



2009 Nebraska Children's Summit

Action to Impact

Holiday Inn – Midtown
2503 South Locust
Grand Island, Nebraska

AGENDA

WEDNESDAY, SEPTEMBER 9, 2009

HOST: JUDGE LARRY GENDLER

- 8:30 – 11:45 **PRE-SUMMIT INSTITUTE:**
- A: Talking to your Child Client: Training for Guardians ad Litem** Ambassador
 Barb Sturgis, Center on Children, Families and the Law
 Vicky Weisz, Nebraska Court Improvement Director
- When children are removed from their parent's care, guardians ad litem are entrusted with representing their best interests and their legal interests. Attorneys need to talk with their clients to gather information about how the child sees his/her situation. This training will provide instruction, demonstrations, and provide some opportunity for practice regarding three types of GAL-child discussions:*
1. General assessment of child's foster care situation and contact with parents and siblings.
 2. Preparation of child for upcoming hearing including assessment of child's preferences or needs/desires that may require legal advocacy.
 3. Breaking "bad" or disappointing news to child.
- B: Terminations of Parental Rights: Building a Successful Case, Training for County Attorneys and Guardians ad Litem** Executive
 Michelle Paxton, Center on Children, Families and the Law
 Shellie Sabata, Lancaster County Deputy County Attorney
- Termination of parental rights often represents the best chance for a permanent home for those children whose parents are either unwilling or unable to remediate conditions that made the children unsafe. This training will provide an overview of the legal framework for terminations of parental rights actions and will provide "nuts & bolts" suggestions and tools that will assist attorneys in filing and litigating TPRs. Special attention will be given to aggravated circumstances that may offer an opportunity to immediately move to TPR in those cases of egregious or chronic serious abusive patterns.*
- C: Resource Guidelines: Best Practices for Abuse and Neglect Cases** Governor
(Judges Attendance Only)
 Hon. Michael Key, Juvenile Judge, LaGrange, Georgia
- The Resource Guidelines was published by the National Council of Juvenile and Family Court Judges in 1995, and has become the cornerstone of team activities across the state. Approved by a panel of child welfare professionals and experts, the Resource Guidelines is comprised of best practices throughout the life of an abuse/neglect case. This training will provide judges with the basics contained in the Resource Guidelines and will include Nebraska-specific case scenarios.*
- 8:00 – Noon Registration and Check-In Exhibit Area
- Noon – 1:30 **Opening Lunch - Action to Impact: Our Commitment to Improving Our System and Why It Matters** Royal/Grand
 Governor Dave Heineman
 Chief Justice Michael Heavican

Joan Ohl, Senior Director of Strategic Consulting, Casey Family Programs
Former Commissioner of the Administration for Children & Families,
US Department of Health and Human Services

Foster Youth Video

1:30 – 2:30 **Plenary 1: Mediation and ADR: A Key to Achieving Timely Permanency in Child Protection Matters** Royal/Grand
Hon. Denise Cubbon, Lucas County Juvenile Court, Ohio

The key principles of the NCJFCJ Resource Guidelines and for Permanent Planning for Children support the use of Mediation and ADR in child protection matters. When implemented as best practice and endorsed by all stakeholders, this non-adversarial approach becomes an effective tool to achieve timely permanency.

2:30 – 2:45 Break

2:45 – 3:45 Team Discussion of Case Progression Data Royal/Grand

3:45 – 4:00 Break

4:00 – 5:30 **Plenary 2: The Foundations for Timely Permanency** Royal/Grand
Norma Ginther, Institute for Human Services Columbus, Ohio

Parenting (formerly known as visitation) plans that are safe and meaningful, that meet the developmental needs of the child, and that provide a progression for parental responsibility for the safety and well-being for children promote timely reunification for children who can be reunified. In addition, if parenting plans do not progress as expected because of on-going significant safety concerns, lack of parental engagement, or lack of parental progress regarding the key safety factors (e.g. serious substance abuse), on the record documentation of the reasons for the lack of progress can lead to a timely change in the permanency goal for a child. This plenary will change the way you think of visitation/parenting time from something that we just do to maintain relationships when children are in care to the most significant piece of the family's case plan.

