**Nebraska Supreme Court Commission on Children in the Courts**

**Meeting Minutes**

**June 7, 2019**

**Introduction:**

The regular meeting of the Nebraska Supreme Court Commission on Children in the Courts was called to order at 9 am at the Judicial Branch Education Building, 5001 Central Park Dr., Suite 200, Lincoln, NE, with Honorable Francie Riedmann and Honorable Douglas Johnson presiding.

* Roll call was taken via introduction

MEMBERS PRESENT: Mandi Amy, Jeanne Brandner, Hon. Michael Burns, Chris Costantakos, Hon. Rachel Daugherty, Tana Fye, Misty Frazier, Hon. Larry Gendler, Hon. Tom Harmon, Carla Heathershaw Risko, Sarah Helvey, Hon. Douglas Johnson, Corrie Kielty, Monica Kruger, J. Leef, Carole McMahon-Boies, Deb Minardi, Milo Mumgaard, Dr. Kirk Newring, Kathy Olson, Mary Jo Pankoke, Hon. Linda Porter, Hon. Gary Randall, Hon. Francie Riedmann, Julie Rogers, Hon. Randin Roland, Hon, Patrick Runge, Dannette Smith, Corey Steel, Juliet Summers, Ivy Svoboda, Chris Turner, Matt Wallen, Elizabeth Waterman

MEMBERS NOT PRESENT: Matt Blomstedt, Hon. Linda Caster Senff, Hon. Vernon Daniels, Kim Hawekotte, Hon. Michael Heavican, Karen Hicks, Martin Klein, Hon. Stefanie Martinez, Liz Neeley, Hon. Anne Paine, Sen. Patty Pansing Brooks, Hon. Michael Piccolo, Sen. Tony Vargas, Azar Webb

OTHERS IN ATTENDANCE: Chris Jones, Mariella Resendiz, Pat Carraher, Michele Borg (for Commissioner Matt Blomstedt), Katie Bass (for Kim Hawekotte), Sheryl Connolly, Eric Asboe, Stacey Obrecht, Hazel Delgado, Mary Ann Harvey, Stephanie Volkmer, Traci Webber, Mary Pat Coe, Pat Carraher, Sheri Haber,

* Minutes from the December 2018 meeting were reviewed. Copies of the minutes were disseminated, reviewed, and approved unanimously during the meeting.

1. **Updates**

DHHS Update - Danette Smith

* This is Danette’s first meeting since she became the CEO of Nebraska DHHS. Her history includes being the director of Virginia Beach DSS, 25 years in child welfare in many cities, including Chicago. She sees that there is a lot of work to be done and wants to partner to ensure that children are healthy.

1. Eastern Service Area: There has been an intent to award the contract to St. Francis Ministries, who have worked on the western part of the state. Their flagship is in Kansas, but have worked in Oklahoma, Texas, and Arkansas.
   1. The process: RFP in coordination with DAS was released in January 2019. Proposals were accepted with two that were acceptable; St. Francis and Promiseship. In April, they started scoring and after scoring with DAS, St. Francis stood out. She is committed to a good transition from Promiseship and knows that transitions have not always been done right in the past. The warm handoff from Promiseship to St. Francis happened yesterday. DHHS wants to honor the work of Promiseship. DHHS is asking for some blind faith to work through the transition and be ready to go by January 2020. There is a 1-800 number for families so that they can ask questions caused by this transition. They are also creating a website to inform stakeholders about the transition. There will also be town hall meetings.
2. Danette arrived in February and her 190 days have highlighted some priorities for her:
   1. How can we improve services at the YRTCs? What are the YRTCs for: correctional; treatment? Asked for a meeting in July with the YRTC leadership. What are the kinds of services that we should provide? It is the last stop – communicates no hope. Wants to communicate that there is hope. Want to prepare the young adults for adulthood.
   2. Continuum of mental health child welfare services. Only tool right now is PRTF; need to have a continuum and make the right fit for children. Looking at the foster care system to create it. It is a travesty to send kids to PRTF or congregate care when it is not what they need.
3. Very family centered – have to talk about parents with the children.

* Discussion re: prevention, caseload for St. Francis; DHHS will hold them to state statute.

