

Douglas County Juvenile Court Attorney Training

Through the Eyes of the Child Initiative
in conjunction with the Douglas County
Juvenile Court Bench

Meeting Rooms

- Available via reservation through the Court Administrator's Office:
 - Conference room across the hall from Juvenile Court Administration (seats 8 comfortably).
 - Conference room C next to Juvenile Courtroom Six.
- Family Team Meetings, relinquishments, facilitations, etc.
- Two (2) client meeting rooms across the hall from County Courtroom #625 (unlocked).

Transport Order Rule

Prisoner Transport Order Changes

Effective December 1, 2019, the Douglas County Sheriff's Office will no longer be accepting two-way transports on the same transport order. The DCSO will now require two separate transport orders for two-way transports. The first pick-up order will state the DCSO is picking up from the facility and transporting to Douglas County Corrections. The second return order will state the DCSO is transporting from Douglas County Corrections to the original facility.

If there are any questions regarding this change, please contact Sgt. Olson at eric.olson@douglascounty-ne.gov or 402-444-4969. Thank you.

Attorney Appointment List

- Practitioner standards subcommittee of TTEOC recommended that attorneys submit an annual request for court appointments.
- The form now has sections to list any foreign languages spoken and any CLE courses attended during the past calendar year related to juvenile court practice.

Douglas Separate Juvenile Court
Court Appointment List Request
2020

If the below address is incorrect, please contact court administration.

Name : Rachael Smith
Address : Po Box 6555, , Omaha, NE, 68106
Phone # : 402-913-0655
Email : suraj.bista@dotcomm.org

I speak the following languages:

Pig Latin, Conversational Mime

In the past calendar year I attended the following CLE courses related to juvenile court practice (please list training dates and CLE hours earned per course):

12-20-19 Judge Kahler's super exciting and informative attorney training. 3.5 CLE

4-20-19 Someone else's boring training 2.0 CLE

- I no longer wish to be considered for court appointments
 I wish to be considered for the following court appointments

Delinquency/status cases

3a cases (abuse/neglect) (one selection only) [clear selection](#)

- Parent representation only
 GAL representation only
 Parent and GAL representation

Special appointments (multiple selection are permitted) [clear selection](#)

- Bridge to Independence cases
 Custody
 Divorce
 Special Immigrant Status
 Educational counsel

Please read each section before acknowledging:

RS I am a member and in good standing with the Nebraska bar.

RS I acknowledge that I will comply with the Rules of Practice and Procedure of the Separate Juvenile Court.

I have completed the training requirements described in the Nebraska Supreme Court Rule Regarding Guardian Ad Litem Training for Attorneys (required for GAL)

Attorney Invoicing System Enhancements

- The revised attorney appointment list is scheduled to be available on Monday, December 23, 2019.
- E-file: The online billing system will soon be able to e-file motions for attorneys fees automatically when you submit your invoice.
- This enhancement is scheduled to go live on Monday, December 30, 2019.

What Can You Ask For At A Detention Hearing?

- Juvenile coming through detention
 - Parties receive an email with attached intake packet
 - Pre-hearing phone conference
- What are the options?
 - Significant differences pre and post-adjudication
 - Also significant differences for juveniles already on probation vs juveniles that are new to the system
 - Primary issue is a payment source for services

What Can You Ask For At A Detention Hearing?

- Pre-adjudication Placement Options- “New” juveniles
 - Secure Detention
 - Staff-Secure Detention
 - Screening process/juvenile has to be accepted by facility
 - Shelter Placement
 - Foster Care Placement
 - Home

What Can You Ask For At A Detention Hearing?

- In-home Pre-adjudication Service Options- “New” juveniles
 - HOME Program Electronic Monitoring
 - HOME Program Tracker
 - Will not accept gun cases
 - Available until the dispositional hearing
 - Zero Curfew- Typically utilized by probation intake

What Can You Ask For At A Detention Hearing?

