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

**Meeting Minutes**

**December 7, 2018**

**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

MEMBERS PRESENT:

Mandi Amy, Jeanne Bradner, Ellen Brokofsky, Hon. Michael Burns, Hon. Linda Caster Senff, Chris Costantakos, Hon. Vernon Daniels, Tana Fye, Misty Frazier, Hon. Tom Harmon, Kim Hawekotte, Carla Heathershaw Risko, Sarah Helvey, Karen Hicks (arrived at 10am), Hon. Douglas Johnson, Corrie Kielty, Martin Klein, J. Leef, Hon. Stefanie Martinez, Carole McMahon-Boies, Milo Mugaard, Dr. Kirk Newring, Hon. Anne Paine, Sen. Patty Pansing Brooks, Hon. Linda Porter, Hon. Gary Randall (arrived at 10:30 am), Hon. Francie Riedmann-Weis, Julie Rogers, Hon. Randin Roland, Hon. Patrick Runge, Juliet Summers, Ivy Svoboda, Matt Wallen (arrived at 12:45 pm), Azar Webb III

MEMBERS NOT PRESENT:

Matthew Blomstedt, Hon. Rachel Daughtery, Hon. Michael Heavican, Monica Kruger, Liz Neeley, Kathy Olson, Mary Jo Pankoke, Hon. Michael Piccolo, Corey Steel, Sen. Tony Vargas, Wlizabeth Waterman

OTHERS IN ATTENDANCE:

Stephanie Volkmer, Hazel Delgado, Traci Webber, Mary Ann Harvey, Sheryl Connolly, Deborah Denny, Chris Jones, Kari Rumbaugh, Alison Uecker, Christine Christopherson, Chris Tribesch, Pat Carraher, Chris Turner

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

1. **Subcommittee Updates**

Unified Family Court Subcommittee – Hon. Douglas Johnson

* Judge Johnson gives a presentation by Monica Kruger on the Unified Family Court
  + Baltimore partners came to Nebraska and observed the court as well as TEOC teams
  + A team from Nebraska went to Baltimore to observe the Unified family court model
  + A draft report is being reviewed and will be released when complete.
* Questions about the Unified Family Court:
  + Judge Runge would like to know if this model will also increase the resources available in the court room. Judge Johnson suggests that this model should not take up more resources than we already do but are flexible to the possibilities in the future
  + Several judges raised concerns about current guardianship practice and suggest that UFC is a possible positive approach. Lancaster Judges all have guardianships filed in Juvenile court to allow Judges to pull other resources.
  + Debora Denny asked if the Bridge orders would change with the UFC model. Judge Johnson said this may take it further but are unsure. This model can potentially help ensure young people are getting access to benefits.
* The application of this model in the rural or urban areas may be different. We will need to examine if this is a good model for rural area.

Legislative Update – Senator Pansing Brooks

* Sen. Pansing Brooks gives a summary of her plans for bills, including:

1. Right to counsel for juveniles in juvenile justice. Last year, this bill fell two votes short. This year, will bring it back with a funding mechanism - $1 court fee: juvenile indigent defense fund. The gap is 14-18 yr olds outside of Lincoln, Omaha, Sarpy. Lancaster and Douglas have shown cost savings by appointing counsel.

2. Juvenile record sealing. Worked with Judge Gendler on this bill. Goal would be to create an auto seal and an enhanced record sealing after 5 years.

3. Solitary confinement restrictions and appropriate use of room confinement. Taking out some of the time constrictions from last year. Working with the counties and institutions to solidify. We currently have some young people in solitary for more than 60 days.

4. Eliminate mandatory minimum – wants to have judicial discretion, especially for juveniles.

5. School Resource Officer legislation based on an LR. Heard from a school district that the SROs have to arrest for every schoolyard fight. Omaha and Lincoln have worked with Harvard to use best practices: brain, trauma, diversity, disabilities training. Want schools safe, but don’t want to feed school to prison pipeline. Bill would require an MOU between schools and law enforcement. Administrators should deal with discipline and law enforcement should deal with actual law violations

* Discussion around weapons possession by prohibited juvenile offender – look at with record sealing.

Guardian ad Litem Subcommittee – Chris Costantakos

* Bridge order forms and motions are on website.
* Will convene to review bills once things are moving in the legislature.

