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

**Meeting Minutes**

**December 11, 2020**

**Introduction:**

The regular meeting of the Nebraska Supreme Court Commission on Children in the Courts was called to order at 9 am via Zoom, with Honorable Francie Riedmann and Honorable Roger Heideman presiding.

**MEMBERS PRESENT**:

Mandi Amy, Stephanie Beasley, Marci Bergquist, Jeanne Brander, Judge Matt Kahler, Judge Vernon Daniels, Tana Fye, Judge Larry Gendler, Monika Gross, Judge Roger Heideman, Sarah Helvey ,Karen Hicks, Corrie Kielty, Monica Kruger, Aubrey Mancuso, Judge Stefanie Martinez, Deb Minardi, Milo Mumgaard, Judge Rachel Daugherty, Michele Borg for Dr. Blomstedt, Carole McMahon-Boies, Jennifer Carter, Misty Frazier, Senator Pansing Brooks.

**MEMBERS NOT PRESENT**:

Matt Blomstedt, Judge Thomas Harmon, Chief Justice Heavican, Chris Costantakos, Misty Frazier, Judge Anne Paine, Judge Michael Piccolo, Julie Rogers, Juliet Summers, Tony Vargas, Azar Webb

**OTHERS IN ATTENDANCE**: Stephanie Volkmer, Hazel Delgado, Deb VanDyke-Ries, Traci Webber, Mary Pat Coe, Theresa Emmert, Kari Rumbaugh, Sheryl Connolly, Hazell Rodriguez, Sharon Fenn, Kelly Riley, Alisha Jimenez, Chris Triebsch, Laura Opfer

Minutes from the June 2020 meeting were reviewed. Copies of the minutes were previously disseminated, reviewed, and approved unanimously during the meeting. 95% yes, 5% abstain.

**Subcommittee and Agency Updates:**

**CIP Update**

The Court Observation projects finished in the spring due to COVID-19. Results were presented at the summer judges meeting. A follow-up virtual hearing project with National Center for State Courts is currently in progress. CIP is working with 6 judges who will be interviewed, we will have virtual hearings observed, as well as surveys to case workers, attorneys, youth, and families. The Structured Conversation project was completed. The joint project has been delayed because of COVID-19 but we are on track to finish data entry in the summer of 2021. This year the CIP regional conference was a hybrid with over 500 participants. The focus was on a school/court pathway with Strategies for Youth. People have expressed appreciation for the option to live stream. We will continue this in the future. Following the conference, 7 teams met with Lisa Thurau for strategic planning. CIP has facilitated an SDM webinar and developed an SDM bench card with DHHS. The bench card has been shared with judges you can find the webinar is on YouTube. CIP is partnering NACC to bring the Red Book training in NE this spring and summer. This is a national training for attorneys focused on juvenile law. Following this we will work with NACC to do Nebraska specific training. We will financially support 300 Nebraska participants. We will be participating in the reasonable efforts judicial academy.

CIP is starting 2021 Regional conference planning. We want to host a conference on lessons learned with technology etc. during COVID.

CIP continues to partner with probation using our technology to facilitate JDAI, and are working on an aging out series webinar.

We continue to support the Supreme Court Commission subcommittees and workgroups as well as other system initiatives including Thriving families, Ponca TCIP, tribes, RFK, and JDAI.

**Probation Update – Jeanne Brandner**

Probation has been working on systemic change with the Robert F. Kennedy foundation and probation staff in Lancaster County. For 2021 they are looking at applying for a 3-year grant that will concentrate on an in-depth system review of all of probation. This would cover on-going efforts in best practices working with national experts (RFK). During this 3-year process focus groups will used to move it forward.

New technology has forced us to think differently in our work, and to consider how it impacts our system involved families, i.e. face to face involvement, drug testing, struggle to provide hands on services for probation staff. One of the biggest areas impacted has been placement facilities, we have struggled with limited beds due to COVID.

Probation has been engaged with legislation; Senator Pansing Brooks round table discussion regarding status youth; b2i and the potential of adding juvenile justice youth.

Judge Heideman also shared that he has been involved in the Lancaster team’s work with RFK. He has found it to be excellent work: viewing the system from the beginning to the end, diverting youth from the system when possible, engaging families to ensure success and using detention only when necessary. They have endeavored to divert those youth that we could and those that became involved in the system worked to engage families. He expressed that he is excited that he only has one youth at YRTC right now and he has been seeing the benefit of these changes and how they impact youth and families if you invest in it.

**State-Tribal Relations Subcommittee** – **Judge Patrick Runge**

Working with the Consortium to try to get more tribal youth to use B2i. We have legislation at the previous session that ensures that B2i covered kids in tribes. We are trying to streamline processes. The next effort will bring bill to cover kids in juvenile justice, those out of detention and have nowhere else to go.