- Pre-adjudication Probation- What can probation be ordered to pay for? “New” juveniles
 - Evaluations
 - Typically, the Douglas County Attorney’s Office will enter stipulations to not penalize the juvenile for participating pre-adjudication
 - Out-of-home placements that are not detention
 - Shelters, foster homes
 - Group Homes, PRTF placements, etc. – If the minor child agrees to placement
 - Placement Applications

What Can You Ask For At A Detention Hearing?

- What about intensive in-home family services?
 - The Boys Town Ecological In-Home Family Treatment Model services can only be court-ordered post-adjudication at this time
 - Multi-Systemic Therapy (MST)-
 - Can be ordered post-adjudication
 - Is available pre-adjudication for Medicaid families
 - Screening process through Medicaid, which limits ability to be court-ordered pre-adjudication
 - Family Support Work services not available pre-adjudication for “New” juveniles

What Can You Ask For At A Detention Hearing?

- Much broader options for juveniles that are already on probation and/or are post-adjudication-
 - Electronic Monitoring/Tracking through probation (as opposed to the HOME program)
 - Intensive In-Home Services (Ecological, MST, Family Support)
 - Day and Evening Reporting Programs
 - Evaluations
 - Placements/Placement Applications

Restorative Justice

- Funding is available pre-adjudication for referrals for Victim Offender Conferencing (also called Victim Offender Mediation or Victim Youth Conferencing)
 - Facilitated dialog between a juvenile offender and the victim(s) of a crime
 - Appropriate for wide range of offenses
 - Surrogate victims are utilized in certain cases
 - Can be requested at any point in a case, including at a detention hearing or at a pre-trial hearing.

Juvenile Court Case Progression Standards

- 2015- The Case Progression Standards Subcommittee of the Supreme Court Commission on Children in the Courts began work on recommendations for standards for both child welfare and juvenile justice cases
- The state-wide subcommittee included representatives from CIP, DHHS, CASA, FCRO, Voices for Children, JBE, OIG, prosecutors, attorneys for children and parents, Corey Steel, Judge Porter & Judge Roland
- Recommendations adopted in 2017 at Supreme Court Rule § 6-104- Not “absolute requirements”

Protective Custody Hearings

Rule § 6-104(A)(1)

- A temporary custody hearing should be held no later than eight (8) days after the child's removal

Child Welfare Adjudications

Rule § 6-104(A)(2)- Removal

- Adjudication hearing in cases under Neb. Rev. Stat. § 43-247 (3)(a) should be held within sixty (60) days of the filing of the petition
 - Exceptions
 - TPR is happening simultaneously
 - Case has complex issues
 - Service of process on the parents requires additional time
 - Voluntary services/anticipation of dismissal cases
 - This Rule is in direct conflict with Neb. Rev. Stat. § 43-278, which sets a 90 day restriction absent good cause.

Motion to Terminate Parental Rights to Under Advisement- Rule § 6-104(A)(5)

- The time between the filing of a Motion to Terminate Parental Rights and submission for decision should be no more than ninety (90) days
- Standard does not apply to the actual decision on the Motion to Terminate, just to the point where it is taken under advisement
- When an initial petition also includes a Motion to Terminate Parental Rights, it should be submitted to the court for decision within 180 days

Motion to Revoke Probation to Violation Hearing

- Rule § 6-104(B)(2)- An adjudication hearing shall be held within fourteen (14) days if the juvenile remains detained on a Motion to Revoke Probation
 - The date of detention is the relevant date, not the date of filing of the Motion to Revoke
 - Frequent delays for juveniles with accompanying adult charges

Motion to Revoke Probation to Violation Hearing (Not Detained)

- Rule § 6-104(B)(3)- The time between the filing of the petition and the adjudication of Motions to Revoke Probation for non-detained juveniles should be no more than thirty (30) days

Filing of Petition to Adjudication (Not Detained)- Rule § 6-104(3)

- The time between the filing of the petition and the adjudication for non-detained juveniles should be no more than ninety (90) days for delinquency or status offenses
- Diversion/Anticipation of Dismissal Cases fall outside of this rule

Detention Start Date to Adjudication

Rule § 6-104(B)(2)

- An adjudication hearing shall be held within thirty (30) days from the initial date of detention if the juvenile remains detained after the filing of a delinquency petition.