Case Progression Standards Subcommittee – Hon. Linda Porter

* Judge Porter gives a summary of the subcommittee’s work and reminds the group that the Supreme Court adopted Rule 6-104 in September 2017 to help move cases along. She explained the process of utilized data to report data to.
  + We will have some basic filing information soon. The team is trying to develop a unified nomenclature and report.
* Judge Porter asked if these progression standards are being referenced and used across the state.
  + Judge Johnson says he feels the standards help but he wishes they were tighter but his court has a hands on approach.
  + Judge Daniels says the struggle is starting and completing within the time frame.
  + Judge Paine says PRTF placements are when the rural areas struggle and have to place in detention but cannot be in detention. There are no other placements but detention for those who need psychiatric situation. Judge Porter agrees and says that the only two PRTF in Nebraska can deny and has had little luck with outside PRTF. Judges agree that there is a need for placements.
    - Judge Johnson would like to see statistics on these youth.
    - Kari Rumbaug, from probation, speaks to the group and indicates that these vulnerable youth needing PRTF are difficult to place. Probation is working with system of care, DHHS, Medicaid, Boys Town, Immanuel, and other agencies to try to help these youth. Kari indicated that probation recently reached out to hospitals and is looking at the KVC models in Kansas City that has facilities with providers and will be meeting with this group soon to try to make an impact.
    - Judge Roland suggests that Nebraska needs a facility to triage youth.
      * Ellen indicates that she chaired an OJS report in 2013 or 2014, this can be found on the probation website. This committee is now chaired by Kim Hawekotte included. This report will be sent to the group as well as Dr. Brian Sarata’s 1974 group.

Education Subcommittee – Hon. Larry Gendler

* Judge Gendler gave a summary of the two handouts:
  + Education Survey overview
  + Infographic
* Survey with department of Education
  + Results were read at the last meeting, we need to be concerned that people are only reading summaries and not reading the complete education court report.
  + Tana Fye suggests that the next step should be focusing on why the education court report is not being used and wonders if it is it because they already know information.
    - Maybe do a follow-up survey to gather more information on this.
  + Judge Porter suggests that the subcommittee evaluates how forms are being completed.
    - Are they being filled out in a thoughtful manner as opposed to just checking the boxes?
    - Are they considered very helpful?
    - Is there a need for education?
  + Carol McMahon Boise would like to create some education materials for attorney’s education.
  + Michele Borg can help bring in education affiliates if necessary.
* Through the Eyes of a Child Teams
  + Requesting all eyes team have dedicate one meeting to education.
  + If you are a lead Judge for the TEOC team please let CIP know so that we can be a conduit to the subcommittee.
  + Next subcommittee meeting in February to have more feedback by next June.
* Discussion:
  + Misty Frazier – wonders if the tribes know about this form and would like a copy of this for the tribes.
  + Sara Helvey reminds the group that normalcy activities often come from education court report
  + Juliet Summers – youth seem to like this because it gives more information because they are often positive. Graduation rates are good in Nebraska.

Services Subcommittee – Hon. Randin Roland

* Started meeting in September and meet every two weeks.
* Prioritized 4 areas – see handout.
* Therapist availability is low. Next Tuesday there is another meeting.
* Jeanie mentioned a high fidelity wrap-around program and would like to replicate the Cathedral in-home services.
* Many of the services issues were discussed in conjunction with the case progression subcommittee (see the last bullets above),

Temporary Hearing Subcommittee – Hon. Riko Bishop and Hon. Gary Randall

* Judge Bishop gives a PowerPoint presentation on history of subcommittee.
* Will propose a rule change to Nebraska Court Rule 6-1504. It would automate an order in dissolution cases around harassment, personal property, financial obligations of the marriage, financial affidavits, and children, if relevant. It also includes information about affidavits and what is within judicial discretion. Goal is to provide guidance, but leave room for flexibility. Still in discussion.
* Plan to submit final proposed rule to the Commission for feedback and then would provide to the Supreme Court for approval.
* Idea is to reduced conflict and provide more civility.
* Discussion: this will help pro se litigants. Language around financial affidavit might need to be tweaked.
* Please contact Judge Randall or Judge Bishop with suggestions.

