



Child welfare conferencing in Nebraska's courts

*WHAT'S NEW FOR 2014-2015? . . .
. . . AND WHAT'S THE SAME?*

Terminology: *Child welfare conferencing*

Child welfare conferencing is a spectrum of court-based facilitative ADR services available in *child welfare* cases for judges to:

- advance permanency for the child,
- engage the family and others in decision-making,
- improve court timeliness,
- strengthen the family system.

Child welfare conferencing – what's new?

- ❑ County and juvenile court judges are now the primary referral source through court orders – as of July 1, 2014
- ❑ NDHHS, guardians ad litem, county attorneys can access CWC by filing a Motion at any time for court consideration
- ❑ Service types:
 - ❑ Child welfare facilitation (CWF) is added
 - ❑ ~~Expedited family group conference~~ is removed in child welfare, but not in juvenile probation cases

Child welfare conferencing – what's the same?

- ❑ The ODR-approved mediation centers are the primary service providers
- ❑ Partnership among child welfare stakeholders as information providers and participants in the conference is essential
- ❑ Service types:
 - ❑ Family group conferencing (FGC)
 - ❑ Prehearing conferencing (PHC)
 - ❑ Prehearing permanency (PHPR)
 - ❑ Prehearing TPR (PHTPR)
 - ❑ Child welfare mediation (CWM)

Legislative initiatives

- ❑ LB464, codified as 43-247.04 (2014): shifted funding for *court-connected* child welfare conferencing from NDHHS to Nebraska Supreme Court
- ❑ NDHHS continues to have the duty to maintain funding for non-court-connected child welfare conferencing
- ❑ Neb.Rev.Stat. 43-4203 (2012, 2013, 2014) Nebraska Children's Commission: "*use of facilitated conferencing shall continue to be provided by the office of the State Court Administrator . . .*"

Legislative authority for judges to order

Neb. Rev. Stat. 43-247.03: Facilitated conferencing or mediation

(1) In any juvenile case, the court may provide the parties the opportunity to address issues involving the child's care and placement, services to the family, restorative justice, and other concerns through facilitated conferencing or mediation.

- Funding and management – part of State Court Admin.
- Discussions considered confidential and privileged communications, except those required by mandatory reporting for new allegations of child abuse or neglect

Child welfare conferencing: when should judges order this service?

- ⇒ Immediately upon a child's removal hearing
- ⇒ Pre-adjudication
- ⇒ Post-adjudication
- ⇒ 12-month review hearing
- ⇒ Termination of parental rights
- ⇒ Upon motion by guardian ad litem or any party in the case when needed to help the child and case progress

Child welfare conferencing: how to order?