5:30 – 7:00 Reception and Cash Bar Exhibit Area

7:30 **Movie and Popcorn: "I Am Sam"** Islander I

"Sam Dawson (Sean Penn), a mentally challenged man with a mind of a child, is living in Los Angeles and is single-handedly raising his daughter Lucy (Dakota Fanning), whom he fathered from a homeless woman who wanted nothing to do with Lucy and left him the day of her birth. Although Sam provides a loving and caring environment for the 7-year-old Lucy, she soon surpasses her father's mental capacity. Questions arise about Sam's ability to care for Lucy and a custody case is brought to court (<http://www.imdb.com/title/tt0277027/>)."

THURSDAY, SEPTEMBER 10, 2009

7:30 – 8:00 Continental Breakfast Royal/Grand

8:00 – 8:30 **What Practitioners Need to Know about the New Federal Law: Fostering Connections to Success and Increasing Adoptions Act of 2008** Royal/Grand
Howard Davidson, Director, ABA Center on Children and the Law

This presentation will focus on the 2008 Fostering Connections to Success and Increasing Adoptions Act, but will also address other important, and generally unaddressed, challenges posed by federal child welfare-related laws over the past few years. The Fostering Connections law has major provisions that judges, attorneys, GAL, CASA, and others who work in the courts must be aware of. New prompt notice requirements, new "reasonable efforts" requirements, new required preparations for youth before they exit from foster care are among the topics that will be explored. The presentation will also describe areas

where new interagency and interdisciplinary coordination is now mandated, and how clarity in federal funding options could lead to enhanced training of those who work within the courts on child protection cases.

8:30 – 9:30

Plenary 3: The Golden Rule of Reasonable Efforts: Aspirational or Definitive
Hon. Michael Key, Juvenile Judge, LaGrange, Georgia

Royal/Grand

This session will explore whether the following description of reasonable efforts is definitive or aspirational: "Reasonable efforts is doing for the families and children we serve that which we would want others to do for us and our families if we found ourselves in a like circumstance."

9:30 – 10:00

Break

10:00 – 11:00

Concurrent Sessions A

1-Children Attending Court: The Role and Responsibilities of a Guardian ad Litem
Andrea Khoury, National Resource Center on Legal & Judicial Issues, Washington DC

Islander I

"All I ever wanted was to be heard and not just dismissed." This quote from a youth in foster care is common. Youth have rarely been allowed to participate in their dependency court proceedings. The 2006 amendment to the Promoting Safe and Stable Families Program now requires the court to consult with the child, in an age-appropriate manner, about the child's permanency plan. As a result, many courts are starting to implement policies and procedures to involve youth in their dependency hearings. This session will focus on the Guardian ad Litem's Role in encouraging youth involvement, and preparing for and debriefing youth about their court involvement.

2 - ADR: Facilitated TPR Settlement Conference: Do they Work?

Executive

Debora Brownyard, Director, Nebraska Office of Dispute Resolution
Debra Blue, Concord Center, Omaha
Romney Olson, The Mediation Center, Lincoln

This session will present information about Nebraska's experience with facilitation of termination of parental rights cases. Questions such as the following will be discussed: Why facilitate TPR? What are the goals? How to address civil liberty, confidentiality, and privilege? What is the optimum timing, referral, process, parties for a TPR facilitation? Actual case studies will be described.

3 - Reasonable Efforts: Reasonable Efforts & Judicial Authority

Islander II

(Judges Attendance Only)

Hon. Michael Key, Juvenile Judge, LaGrange, Georgia

During this session, we will talk in some detail about the court's responsibility for making reasonable efforts determinations, how to make them effective, and what impact that can have on systems improvement. During the session, we will work through some real life scenarios.

4 - Parenting Time: Planned Therapeutic Intervention though Phases in Parenting Time

Governor

Norma Ginther, Institute for Human Services Columbus, Ohio

Case plans for parenting time that specify phases regarding frequency, duration, level of supervision, location, etc. provide a therapeutic framework for parents to help them regain responsibility for safely caring for their children. This workshop will provide a framework and tools to develop case plans that include phases of progressive parental responsibility and independence.

5 - Permanency Hearings: What is my role - or is it someone else's responsibility - in ensuring that a Permanency Hearing is meaningful?