**Attorney Standards Subcommittee – Judge Michael Burns and Sarah Helvey**

Three attachments were shared with the whole committee.

A small work group was formed to prepare a draft of the practice guidelines for attorney in juvenile court to the full sub-committee. Sarah Helvey highlighted some key changes in the guidelines proposed, especially some of the ‘shoulds’ to ‘shalls’ in the proposed guidelines and other changes.

Also shared was a recommendation to the mandatory education rule – that all appointed attorneys practicing in juvenile court must have the same training as guardian ad litems. The concern of rural attorneys was acknowledged but sub-committee didn’t come to consensus so is asking the committee as a whole for input. The GAL sub-committee was also contacted for input. Some concerns were discussed.

Judge Burns stated that Attorney Services sent out a survey regarding education hours for attorneys, this was sent to all judges having juvenile court jurisdiction. Results will be shared.

**IV-E Funding Subcommittee – Kathy Olson**

Kathy gave a bit of a back ground of committee and how it dove tails with other committees. Main purpose is to figure out structure of the availability of IV-E funds for legal representation for parents and children. Because the Federal funds come as reimbursement to HHS it has been difficult, according to HHS because of certain state laws. According to HHS there is state law in place that allows HHS to spend money that is appropriated (for the benefit of HHS?) and they (HHS) can’t spend money that is not appropriated – so no avenue for HHS to spend the possible federal monies. Hopefully this is something that can fixed.

Pre-petition representation has also been discussed, this would entail the ability for attorneys to work with parents and families on housing, custody, criminal history expungement, etc… This would help families so that they don’t get into the system, very much a prevention piece. The sub-committee is working on an idea of a possible pilot project with Nebraska Legal Aid.

Discussion endured regarding the federal funding issue and HHS – Sarah Helvey asked Director Beasley if a legislative change is needed and if so have Senators been approached? Director Beasley said that HHS is talking to their federal partners and HHS legal team to look at the issues and what would be needed going forward. She is happy to sit down and discuss the issue. Both Senator Pansing Brooks and Kathy Olsen expressed interest in more discussion with Director Beasley regarding this – Director Beasley asked Kathy Olsen if they could meet after the 15th.

**DHHS Update – Stephanie Beasley**

* Deb mentioned SDM work, Stephanie explained tool and engaged evident change to look at the fidelity. Looking for assessment tools at the hotline.
* Evaluation to look at the ongoing decision-making tools as a second phase.
* We need volunteers from internal and external stakeholders to make recommendations. Will guide and facilitate the evaluation tools that DHHS is using. It is a bit of heavy lift and about 10hr/month. Roger Robinson is lead.
* LB1140 continues to meet to continue efforts.
* YRTC census in White Hall is stable.
* 12 in PRTF
* Managing COVID as it happens.
* Just wrapped up CFSR visit. They review DHHS efforts and system issues for 3 days. Had the exit interview yesterday. NE has a lot to be proud of. People with lived experience gave great robust feedback.
* FFPSA: one key provision is the prevention services. Looking at capacity to ensure we are keeping kids out of the system if it is safe at home. Focus on wellbeing, Chapin hall will be helping. Create provider capacity, kickoff about a month ago. Mapping across the state what else is needed across the state. Two EBP that need more for federal reimbursement. Evaluation and provider efforts.
* Nebraska was one of a few states chosen by Annie Casey foundation for a focus on prevention and focus on well-being. Proof of concept, Colorado and LA, South Carolina: community collaboratives that volunteers. Letters of intent for the following for intense technical assistance:
  + Hall, Platte, Colfax, Douglas
  + 2 tribes
* Working with public health and behavioral health to target prenatal plans of care. Safe plan of care for infants exposed, particularly working with hospitals and medical field.
* Covid impact: transitioned to virtual visits in March, went back in person in May, hearing more practitioners and providers worried about face to face. They are monitoring and watching this case by case. Continue to monitor.
* Hotline calls dipped in March and began to increase in September and October.
* Worked with Youth Engagement Summit and focused on how to prioritize and training for staff and court community. Amy Schuchman is helping with this, thank you!
* Kick off last week in the evening. Thank you for being a part of that. Thriving Family and Youth Engagement together to focus on wellbeing and focus on outcomes.
* Sarah asked about TA grant: National Center
* 2 new deputies:
  + Alger Studstill: Deputy for Protection and Safety
  + Roger Robinson: from Florida over programming, from SNAP to adoption. Policy and Program Design.

