Nebraska Supreme Court Commission on Children in the Courts Meeting Minutes

July 16, 2021 (rescheduled from June 18, 2021)

**Introductions and Roll Call**

**Approval of December 11, 2020 Minutes**

**Legislative Session Update**

MP did this

**Probation Update (MP)**

MP did this

**Attorney Standards Subcommittee (MP)**

MP did this

**Racial Equity Subcommittee (Mandi)**

This committee is led by 3 judges, Judge Runge, Judge Daniels, and Judge Martinez. The Judges have been meeting for the last three months to determine what they want this subcommittee to do.

They decided on a new name for the subcommittee, “Equity for Children and Families in Juvenile Proceedings Subcommittee”. This name is encompassing of everything they want this subcommittee to focus on.

The subcommittee has been struggling to find a focus. This is a broad issue that has many different focuses to choose from. They would like to have a narrow focus. They consulted with the committee that birthed this subcommittee and asked what they had in mind for this subcommittee while ensuring efforts are not being duplicated.

This leaves the subcommittee where they are now. Still in the starting phases, they are having conversations on how this subcommittee can add value, not duplicate other efforts and ensure the most efficient use of everyone’s time.

They have not established membership as of yet. They would like to institute a mandate for the subcommittee and then use that mandate to help with membership.

This subcommittee should have a clearer idea of what they want to do by the next SCCCITC meeting. They will elicit SCCCITC input at that time.

**State Tribal Relations Subcommittee (Mandi)**

A schedule has been set for the listening tour in Western Nebraska. The first session will be August 25, 2021 in Rushville at the American Legion Club from 4:00 pm to 7:00 pm, the second date will be August 26, 2021 in Scottsbluff at the Lakota Lutheran Center from 10:00 am to 1:00 pm. The listening tour began in the Eastern part of the state and due to the pandemic the Western part of the state was delayed. The listening tour in the eastern part of the state went very well, it received great feedback and resulted in actionable items. Judge Thorn has agreed to again facilitate the listening tour. After the tour is complete the subcommittee will reconvene and discuss how the things learned will impact the work going forward.

The subcommittee has also been working on or discussing the following topics:

* How to get better data from Justice
  + A need to figure out the best way to input data in Justice so that we can pull accurate data.
* Discussion around standardized ICWA orders for the courts.
* Creating or modifying ICWA bench books to make available to judges around the state.
* Working with the Bar to make ICWA education more prevalent and available.
* Looking at creating a multi-jurisdictional ICWA docket. Still in gestational period.
  + This should bring more resources for ICWA cases and help courts that do not have a high level of ICWA cases.
* The idea of having an ICWA GAL has been mentioned – this could help ensure ICWA compliance.
* B2i the way it is written we have a gap where tribal wards are ending up in state court for the B2i portion of their case.
  + Researching a fix for this as it does not make sense to have trial wards go to state court.

Judge Runge said that this is a great committee to work on and has a lot of great people. It is helping bring different sovereignty’s together to work together for our tribal kids that are in care.

Discussion:

Judge Burns loves the prospect of standardized ICWA court orders for the courts that do not have a lot of ICWA cases.

* Judge Burns would request the standardized orders have quick pick options on them.
  + Judge Runge – the quick picks option is a great comment, they want to do what they can to make ICWA cases less intimidating for courts that do not have many of them.

County judges have a subcommittee that work on the electronic bench book. They have talked about improving the info in the ICWA bench book. Someone should be reaching out to Judge Runge in regard to this.

* Deb VanDyke-Ries mentioned that there is a Bench Guide made a few years ago by Appleseed.

Deb and Neleigh Boyer have been talking about bringing in nationwide experts on ICWA – talking about bringing this to the judges training and maybe having an attorneys training held at the same time since they know the attorney’s will not be in court on those days.

Judge Heideman thinks the ICWA docket would be an advanced idea that would be good for ICWA cases.

* Judge Runge – trying to take it a step further and have state and tribal court partner on this docket.

University of Oklahoma got a Robert Wood Johnson grant that they partnered with NICWC on that will study outcomes in Nebraska Courts for Native families. This should also line up with the work of this subcommittee.

Are there any Listserves available for ICWA education?

* Turtle Talk
* There have been 2 Supreme Court case this year and another one that will probably come up in the next year or two, this is a good way to stay up to date on these.
* Judge Runge can forward more of these list serves to the group.

**Guardian ad Litem Subcommittee (Mandi)**

Last meeting was November 2020, this subcommittee spoke with the Education subcommittee in December 2020 to ensure there is no overlap in work.

There is no current legislation that impacts GAL work so the subcommittee has not needed to be active recently.

**Access to Services Subcommittee (Mandi)**

The Access to Services Subcommittee is meeting regularly every other month. There was another mention in this portion on the Juvenile Justice System Enhancement (JJSEN) which was discussed by Deb Minardi earlier in the meeting.

Lancaster has already been through JJSEN type work and is starting to implement.