Ambassador

Ret. Judge Joanne Brown, National Resource Center on Legal & Judicial Issues, California

This session will clarify the different roles and responsibilities of attorneys, caseworkers, and judges regarding permanency hearings, with a focus on best practices that produce timely permanency.

Foundational considerations of constitutional rights in abuse and neglect proceedings and ethical obligations for judges, attorneys, and social workers will also be briefly addressed.

11:00-11:15 Break

11:15 – 12:15 **Concurrent Sessions B**

1 - Children Attending Court: Nuts & Bolts Issues

Andrea Khoury, National Resource Center on Legal & Judicial Issues, Washington DC

Islander II

This session will focus on the strategies for successfully encouraging youth participation and systemic changes that can be easily made to make the court process more inviting and meaningful to youth.

2 - ADR: PHC, FTM, FGC, CDM: What are these acronyms, how do they differ, how can they help my case & how do I access them?

Debora Brownyard, Director, Nebraska Office of Dispute Resolution

Executive

ADR, or alternative dispute resolution, comes in many forms. In the child welfare arena, the term "collaborative practices" is being more frequently used to describe approaches that are less adversarial and more focused on engaging the family to participate in positive change. This session will help the audience to distinguish the differences among these terms, as well as when, and why to use them.

3 - Reasonable Efforts: Judicial Direction and Oversight under Child Welfare Privatization: The Kansas Experience

Moderator: Hon. Robert O'Neal, Sarpy County Separate Juvenile Court

Hon. Jean Shepherd, District Judge, 7th Judicial District Lawrence, Kansas

Hon. James Burgess, District Judge, Sedgwick County, Kansas

Hon. Robert Bednar, District Judge, Atchison County, Kansas

Hon. Daniel Mitchell, District Judge, Shawnee County, Kansas

Ambassador

Kansas has had a privatized child welfare system for over a decade and four Kansas judges who have been on the bench since before that time will provide their experienced perspectives. In particular, they will discuss how they exercise their judicial authority to ensure that reasonable efforts are provided to prevent removals and to achieve timely permanency. The judges will describe challenges and will provide suggestions to address the challenges.

4 - Parenting Time: Assessing Parents Before Visits & Special Considerations

Norma Ginther, Institute for Human Services Columbus, Ohio

Governor

If the principle of not using parenting time as a reward or punishment is accepted, then the assessment of parents before visits should focus on the physical and emotional safety of children during the visits. This workshop will discuss common sense and practical methods for workers to assess parents before visits. Substance abuse and domestic violence will be addressed.

5 - Permanency Hearings: How is a Permanency Hearing Different than a Review Hearing?

Hon. Linda Porter, Lancaster County Separate Juvenile Court

Islander I

Permanency hearings in Nebraska have often been indistinguishable from review hearings. This session will utilize the NCJFCJ Resource Guidelines as a basis to outline the basic questions that need to be answered at a permanency hearing so that timely permanency can be achieved for children in foster care.

12:15 – 1:45 **Lunch: Role Distinctions between Case Management and Service Coordination**

Chris Hanus, Child Welfare Administrator

Terri Nutzman, Juvenile Services Administrator

Jeff S Schmidt, Southeast Service Area Administrator

Royal/Grand

In this session you will learn how the Out-of-Home Care Reform will change the roles and relationship of DHHS with the lead agencies to provide service coordination and services to our children, youth and

families. You will receive further clarification of responsibilities of the CFSS and the Service Coordinator in addition to efforts to better communicate and collaborate.

1:45-2:00 Break

2:00 – 2:45

What Service Coordination will look like in your Service Area

Eastern Service Area – Camas Diaz and Reps for KVC, NFC and Visinet

Southeast Service Area – Maria Lavicky and Reps for Cedars, KVC and Visinet

Central Service Area – Kathleen Stolz and Reps for Boys and Girls Home and The Alliance

Western Service Area – Debbie Silverman and Reps for Boys and Girls Home

Northern Service Area – Melanie Strathman and Reps for Boys and Girls Home

Executive
Governor
Ambassador
Royal/Grand
Islander II

In this session you will be able to receive information from DHHS and the Contractors as to how they will work together within the service area. You will have the opportunity to ask questions of specific responsibilities of the CFSS or Service Coordinator, receive clarification how the agencies will work with one another in addition to DHHS and offer suggestions that will improve the transition.