**Racial Equity Workgroup – Judge Martinez**

* Review the Chief Justice’s Call to Action
* Identify if the issues raised by the Commission - need to be carried out in existing subcommittees?
* Identify what others are doing to address equity issues across state systems
* Make a recommendation to the Supreme Court Commission on Children in the Courts.
* Race equity issues Aubrey Mancuso wants to be involved with your work
* Vote: Yes: 85%
* Chairs and who wants to serve on that? Deb and Judge Heideman
* The Commissioner of Education has established a Native American Education Advisory Committee with representatives from each tribe.
* With the committee that is already formed, we want to make sure that we don’t duplicate efforts. This is a perfect venue to have Access to Justice do juvenile work. Full support of another committee and subcommittee.
* Trying to stop the duplication.
* Equity and justice committee is chaired by Judge Stefanie Martinez. Focus on the juvenile court cases.
* Is it permissible to have non-members?

**Break**

**Guardianship Subcommittee – Judge Harmon and Judge Paine**

Suggestions from the sub-committee were submitted to the Supreme Court prior to February 2019, Supreme Court response was that they think the recommendation are better designed for statute not Supreme Court rule. Judge Harmon expressed that he is not sure what more the sub-committee can do at this point and requested direction from the chairs of the commission.

**Legislative Update –MP**

The B2i bill that passed in 2020 addressed the issue of age of majority being different for some tribes vs state, so now the tribal youth are covered by B2i and receive the services like all other eligible youth in the state. In 2021 they will be working to cover juvenile justice youth with B2i as well.

A truancy bill in the works – getting truancies out of the courts; great round table discussion; the goal is to get services, not take away CBA dollars. Another bill regarding original jurisdiction to juvenile court to file all juvenile cases then the county attorney would have to file a motion to move it to adult court.

**Education Subcommittee – Judge Larry Gendler**

* Met a few times.
* Education court report form updates - end of January/early February.
* Michele Borg is looking to change the mechanics of the form
* Working on Supreme Court rule that they are waiting to hear back
* Enhance protection to juveniles in the media.

**Case Progression Subcommittee – Judge Matt Kahler**

* Judge Kahler is not new but now an official member
* Helped with rule 6-104
* Sent report out a year ago
* Report attached
* Case progression is set up to provide judge info once a month. These go to the judge - no one is watching you.
* It is a tool to assist in assessing their own docket and help the judges. This is a tool for the judges.
* These are not mandatory
* Although I don’t see the other’s reports the judges are doing well with moving cases.
* Reaction: some find useful, some not useful, others don’t look at them.
* We are sending out a new survey for January to make some improvements.
* There are still problems that we try to address, sometime its mistake in caption, docket. Or it is not clear in the court order.
* Negative numbers- why is that wrong?
* When working with Judge Porter, working on nomenclature like Judge Roland and Judge Gendler we all do things a little different and title them differently.
* How can we create similar protocols? Once smoke clears we can get back to face to face.
* Kahler took over by default. We added Judge White, and Judge Stevens, because the more members we have, the better we will do.
* Hazel and I continue to do new judge orientation.
* Each page breaks down the standard and where the cases fall in each standard.
* New codes added when we identify what is missing.
* YRTC hearings\*
* Consider expanding our focus to add permanency measures:
* Exception hearings: by statute we have to have these hearings. This triggers alternate pleadings and TPR
* Measure
  + Independence hearings
  + Exception hearings
  + Removal to permanency
  + Exception not fount to when rights are actually terminated
  + 94% Yes to expand coverage

**GAL Subcommittee – Chris Costantakos**

The sub-committee met via the web in November 2020. Concerned with over burdening attorneys with too many educational hours and doesn’t want to duplicate initial trainings. But the committee is on board with there being the same requirements for both gals and defense attorney.

**Dept of Ed – Michelle Borg for the Commissioner**

Truancy round table was held and Michelle echoed what Senator Pansing Brooks said about criminalizing children - students and families need supports but not the court system.

Office of Coordinated Student Support Services is helping to address mental health issues and food insecurity issues. They are also moving ahead with fostering connections and social and emotional learning.

**Children in District Court and Parenting Act – Judge Riko Bishop**

* Judge Martinez for bishop
* In spring, Commission approved proposed rule. To provide uniformity for the state to reduce conflict and focus on youth.
* Proposed financial affidavit
* Shared with district judges at 2019 summer judges meeting. Judges brought forward issues.
* Small group in fall 2019 of judges to address the issues and modify the proposed rule.
* Concluded summer 2020, but continue to work on what change to make. Address court vs legislature. Do we need rule or statute changes?
* After the new year, will meet again to meet with district court judges across the state.
* It is hard to get everyone on the same page. Definitely different for urban and rural judges. There are a lot of things to consider so they are getting a general consensus.
* Hope to have a final decision at next meeting.

**New Business**

No new business

**Next meeting will be June 18th live or online TBD.**