* Many collaborative partners came together in Lancaster to discuss priority areas they wanted to focus on.
* This kicked off in November 2020, just now starting to get data back.
* One change is that probation orders are supposed to be tailored more to the offenses committed and needs of the individual juvenile.
  + Initial information getting back on this is showing success – kids are discharging from probation sooner and so far the recidivism appears to be going down.
* Family engagement and training on adolescent brain development are also areas identified so far looks like they are having success.
  + Detention rates are also down.
* It is focused on probation but DHHS is also involved and there is thoughts that this should see success across the state as we start to implement.

The rural areas have always struggled with finding services and the subcommittee is actively trying to improve this. This last year there has been a decline in services in urban areas too. It has become harder to find visitation services, parenting time services, and getting timely evaluations.

* Family Centered Treatment (FCT) was supposed to be approved by the clearing house but wasn’t, this means some funding sources for this service were lost. It was thought this service would no longer be available, but DHHS has decided that they will be funding this service.
* Staffing issues have been a struggle for all service providers. DHHS even had this struggle but recently has had success in filling positions.
* DHHS has also noticed that there is an increase in agencies refusing service referrals. They are monitoring this.
* DHHS said there is no quick fix for a decline in service providers but they are actively trying to recruit. They are speaking to current college students to motivate them toward child welfare, going to job fairs, looking at their pay structure to see how it compares with other industries.

**CIP Update (Steph)**

Steph did this

**Education Subcommittee (MP)**

Mary Pat did this

**Department of Education Update (MP)**

Mary Pat did this

**Case Progression Standards Subcommittee (MP)**

Mary Pat did this

**Unified Family Court Subcommittee (MP)**

Mary Pat did this

**Title IV-E Funding Subcommittee (MP)**

Mary Pat did this

**DHHS Update (Mandi)**

DHHS is currently onboarding Makesha Judson in her new position Deputy Director of Policy and Legislative Services she is replacing Steve Green. Makesha has a strong background in legislative and policy work. She is charged with lifting up the voice of lived experience, they have one person with lived experience employed and they are looking at employing more.

The foster care rates committee made recommendations in June 2020 and these recommendations spurred some legislation. This legislation did not make it through. DHHS then reached out to the Stevens Group to make recommendations on foster care rates. They now have the results from the Stevens Group’s report.

* The report noted a need for the special needs rate (highest rate). The report also recommended a need for a rate that is between rate levels 3 and 4.
* The report suggested that in addition to using the NCR tool to decide a foster care rate, DHHS should also look at the needs of the youth.
* The tool needs to be applied uniformly across the state. The report suggested DHHS ensure this is happening.
* The Stevens Group looked at Medicaid data for kids across the state to look at the level of needs for Nebraska’s kids.
* DHHS’s intent and next steps are to meet with the rate setting committee. Really look at what does Nebraska Foster Care need to look like.
* DHHS also noted a capacity issue, we do not have enough foster homes, especially for the kids with special needs. Should have a lot accomplished with rate setting committee by the December meeting.

CFSR – Program Improvement Plan (PIP)

* DHHS has been released from 9 of the 10 measures set out in the PIP, they think they will get released from the 10th measure soon.
* Stability of placement is a category that needs work but will take time. They have some pilots going on right now in regard to this.

FFPSA

* DHHS worked with Chapin Hall on a readiness survey. Nebraska was early to the FFPSA but this is a heavy lift. Started working on this in 2019. The plan is approved but recently Family Centered Treatment (FCT) was pulled out of the plan do to it not getting approved by the clearing house.
* September the readiness report will be complete to see if Nebraska is ready to implement FFPSA
  + Every area of the state – do we have the right services and do the service providers have the capacity?

DHHS is trying to understand across all systems what we want to accomplish in 1, 3, and 5 years. These calls happening on Monday Nights with agencies and providers across all systems. Priorities

1. Amplifying lived Experience
2. Breaking down silos
3. Amplifying efforts of prevention community well-being models
4. Equitable outcomes for children and families across state
5. Improve quality engagement for children, families, schools and providers.

B2i pandemic payments have started going out.

Youth Engagement Summit – facilitated by voice and choice advocate Rebecca Daugherty and led by young adults with lived experience. They came up with 4 priority areas out of these four their top two priorities are:

1. As an older youth system in Nebraska, invest and commit to training best practices that include co-creation and co-facilitation with young people for trainings of professional workforce.
   1. NCFF offering train the trainer for youth and families thrive – applications due next week
2. Promote models of best practices to create youth led pathways, for example equitable compensation among industry leaders.

Nebraska is 1 of a few jurisdictions chosen for a project for prevention. Currently in round 1 which focuses on community collaborative and providers working with families in a way that prevents potential system involvement.

**New Business (Mandi)**

Has there been any discussion of formal recognition of Judge Gendler’s extra-judicial activities? Judge Burns would like to propose we do something. This does not need to be anything significant as Judge Gendler requested to slide out quietly. Judge Gendler is somebody who has had a major impact on the child welfare system and the way other judges do things.

* Deb proposed a video put together of all little videos from people talking about his impact.
  + CIP will take the lead on this and send the details out to everyone.

Waiting on confirmation from the Supreme Court but Judge Heideman and Judge Roland have agreed to be co-leads on the TEOC teams. This would be to replace Judge Gendler.

Next meeting is December 10th 2021

Motion to adjourn Judge Burns, second Tana Fye