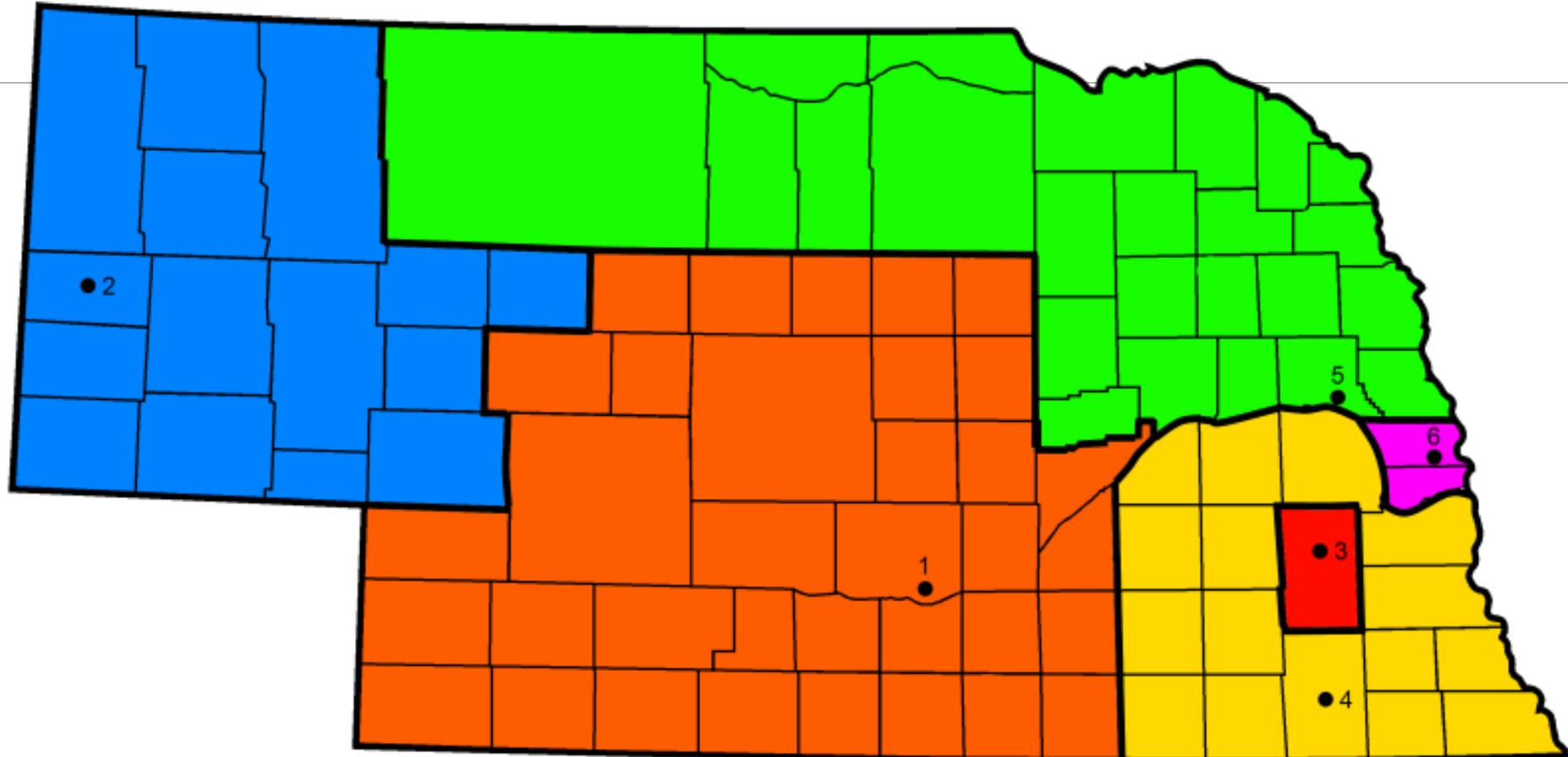
- ⇒ Court order with provision for “child welfare conferencing” with referral to the regional ODR-approved mediation center
- ⇒ *“IT IS FURTHER ORDERED that this matter shall be referred to Central Mediation Center, Kearney, for child welfare conferencing of the permanency issue. DHHS or its designee shall contact CMC at 308-237-4692 or info@centralmediationcenter.com within 5 days of this order to arrange the conference. All attorneys, including the county attorney are requested to attend.”*
- ⇒ Copy of the court order emailed or faxed to the mediation center: serves as notice and authorization for opening the case

What about ADR and conferencing in juvenile probation?

The Office of Probation continues to have 3 services in its service array which Probation Officers can refer youth to the mediation center:

- ❑ **Juvenile Victim Offender Mediation:** An evidenced-based facilitated dialogue between a juvenile law violator and the victim to address restitution and reduce recidivism.
- ❑ **EFGC: (Expedited family group conference):** A family group conference specially created for use in Nebraska juvenile justice cases for addressing the youth's need for an immediate placement change.
- ❑ **Conflict Mediation:** A one-to-one private mediation session to resolve conflict between the youth, their family, or parties related to the juvenile's probation matter.

ODR-approved mediation centers



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| 1. Central Mediation Center (Kearney) | 4. The Resolution Center (Beatrice) |
| 2. Mediation West (Scottsbluff) | 5. Nebraska Mediation Center (Fremont) |
| 3. The Mediation Center (Lincoln) | 6. Concord Mediation Center (Omaha) |



Thank you!

For more information, please contact:

YOUR REGIONAL MEDIATION CENTER, OR
WWW.SUPREMECOURT.NE.GOV/MEDIATION