2:45-3:00 Break

3:00 – 4:00

Team Meeting

Regional Team breakout meetings

Royal/Grand

4:00-4:15

Break

4:15 – 5:15

Concurrent Sessions C

1 - Children Attending Court: Lessons Learned from having Children

Attend Court Hearings

Moderated by: Andrea Khoury

Hon. Roger Heideman, Lancaster County Separate Juvenile Court

Hon. Linda Porter, Lancaster County Separate Juvenile Court

Hon. Reggie Ryder, Lancaster County Separate Juvenile Court

Hon. Toni Thorson, Lancaster County Separate Juvenile Court

Islander I

The Lancaster County Juvenile Court began requiring that children attend their review hearings at least every six-month in their courts. Judges Heideman, Porter, Ryder and Thorson will discuss their impressions of children's participation and will provide recommendations to make the process smooth and beneficial for children and for the court.

2 - ADR: A Best Practice in Lucas County

Hon. Denise Cubbon, Lucas County Juvenile Court Judge, Ohio

Governor

Lucas County's Mediation Program is designed to assist the court to resolve child protection cases in a timely manner. Discussion will address practical and creative ways to use mediation and ADR.

3 - Reasonable Efforts: Reasonable Efforts for Infants and Toddlers

Hon. Douglas Johnson, Douglas County Separate Juvenile Court

Ambassador

Participants in this training will learn what unique reasonable efforts services are needed for the well being and permanency of infants and toddlers in the child welfare system. We will also learn what reasonable efforts services these most vulnerable children's parents need. Case scenarios will be discussed.

4 - Parenting Time: Nuts & Bolts, Tools & Forms

Norma Ginther, Institute for Human Services Columbus, Ohio

Islander II

This workshop will provide practical information and examples from different jurisdictions that have developed effective models for promoting parenting time in their communities.

5 - Permanency Hearings: The Importance of Paternal and Paternal Kin Engagement and Practical Suggestions

Executive

Milton Scott , The Fatherhood Initiative

Howard Davidson, Director, ABA Center on Children and the Law

This presentation will provide insights into the why and how on engaging non-custodial (also called "non-resident") biological fathers and paternal relatives in child welfare system involvement when their children are placed in foster care. It will explore their involvement not only in permanency-related court hearings but also in all stages of the court process. It will give information on what has been learned from a national project, funded by the U.S. Department of Health and Human Services, that is leading to better involvement of fathers (who were not in the home where abuse/neglect occurred) through early identification, location, and case planning involvement. This session will also discuss how child welfare agencies and courts can become more father-friendly. It will inform lawyers who represent parents in child protection cases of new resources and training to help improve their advocacy. Legal and constitutional issues related to non-custodial fathers will be described, as well as new approaches to positively engage them when their children go into foster care.

5:30 – 6:30

Judges' Meeting with DHHS Administrators

Royal/Grand

6:30

Judges' Dinner

Room Name

FRIDAY, SEPTEMBER 11, 2009

7:45 – 8:30

Continental Breakfast

Royal/Grand

8:30 – 9:30

Concurrent Sessions D

1 - Children Attending Court: The Impact of Children's Participation in their Review Hearings

Islander I

Vicky Weisz , Nebraska Court Improvement Director

Sarah Beal, UNL Psychology Department

A pilot study involving 93 children in Lancaster County compared children who attended their hearings to children who did not regarding potential risks and benefits of participation. This session will report the findings of the study regarding impacts of participation on children and on the court process.

2 - ADR: Increasing the Family's Voice and Active Engagement in Positive Change

Islander II

Carol Dart, Central Mediation Center

Lori McKeon, Family Group Conference Program Director, Concord Center

ADR – collaborative practice – in child welfare, by its very nature, increases the engagement and participation of family members in the child welfare case. This session will highlight parents' voices, family members' statements, and others' perspectives who are involved in mediation, facilitation, Pre-Hearing Conferences, and family group conferencing. Videos, testimonies, and research will help tell the story of why family engagement through having a true voice at the table helps keep families working in the long and often slow process of change.