Douglas County Separate Juvenile Court Website

- juvenile.dc4dc.com
- Local Rules
- Court Calendars
- Forms-
 - Transport orders
 - Pre-trial forms
 - Instructions for Court-Appointed Counsel
 - Travel Policy

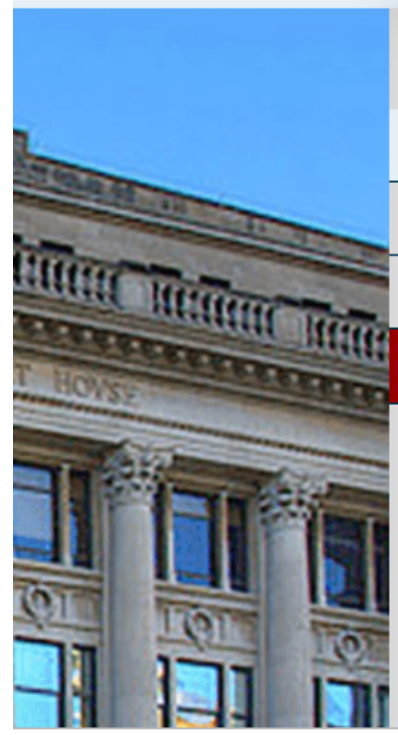


NEBRASKA DOUGLAS COUNTY Juvenile Court

SELECT LANGUAGE SKIP NAVIGATION

Trending ADOPTION JUDGES OMAHA

Home



- JUVENILE COURT HOME
- ADMINISTRATION
- ANNUAL EVENTS
- OTHER RELATED ENTITIES**
- CLERK OF THE DISTRICT COURT
- DISTRICT COURT
- INTERPRETER SERVICES
- JUVENILE ASSESSMENT CENTER
- JUVENILE PROBATION

Douglas County Juvenile Court

1701 Farnam Street, Room 600
Omaha, NE 68183
(402) 444-7121

The Separate Juvenile Court of Douglas County is a court of record and handles matters involving neglected, dependent, and delinquent children. The court also has jurisdiction in domestic relations cases where the care, support, or custody of minor children is an issue.

With an estimated population of 554,995 residents, the six judges of the Separate Juvenile Court of Douglas County serve the largest judicial district in Nebraska which includes the city of Omaha, in eastern Nebraska.

- Juvenile Court Information**
- Juvenile Court Judges**
- Juvenile Court Local Rules**
- Courtroom Calendars**



- **Rule 3. Pretrial Conferences**

- 3.1 Within fifteen (15) days of the filing of a petition, the county attorney shall make available to opposing counsel and to any and all guardians ad litem, all documents in the county attorney's possession which support the filing of such petition. In turn, all counsel have a corresponding obligation to take proper steps to request and obtain such documents from the county attorney's office. The county attorney shall timely supplement, as additional documents become available.
- 3.4 At least one (1) day prior to the pretrial conference, all counsel, including parties appearing pro se, shall sign and file a proposed pretrial schedule with the court, delivering a copy of the same to the bailiff, indicating whether the matter is contested or can be disposed of by a plea agreement.

IN THE SEPARATE JUVENILE COURT OF DOUGLAS COUNTY, NEBRASKA

IN THE INTEREST OF:

Case No. JV-_____

PRETRIAL SCHEDULING ORDER

Juvenile(s).

CHOOSE EITHER A or B:

A. The parties to this action have conferred and agree as follows:

1. That an agreement has been reached as to an adjudication of the case. The parties request that the case be set for hearing in anticipation of an admission to all or some of the allegations.

2. That parties jointly move to continue the case for a _____ day period in anticipation of dismissal of the case at the conclusion of the period.

3. That parties request an adjudication in this case with a progression of the case as noted below.

a. The parties are requesting a pre-trial conference Yes No. If yes, the parties have contacted the Court and it is set for _____, 20__ at _____:_____.

b. The parties shall complete reciprocal discovery on _____.