Legislative Update – Eric Asboe for Sen. Pansing Brooks

**A summary of relevant bills**

* LB 670 from last year provisions take effect July 1, 2019
* LB 59 – licensing and background checks for DHHS
* LB 354 – sealing of juvenile records.
* LB 519 – trafficking, changes definition of child abuse and neglect, no time limits for prosecution
* LB 595 – codifies Restorative Justice duties in the Office of Dispute Resolution
* LB 600 – B2i and Children’s Commission 2.0
* Note on the budget – direct appropriation to CASA from $300k to $500k
* There are many bills still on general file that could come up in 2020: LB 231, right to counsel; LB 388, guardianships, placements, TPRs; and LB 328, Nebraska FFPSA

**Legislative Resolutions**

* LR 127 Senator Hunt: explores rights of youth in child welfare and juvenile justice
* LR 158 Senator DeBoer: examine adoption procedures
* LR 176 Senator Cavanaugh: examine metrics in juvenile justice system – recidivism
* LR 193 Senator Bolz: implementation of FFPSA
* LR 236 Senator Lathrop: examine juvenile justice issues

Education Subcommittee

Judge Gendler discussed the education court report and superintendent letter.

* The Through the Eyes of a Child Teams are spending some time discussing the Education Court Report. Discussions include the following
  + Positive things about the report
  + What could use improvement on the report?
  + Who should be completing the Education Court Report?
* Sarpy and Cass counties have decided to have the schools complete and submit the Education Court Report.

Next steps:

* June 24th the subcommittee with review survey data
* Move to have schools (instead of HHS and Probation) across the state complete the Education Court Report because schools will have the most robust education information about court involved youth.

Questions from the commission:

* Who at the school will be completing?
  + Different people depends who they assign.
* Jeanne asked if parents will be involved if probation will be involved
  + The courts have signed releases from the schools that provides them access to this information. This is protected under FERPA.

Department of Education Update

Michele Borg presented for Commissioner Matthew Blomstedt who was unable to attend because he was at a mandatory State Board of Education meeting

* Michele gave an overview of the Fostering Connections in Education Initiative.
  + Fostering Connections in Education Initiative: works with systems (e.g. probation, HHS, courts, etc.) to improve outcomes for youth.
    - Initiative is currently working with Through the Eyes of a Child Teams and CIP to understand local issues so that agencies can work collaboratively from prevention and beyond.
* Michele discussed the partnership with HHS behavioral health and invited Mariella Resendiz to discuss their recent grant
  + SAMHSA grant: advancing wellness resiliency in education (AWARE grant).
    - Focus: promote healthy development of students in rural areas
      * Provide positive support and trauma-informed learning environments
      * Skills fostering resilience and pro-social behavior
      * School-based mental health services
      * Clinical interventions
      * Identification and intervention of bullying, aggression and violent behavior
    - 3 rural schools: Chadron, Hastings, and South Sioux City
    - AWARE grant handout distributed

BREAK

Guardian ad Litem Subcommittee

Chris Costantakos reported that the committee did not meet since there is no legislation impact this year.

Case Progression Standards Subcommittee

Judge Porter stated that the committee has met with court administration; the monthly meetings are focusing on items such as:

* time to adjudication
* time to resolution
* time to TPR

The committee is trying to work on cleaning up the cases so they will have better, more reliable data. They will continue to work on some forms that can be shared at the next meeting.

State – Tribal Relations Subcommittee

Judge Runge reported that the membership consists of Nebraska based tribes, state and federal government officials. The ideas behind the consortium is to find things that are working. The consortium does have a mission statement and they will start to identify individual topics to work on; other jurisdictions were contacted so as to not recreate the wheel. The next step is to go on a listening tour around the state in order to identify needs and to build trust between the court system and the communities it serves.

Regarding the grant funding Judge Runge stressed the following:

* Misty Frazier has been huge help to make sure we do this properly for the communities served
* Very proud we are one of the 6 sites chosen
* No deliverables yet, but will at the end
* Exciting to have a specific forum to sit down with the separate sovereigns and to work with them
* Tentative yes from retired Judge Bill Thorne to facilitate these sites visits
* Legal Aid will help with the ‘know your rights’ work
* This consortium is court-centered focused so we don’t bite off more than we can handle
* Some thoughts for elevating ICWA is having ICWA courts in the state, they have identified three (3) areas

The committee will start picking targets and getting work done – by September they will have more to report.