3 - Reasonable Efforts: What are Active Efforts in Nebraska?

Ambassador

Terri Yellowhammer, Minnesota

*This session will review Nebraska statutory and case law regarding active efforts that are required under the Indian Child Welfare Act. The session will also provide a broad discussion of the types of activities and services that meet both the letter and the **spirit** of ICWA.*

4 - Parenting Time: Nebraska Supreme Court Commission Recommended Guidelines on Parenting Time

Governor

Hon. Linda Senff, Merrick County Court

Judge Senff chaired the Parenting Time Standards Subcommittee of the Commission and she will discuss the recommended guidelines, including the rationale behind the various components. There will be opportunity for questions and discussion about the guidelines.

5 - Permanency Hearings: Case Progression Timeline & Who is Responsible:

The Effects of Permanency

Executive

Hon. Douglas Johnson , Douglas County Separate Juvenile Court

Nebraska statutes, case law, and Federal law provide timelines for case progression in abuse and neglect cases. Participants in this training will review some of these progression timelines and how they affect permanency outcomes for children and their parents. We will consider who is responsible for the timelines and judicial findings that should be made. Case scenarios will be discussed.

9:30-9:45

Break

9:45 - 10:45

Concurrent Sessions E

1 - Children Attending Court: The Role of the Judge When Children Attend Court

Islander II

Andrea Khoury, National Resource Center on Legal & Judicial Issues, Washington DC

This session will focus on the new requirement for courts to consult with the child, advantages for youth and courts of involving youth, and strategies for judges on effective communication with youth.

2 - Reasonable Efforts: Interaction between Reasonable Efforts, Aggravated Circumstances, and Termination of Parental Rights

Ambassador

Alicia Henderson, Lancaster County Deputy County Attorney

The department of Health and Human Services has a duty to provide reasonable efforts except in certain circumstances. This session will provide participants with an overview of the case law in Nebraska on reasonable efforts, with an emphasis on the situations when reasonable efforts are NOT required. The session will also explore some of the barriers to the filing of a termination of parental rights when reasonable efforts are no longer required.

3 - Permanency Hearings: The Use of Pre-Hearing Conferences at the Permanency Hearing Stage

Executive

Hon. Randin Roland, 12th Judicial District Judges

Ceri Artzer, Center for Conflict Resolution

J Leef, Guardian ad Litem

Facilitated Pre-Hearing Conferences are being used statewide in the initial phases of abuse/neglect court cases as a way to front-load cases and discuss issues in a collaborative way early in the process. This breakout session takes a look at Pre-Hearing Conferences being implemented in the permanency hearing stage of an abuse/neglect case – usually 12 months after the child has been removed. The presenters will discuss the development and rollout of the Pre-Hearing Conferences at this stage, practical issues and considerations, and their views from their various stakeholder positions.

4 - Parenting Time: The Grand Island Experience – A Community Focus on Parenting Time

Governor

KaCee Zimmerman, Hall County CFS Supervisor

John Sellers, Guardian ad Litem

At times it is frustrating and a case may seem stagnate and no one is sure how to progress or how do we address things as parents with substance abuse issues and how do we engage the family in a positive and successful manner.

A protocol was developed in Grand Island to help teams, families, worker, attorneys, and all others to have a guideline on how to progress and evaluate visitations. In the past visitation has not been used as effectively as it can be. This protocol is a way to use visitation as a building block towards reunification and unsupervised visits. The team will be able to address monthly why are we not progressing, what are

the barriers, or this is a time to start those unsupervised visits. The team will also be able to evaluate what was seen at visits and what do they need to focus on to assist the family with being successful.

10:45-11:00	Break	
11:00 – 12:00	Team Meetings, Wrap Up, and Next Steps	Royal/Grand
12:00 – 1:30	Closing Lunch and Child Champion Awards Former Chief Justice John Hendry & Chief Justice Michael Heavican	Royal/Grand
1:30 – 2:30	Hope’s Boy: How I Beat the Foster Care System Andrew Bridge	Royal/Grand
	Closing Statement Chief Justice Michael Heavican	