
Chief Justice Michael G. Heavican

Cover Photo: Courtesy of Shawn Doné, Office of the State Court Administrator

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NEBRASKA SUPREME COURT



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