Exception Hearings

- Adoption and Safe Families Act (ASFA)
- Neb. Rev. Stat. § 43-292.02 and 43-292.03
- The State is “required” to file Motions to Terminate Parental Rights in certain circumstances, including when a juvenile has been out of the home for 15 or more months out of the most recent 22 months
- An “exception” hearing is required within thirty (30) days after the expiration of the 15 month period

Exception Hearings

- Purpose of the hearing is to determine whether any exception to the duty to file a TPR exists.
- Exceptions to mandatory TPR filings-
 - Relative placement
 - Compelling reason why filing is not in the best interest of the child exists and is documented in the plan reviewed by the Court
 - Lack of a reasonable opportunity of the family to avail themselves of services documented in the report and approved by the court

Independence Hearings

- Neb. Rev. Stat. § 43-285
- Addresses juveniles under 43-247 (3)(a) who are sixteen years of age or older or children whose guardianship or adoption has been disrupted after turning sixteen
- An “Independence Hearing” is required during the last court hearing prior to the termination of jurisdiction

Independence Hearings

- Requirements at the hearing:
 - Discuss “future goals and plans” for the child
 - Address access to services
 - Court shall explain the Bridge to Independence program to the juvenile
 - Written transition proposal must also be completed prior to the hearing pursuant to Neb. Rev. Stat. § 43-1311.03 and the Nebraska Strengthening Families Act

Motions to Transfer

- Juvenile to Adult Court-
 - Motion to be filed with the petition absent good cause
 - Hearing scheduled within fifteen (15) days of filing
 - Burden: County attorney must prove by preponderance of evidence why the proceeding should be transferred
- Denial of transfer- final appealable order- appeal must be filed within ten (10) days
- “Expedited appeal”

Motions to Transfer

- Adult Court to Juvenile Court-
- Must be filed on behalf of juvenile no later than thirty (30) days after arraignment, absent good cause
- Hearing must be scheduled within fifteen (15) days
- The case shall be transferred to juvenile court unless a sound basis exists for retaining the case in county court or district court
- Denial of transfer- final appealable order- appeal must be filed within ten (10) days
- Also an “expedited” appeal

Motions to Transfer Factors

- Listed in Neb. Rev. Stat. § 43-276- Fifteen factors that the court must balance, including treatment options, history in juvenile court, public safety, gang involvement, etc.
- Reasons for delays in transfers for individuals with open juvenile dockets-
 - Evaluation delays
 - Counsel/court delays

Which Orders are Final, Appealable Orders?

- Order must affect a “substantial right”
- Held to be final, appealable orders:
 - Termination of Parental Rights
 - Adjudications
 - Transfers to/from Juvenile Court
 - Detention/Protective Custody Hearing Orders
- NOT final, appealable orders:
 - Exception hearing findings
 - Bridge orders

Appeals- “Special Jurisdiction”

- Juvenile courts retain continuing jurisdiction over a juvenile pending an appeal
- Can enter orders changing care and custody if in the best interests of the juvenile
- Example: Placement outside of detention (including treatment facility)
- The Court cannot enter final dispositional or supervisory orders pending an appeal

Juvenile/Prohibited Person

- Neb. Rev. Stat. § 43-280
- **No adjudication** by the juvenile court upon the status of a juvenile **shall be deemed a conviction** nor shall the adjudication operate to impose any of the civil disabilities ordinarily resulting from conviction. The adjudication and the evidence given in the court shall not operate to disqualify such juvenile in any future civil or military service application or appointment.

Juvenile/Prohibited Person

- Neb. Rev. Stat. § 28-1204.05

1) Except as provided in subsections (3) and (4) of this section, a person under the age of twenty-five years who knowingly possesses a firearm commits the offense of possession of a firearm by a prohibited juvenile offender if he or she has **previously been adjudicated an offender in juvenile court** for an act which would constitute a **felony** or an act which would constitute a **misdemeanor crime of domestic violence**.

Juvenile/Prohibited Person

- (2) Possession of a firearm by a prohibited juvenile offender is a Class IV felony for a first offense and a Class IIIA felony for a second or subsequent offense.
- Exceptions for members of the military and law enforcement
- There is an exemption application process to have gun rights restored in the statute

Questions?