State-Tribal Relations Subcommittee – Hon. Patrick Runge

* August 1st the Chief Justices hosted a roundtable of the Tribes and the State – it was a breakthrough meeting. There was a real sense that there are opportunities for sovereigns to work together systematically. Focus at first on court to court relationships.
* Judge Runge is co-chairing the Consortium of Tribal, State, and Federal Courts with District 12 Judge Andrea Miller.
* In conversation with California to figure out how to start as they have had a forum for over 10 years.
* Discussion around jurisdictional issues.

Guardianship Subcommittee – Hon. Thomas Harmon

* Discussion of history of the Subcommittee. Guardianship guidelines have been submitted to the Supreme Court for approval. Know that there are gaps and so may need to address some of the gaps via legislation.
* Educational component: plan to come back to this Commission in June with some recommendations. Will meet with Michelle Chaffee ahead of that meeting and talk about what is already provided and what might need to change for guardians for juvenile cases.

CIP Update – Deb VanDyke-Ries

* A video detailing the ongoing projects, programs, and efforts of CIP. It can be viewed on CIP’s YouTube page.

LUNCH 12:05 -12:35

1. **Agency Updates**

Probation Update - Jeanne Bradner

* Jim Bennet has left and is being filled as well as the Juvenile Justice Project specialist at CIP so there have been a lot of interviews recently.
* Training initiatives:

1. Inclusive communities - focuses on inclusion and diversity. Probation has partnered with Inclusive Communities from UNO to come in and examine current trainings to ensure diversity and inclusion is captured in all of the probation training.
2. Advanced coaching for excellence (ACE): An effort to strengthen where there are gaps by learning what is driving behavior and criminogenic needs.
   * A document with information on ACE was distributed.
   * Brought in a national researcher (Mark Carey) to help improve and determining the “driver” to identify key areas to focus on for greatest impact.
   * Case planning: moving towards titling it a success plan.
   * Focusing on fidelity and implementation
3. Probation has spent a lot of time on services and is looking at replicating Boys Town in districts 11&12.

* Data Snapshots:
  + Working on developing snapshot of caseloads, out of home placements etc. to identify needs and tie TEOC teams and outside agencies.
* Probation and the Court:
  + Jeanie and Kari visited courts and Judges as well as districts in anticipation of Ellen’s departure to reassure everyone that probation will continue to work hard and progressing. In doing this, they are obtaining feedback and ways probation can improve for probation officers and chiefs.
  + Working with DOCKET group to look at the Juvenile options. Some potential for revamping the court orders.
* Crossover:
  + Discussions with HHS regarding the crossover policy (probation) and regulation (dhhs) payment and services.
  + Amy Latshaw (probation) and Monica DeMent (DHHS) are training and going to TEOC to distribute updates and information about crossover.
* RFK grant:
  + ended in Lancaster but RFK will continue to fund to help recommendation implementation
* Judge Gendler took a moment to remind us that this is Ellen’s last meeting.
  + Thank you for your service!
  + Ellen taught us that behind every face is a story. Many of the changes in the system are thanks to Ellen. Please remember that we are all better off and grateful for the knowledge. – Judge Gendler

