

## NOTICE OF COMMENT PERIOD

The Nebraska Supreme Court invites interested persons to comment on the proposed rule amendments to Neb. Ct. R. § 4-401 and Appendix A, the Guardian Ad Litem Training rule. Anyone desiring to comment on the proposed rule amendments should do so in writing to the office of the Clerk of the Supreme Court and Court of Appeals, P.O. Box 98910, Lincoln, Nebraska 68509-8910, or via e-mail to [lanet.asmussen@nebraska.gov](mailto:lanet.asmussen@nebraska.gov), no later than May 30, 2014.

### **§ 4-401. Guardians ad litem; required training; appointments.**

Commencing January 1, 2008, an attorney to be appointed by the courts as a guardian ad litem for a juvenile in a proceeding brought under Neb. Rev. Stat. § 43-247(3)(a) of the Nebraska Juvenile Code shall have completed six (6) hours of specialized training provided by the Administrative Office of the Courts Judicial Branch Education Division (see Appendix A). Thereafter, in order to maintain eligibility to be appointed and to serve as a guardian ad litem, an attorney shall complete three (3) hours of specialized training per year as provided by the Administrative Office of the Courts Judicial Branch Education Division. Courts shall appoint attorneys trained under this rule in all § 43-247(3)(a) cases when available; provided, however, that if the judge determines that an attorney with the training required herein is unavailable within the county, he or she may appoint an attorney without such training and the attorney must agree to complete the six-hour on-line training within thirty (30) days of the appointment.

### **Appendix A**

The Nebraska Supreme Court, through the Administrative Office of the Courts Judicial Branch Education Division, shall develop the curriculum for the initial guardian ad litem education and provide specialized on-line training for guardians ad litem; at no or a nominal cost, which shall take place at various intervals throughout the year and at various locations throughout the state. ~~The Administrative Office of the Court shall be responsible for the development of the specific curriculum for the training of guardians ad litem in the State of Nebraska. The Administrative Office of the Court shall direct the development of the specific curriculum with consultation from qualified experts, groups, or organizations, including but not limited to the National Council of Juvenile and Family Court Judges, the American Bar Association Center on Children and Law, and the Child Welfare League of America with any potential costs of this consultation paid by the Nebraska Court Improvement Project. The Administrative Office of the Courts may approve the rendition of an in-the-classroom version of the initial six-hour curriculum it has developed in the event an outside vendor applies to the Administrative Office of the Courts to teach such a version of the curriculum. shall direct the provision of the initial six-hour training in each judicial district. Such training shall be directed in a way which ensures statewide uniformity, such as the provision of training by a core group of presenters throughout the state. Responsibility for payment of the costs of the training itself shall be assumed by the Supreme Court through the Court Improvement Project. Travel and meal costs shall not be provided by the Court.~~

~~After the initial year of this Rule's implementation, the Administrative Office of the Court shall arrange and provide training at no or nominal cost which shall take place at various intervals throughout the year and at various locations throughout the State. These training sessions shall include the six-hour basic training for new guardians ad litem as well as three-hour advanced training for guardians ad litem who have completed the six-hour training.~~

~~The Administrative Office of the Court shall provide notice regarding scheduled training sessions. The Administrative Office of the Court~~ The Supreme Court's Attorney Services Division shall maintain a list

of attorneys who are current in their required guardian ad litem training and shall make such list available to all judges with juvenile court jurisdiction.

In addition to offering the initial six-hour course, the Administrative Office of the Courts Judicial Branch Education Division shall determine the course work required of the attorney subsequent to the completion of the initial course. Courses may be made available to satisfy the annual three-hour requirement through the Judicial Branch Education Division, offered at a nominal fee and hosted on its Web site. In addition, the Attorney Services Division may approve courses for the annual three-hour requirement that are offered by outside vendors if the courses meet the curriculum requirements and standards created by the Administrative Office of the Courts.

~~The s~~Specialized training sessions shall provide training, information, and education regarding the role, duties, and responsibilities of a guardian ad litem, which shall include, but not be limited to, the following areas:

- (A) Overview of the Juvenile Court System;
- (B) Statutory duties and authority of a guardian ad litem, including any performance standards adopted by the Nebraska Supreme Court;
  - (1) Requirements of guardian ad litem report.
  - (2) Instructions for preparing a guardian ad litem report.
  - (3) Ethical issues and the role of a guardian ad litem.
- (C) Issues which impact or impair the functioning of families, including but not limited to:
  - (1) Dynamics of child abuse and neglect;
  - (2) Substance abuse and mental health issues;
  - (3) Poverty, employment, and housing;
  - (4) Domestic violence;
  - (5) Physical, psychological, and psychiatric health issues;
  - (6) Education;
  - (7) Visitation and demonstration of parental skills.
- (D) Training in the techniques of gathering relevant information and resources:
  - (1) Interviewing skills, regarding both children and adults;
  - (2) How to obtain and interpret reports from other professionals and providers;
  - (3) Inquiry into appropriateness and stability of juveniles' placement.
- (E) Psychological aspects of children, including child development issues;

(F) Permanency Planning: Family preservation, reunification, adoption, guardianship, another permanent planned living arrangement;

(1) Appropriate parental-child relationship, bonding, attachment, and effects of separation and loss;

(2) Developmental considerations: age appropriate visitation, with particular emphasis on the needs and vulnerabilities of children age 0-5.

(G) Cultural, ethnic diversity, and gender issues;

(H) Relevant state and federal statutes and case law;

(I) Indian Child Welfare Act;

(J) Legal advocacy, mediation, and negotiation skills.