



2007 Liberty Under Law: Empowering Youth, Assuring Democracy

Through the Eyes of the Child—Empowering Youth By Increasing Children’s Participation in the Court System

This year’s national Law Day theme, “Liberty Under the Law: Empowering Youth, Assuring Democracy,” provides the perfect forum in which to showcase the efforts of the Nebraska Supreme Court’s ‘Through the Eyes of the Child Initiative.’ This initiative, started by my predecessor Chief Justice John V. Hendry, began as I was taking office last October and is being undertaken in every courthouse in every community across this State.

One of the ‘youth empowerment’ outcomes of this Initiative is an increase in participation of children in their foster care hearings. Children in several communities have, for the first time, been given the opportunity to attend hearings and have their opinions heard.

Another form of empowerment is advanced training for those who speak on behalf of children in the courts. Specialty training for Guardians ad Litem is being planned and will be required for all attorneys involved in child abuse/neglect cases as well as termination of parental rights cases.

The ‘Eyes of the Child Initiative’ is intended to shorten the time children spend making their way through the juvenile court system; the name is to remind adults to consider every decision and every

action with the immediacy of a young child. Judges, lawyers and social service workers across the State have banded together to understand our system in a timeframe appropriate for a six-year-old.

I am pleased to serve as the administrator for this project, particularly with the expert assistance of the Initiative’s chairman, Judge Larry Gendler of the Separate Juvenile Court for Sarpy County. The Commission provides direction to the Initiative’s members to ensure the program’s goals and objectives are actively pursued.

The Initiative is based on the following principles:

- The philosophy of looking at the system and time through the eyes of the child;
- Improving the processing of child protection cases and outcomes through collaboration;
- Providing permanent homes for children; and
- Having Nebraska’s judges take an active leadership role in improving the court process in child protection cases.

Currently every judicial district has anywhere from one to four judge-led multi-disciplinary teams whose members are working together to

identify and implement court reforms designed to improve the court system for abused and neglected children. As a result of this teamwork, many judges are now ‘front-loading’ cases by holding pre-hearing conferences. Front-loading, in many instances, has been credited for minimizing the time a child spends in out-of-home care and improving case results. The pre-hearing conference discussions revolve around visitation and placement issues, the child’s interests, and services that can be accessed by the parents. The parents are given full information and, with the assistance of the Health and Human Services System, have immediate access to services.

It is this type of cooperation and planning that will allow the judicial branch to meet, and perhaps exceed, the goals of the Initiative.

I want to take this opportunity to sincerely thank all who are involved in this important court reform. I am honored to be a part of this process and proud to present this project to you for my first Law Day message as Chief Justice of the State of Nebraska.

Mike Heavican

**Chief Justice of the Nebraska
Supreme Court**

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Youth at Risk and the Future of Our State — Including All Children in Our Vision of the Future



"The future of our nation is in the hands of our young people." This is a statement often heard, but not always thoroughly examined. When we hear this phrase, we often envision a high school class valedictorian or students aspiring to membership in their school's National Honor Society. We rarely picture the neglected child who is not given the chance to graduate from high school, or the sons and daughters of methamphetamine users who are often left to fend for themselves. These neglected and/or abused children are also the future of our nation.

This year's Law Day theme of youth empowerment prompts us to think about the experience of these children in the justice system -- to listen to the voices of young people and consider how the law can better serve their needs and interests. The theme is supplemented this year by a major ABA presidential initiative, "Youth at Risk."

Nebraska's "at risk" youth have been first and foremost on my mind since being appointed to co-chair the Nebraska Supreme Court Commission on Children in the Courts in 2004 along with Separate Juvenile Court Judge Douglas F. Johnson.

The Commission has been tasked with the responsibility to study the way Nebraska courts impact children who are affected by or come before the courts. The Commission was directed to make recommendations that would improve the courts' work with children.

Much of the Commission's initial work has focused on making recommendations to improve the legal representation of children who are involved with the courts because of abuse/neglect or delinquency.

Several judges, attorneys, child advocates, and state agency workers have volunteered countless hours to study these matters and make recommendations to the Supreme Court.

Well before today's Law Day, these commission members recognized that working with children is of utmost importance for our society. Improving legal advocacy for children, and consequently bringing the voice, perspective, and needs of children to court proceedings that affect them, is a critical step in improving the system's work on their behalf.

The initial goal of the Commission was to study and create steps to ensure that the court system is as responsive as possible when children find themselves in court.

Two areas were chosen first:

The effectiveness of the legal representation of children within the juvenile court system, including the development of standards and training protocols for lawyers who represent children.

The length of time that the current process for termination of parental

rights and other child abuse/neglect cases takes to move through the system.

I am pleased to report that inroads have been made in both areas. The Supreme Court has passed a rule on training for lawyers who serve as guardians ad litem. We anticipate that all guardians ad litem will be offered free seminars across the state before the training deadline of January 1, 2008. The Court of Appeals has expedited appeals in abuse/neglect cases which has cut the appeal time from an average of 11 months to 8 months. It is not unusual for oral arguments to be heard in the same month that the last brief is filed and for the opinion to be issued within the next 30 days. Currently, there are discussions to even further reduce the time to process an appeal.

In recent years, the courts have been drawn more and more into discussions of prevention and rehabilitation. The Commission, by necessity, must consider all issues surrounding abuse and neglect in order to have a meaningful impact on the communities that we serve. The exciting aspect is that we are just at the beginning of this experience. The partnerships created by the Nebraska Supreme Court Commission on Children in the Courts will serve the children of this state well into the future.

Rett Inbody

**Chief Judge of the Nebraska
Court of Appeals**