DHHS Update, Director Matt Wallen

* Families First Prevention and Services Act (FFPSA)– there will be a presentation later in this meeting.
  + Will focus us on prevention work through evidence-based practices.
  + Including stakeholders and being as transparent as possible in the implementation planning.
  + Program Instruction has come down from the Administration on Children and Families and DHHS will take action on moving forward.
  + Implementation of the Act is October 1, 2019. There will be changes for courts, court stakeholders, and providers.
* Safety Organized Practice (SOP):
  + Did a statewide tour earlier in the fall to introduce the practice and there were info sessions in each service area. These presentations are online.
  + It is a practice model that focuses on family engagement and family strengths and how to set them up for success.
  + Developing an implementation plan and will roll out a training plan for staff and partners.
* Strengthening workforce:
  + Looking at caseload standards and how to measure and track.
  + CWLA technical assistance – Nebraska thinks of them as standards, but they are guidance. CWLA is looking at workload, not caseload. We are making progress.
  + QIC-WID: 5-year research project and Nebraska is one of eight states participating. The intervention for workforce focuses on secondary trauma. Trying to look at the challenges and why staff leave.
    - Half of team will get extra resources and half will not and then will study over two years.
    - See if this affects secondary trauma and retention.
    - Resilience alliance – how to deal with stress and secondary trauma.
    - Stable workforce will affect courts.
* CFSR Round 3 :
  + Program Improvement Plan development: still working to finalize. Will be reflective of what we are doing once we have it done.
  + It is the state’s plan, not just DHHS plan.
* Community Response Initiative:
  + Bring Up Nebraska event in Omaha next week – a celebration of all of the work that has been done. This is primary prevention work and sees the community as the responder.
  + Will announce some new federal funds that are coming to support this work.
* Alternative Response:
  + New regulations are being created on how to address eligibility criteria. A lot of cases are excluded right now.
* Medicaid:
  + Working on Medicaid expansion.
  + Working with them on difficult to place youth – most of them are Medicaid eligible. Need to work on PRTF eligibility and high level options. Working with MCOs to ensure access to that level of care.
* Division of Behavioral Health:
  + SOC grant and some SAMHSA funding that might be available to support substance abuse treatment needs.
* Division of Developmental Disabilities:
  + Home and community based waiver – work to get more kids into the right place with right supports.
* New CEO:
  + Recruitment effort continues and should have someone on board by January.
* Discussion:
  + Adoption and guardianship subsidies cut in Southeast Service Area. Concern that there will be a disincentive to families to adopt.
  + Developmental Disability waiver: looking at number of slots to serve children. Thinks the idea would be to increase slots.
  + Alternative Response regulations will have public hearings on this since it will be an APA process.
  + PRTF and beds available for high need youth: looking at private options, but also thinking about creating something that is state run.
  + Guardianship delays due to Medicaid delays
    - HHS v. Webb
  + Has DHHS considered providing reflective practice to workers?. Was discussed and looking into.

Department of Education Update

* Matthew Blomstedt was out and a report was not given. Instead, a letter was submitted by Commissioner Blomstedt and read by the group.

New Business

Families First Prevention Services Act (FFPSA)/CARA and CAPTA

Emily Kluver, Prevention Administrator on CARA and CAPTA

* CARA amended CAPTA in response to opioid epidemic.
* Notification by health care providers if child born exposed to substances.
* Plans of Safe Care: required for all infants born exposed to substances. Includes a treatment plan for parent and child. DHHS has developed a template, but some hospitals use their own templates.
* Data tracking is a component.
* All infants, not just those with open CPS cases
* Will pilot plans of safe care prenatally in Fremont.
* Nebraska perinatal quality improvement collaborative helping with assistance. Will work with this group to define what a substance affected infant is.
* Will continue to work to enhance what is going on with CARA.
* Discussion around FASD.

Stacy Scholten, Administrator on FFPSA

* Changes how DHHS can receive federal funding.
* Focus on preventing removal when possible
* Will be able to start receiving prevention IV-E dollars starting in October.
  + Treatment focuses on mental health, substance abuse, and in-home parent skill building services
  + For youth living with parents or relative caregivers. Getting guidance on definition of kinship.
  + The children must be at risk of adoption/guardianship disruption, youth in care who are pregnant or parenting, or candidates for foster care.
  + Services must be trauma informed or evidence based.
* Limitations on traditional IV-E:
  + Will only pay for two weeks if not in a foster family home, unless
    - * Qualified Residential Treatment Program (QRTP)
        + Trauma informed treatment model. Licensed clinical nursing staff onsite. Family outreach. Six months of aftercare. Accredited.
        + Validated assessment within 30 days by a 3rd party evaluator.
        + 60 day court review.
      * SILPs – Not applicable as Nebraska does not have currently.
      * Pregnant/Parenting - Not applicable as Nebraska does not have currently.
      * Sex trafficking - Not applicable as Nebraska does not have currently.
      * Family based residential treatment.
* Also includes:
  + Grant funding for kinship foster care.
  + Model licensing standards.
  + Adoption and guardianship incentive programs.
  + Grant funding for recruiting and retaining foster families.
  + Chaffee grants extends to 23; ETV until 26.
  + Cannot have an effect of increasing juvenile justice population.
  + Electronic ICPC.
  + CIP funding reauthorized.
  + Healthcare oversight to prevent inappropriate diagnosis to qualify a child for a placement.
* Information available on DHHS website for meetings and agendas, etc.

New Business:

* The Office of Dispute Resolution will have restorative justice bill to formalize structure of RJ as part of dispute resolution.
* There is some urgency to get gap placement because cannot use detention for harm to self or safety after July 2019.

The meeting was adjourned at 2:35 pm.

The next meeting is June 7, 2019 at Judicial Branch Education in Lincoln.