Services Subcommittee – Judge Roland

This subcommittee is always accepting more members – let us know if you are interested. Meeting monthly for the last 6 months and focused on several priorities.

* Local Foster care: few foster homes in JD 11 and 12, anything past Grand Island really. St. Francis is very active out west and doing recruitment.
  + Probation has been working with KVC.
  + HHS has treatment foster care pilot in North Platte.
  + HHS working on QRTP: Cedars, Omni, BT
  + NFAPA for support for foster families.
  + Dawes TEOC did foster parent recruitment and it worked.

In home services: JD 11 and 12

* Boys Town in home model: working to replicate with the ESU in JD12
* MST expansion is harder because of credentialing
* FFT: Medicaid is reevaluating rate
* IFP and IFR: 6-12 week crisis intervention and has expanded into very rural counties and been very successful; will be expanding to Scottsbluff.
* FCT: St. Francis has pilot in North Platte and Lexington; looking to expand to Scottsbluff.
* Healthy Families America: pilot in Lancaster and panhandle for children 2 and younger
* System of Care: mobile crisis response, MST adaptations, PCT, PACT, collaboration with schools

Detention and Alternatives

* Scottsbluff has contract in Casper, WY for detention preadjudication.
* Optimal Family Preservation has a shelter and group home and a therapist in the panhandle.
* Emergency Professional Foster Care – Probation has been exploring this.
* CASA in Cheyenne County has had great volunteers and will look into being foster parents.
* Cedars – Lincoln Reception Center, could be a successful model in other parts of the state
* Probation working with Cathedral for crisis beds; have to work around Wyoming law.

Therapists and evaluations

* DBH survey – telehealth
* DD, intellectual disabilities, cognitive disabilities is an issue. Training providers around this.
* JSH training to come.
* HHS asked Providers about telehealth – Blue Valley does this often and can be a resources.

Tribal wards

* Jill Holt (DHHS), Misty Frazier (NICWC), Stacy Scholten (DHHS), and Kari Rumbaugh (Probation) met in person
* Misty is on the Children’s Commission, Foster care rate subcommittee, and Provider rate committee
* Tribal funds have increased, providers should know that they can be offering services on Tribal lands.
* DHHS using NCIWC for training.
* NPOT is available for Tribes, but not being used yet.
* Indian Center parenting program may begin.

Judicial District 8

* Kari Rumbaugh and Stacy Scholten went to Broken Bow to meet with the local Region and Judge Schendt
* TEOC team is becoming Community Collaborative – will do service array examination.
* Boys Town expanding to Custer County
* KVC and Compass do foster care and are looking to expand
* Region 4 provided funding for MST in northern JD 8 for CPS cases.
* Video crisis response through Region.
* Pathfinders working to hire family support worker for the area.
* ESU 10 looking at providing IOP.

Discussion: is it working? What else do you need to be successful? Need foster families, therapists, services.

Overview of Structured Decision Making, Intake, and Assessment – Sherri Haber

Small Group Discussions

LUNCH

Report Out and Next Steps

1. Updates

BREAK

Temporary Hearing Subcommittee and Children in District Court – Judge Randall and Judge Daugherty

* Committee used Colorado as a model – when people file for divorce and they have minor children, the judge imposes an automatic order for protection of the child.
* Took this proposal to District Court judges yesterday at their meeting and there were some questions about the clerk issuing the order. There was 80% buy in and 20% questions (one jurisdiction). The judges spent a few hours yesterday to work through it. The purpose is to avoid conflict and protect the judge.
* Across the state, the practice looks very different.
* In the packet, there are affidavits and narratives as to how we got where we are. Asking to be able to forward the matter to the Supreme Court to look at a change in court rules for this process.
* This information, including the affidavits, would be part of the record.
* Number of members of the domestic relations bar were a part of this workgroup and helped them craft this information.
* Discussion regarding the changes.
* Motion and second to take this to the Supreme Court.
  + All ayes, with one nay.

Guardianship Subcommittee – Judge Harmon

* Since January, have met with the Chief Justice’s counsel and put them in the Court’s form for adaptation as rule. Delay was LB388, which would have incorporated the rule into statute. Legislature did not pass the law. Met with counsel and drafted the Rule. Will be submitted to Supreme Court for comment.
* Part of this is about education for guardians, and so have met with OPG who are working on a training for guardians of juveniles. Judge Paine is working on additional issues – will have a report once looked into issues.
* Discussion regarding the proposed rule and possible need for legislation.

Unified Family Court Subcommittee

* Judge Johnson introduced the topic and Monica Kruger.
* Monica Kruger gave presentation on the Unified Family Court
  + Presentation can be found in packet
* Professor Baab has completed a report, sent to Deb, Judge, Johnson
  + Report gives short term and long term recommendations (see presentation handout in packet)
  + Report has been shared with Corey Steele and the Chief Justice Heavican
  + Shared with Judge Johnson, Deb VanDyke-Ries, Monica Kruger
* We are working to share this information and get a website with information about the Unified Family Court Model.

Questions:

* What will be the appellate procedures
  + Appellate procedures are not something the group has discuss but it may be like District court.
* Would there have to be a vote to disband juvenile court?
  + The group is looking to NCJFJC for guidance.
* Is there any thought of probate court in UFC?
  + Guardianships will be included but there will be more discussion in the group
* How would this transition to places where there are not juvenile courts?
  + In JUSTICE it is hard to match cases and track cases. We will have to examine how we will make those transition and look to the data for this. We still have a lot to discuss in the group.

CIP Update

Deb VanDyke-Ries gave a quick overview of CIP current and future projects:

Children’s Summit, September 11-12, 2019

* Keynote speakers to include: Gary Milner, Stephen Teske and Tammi Fleming
* There will be 60 breakout groups on various topics

Court observation project

* With the help of various judges court engagement is being studied
* Date will be complied later this year
* Testing is currently being done in Douglas and Lancaster counties

Bring Up Nebraska and Community Collaborative(s)

* Wonderful work being done with families currently
* Goal is to connect this with the Eyes Team across the state

Strategic Plan

* Currently being updated
* Plan to be submitted later this year

Probation Update

* Deb Minardi opened and discussed brain developing and juvenile justice and the importance of thinking of the future of our youth. She is challenging her staff to think about the future and not just the present.
* Jeanne Brandner updated about the status of probation.
  + Received a provider rate increase for the first time and will work collaboratively with others to find services.
  + LB670- goes into effect this summer
    - Senator Vargas wanted to share handout
    - Looking for detention alternatives
  + Detention and Alternatives
    - Detention: Scotts Bluff County is now contracting with juvenile detention center in Caspar, Wyoming for pre-adjudication detention.
    - Alternatives:
      * Optimal Family Preservation,
      * Emergency and Professional Foster Care: KVC will be creating more foster care in other areas, these are not just for probation
      * JDAI reception centers: Assessment center for low level violation/risk youth
      * Cathedral home in Wyoming.
      * Professional foster care and emergency foster care – these rates are higher to encourage them
  + Probation will continue to work on services development
  + Annual Publication was released 6months ago
    - Artwork was done by youth on probation, please take time to admire the artwork.
    - Some themes that will not change is JDAI, out of home reductions, detention overrides, crossover work is highlighted, In home services, recidivism,
    - Probation has internally programmed recidivism measurement based off of the work Dr. Wiener and the UNL research team has done so that probation can continuously measure recidivism.
  + Probation has received RFK grant to implement recommendations to focus on:
    - Family engagement
    - Court orders that are more effective
    - Individualizing plans for youth

New Business

Judge Johnson: the bulk of our work is successful. Adoption day is great, but we should also celebrate families who reunify. Challenge to communities to do this. Omaha has 10th anniversary event coming up at the Children’s Museum – picnic, fun games, therapy dogs.

The meeting was adjourned at 3:29pm.

The next meeting is December 13, 2019 at Judicial Branch Education in Lincoln.