

Office of Dispute Resolution Annual Report

Fiscal Year 2023 – July 1, 2022 to June 30, 2023

This Annual Report of the Office of Dispute Resolution (ODR) contains aggregate caseload statistics extracted from the caseload management system used by the ODR and the approved centers. Providing case statistics ensures transparency to the public and complies with statutory requirements (Neb. Rev. Stat. § 25-2920).



STATE OF
NEBRASKA
JUDICIAL BRANCH

Administrative Office
of the Courts & Probation

Mediation and Restorative Justice in Nebraska – An Overview

With the Dispute Resolution Act, Neb. Rev. Stat. § 29-2901 et seq., the State of Nebraska affirmed “there is a compelling need in a complex society for dispute resolution and restorative justice whereby people can participate in creating comprehensive, lasting, and realistic resolutions to conflicts and offenses.” This is accomplished through the Office of Dispute Resolution (ODR) approved mediation centers that make dispute resolution and restorative justice services available statewide. This annual report summarizes the number and types of disputes received by the approved mediation centers, the disposition of those disputes, and problems encountered and recommendations made to address the problems.

Services Provided by Approved Centers

Nebraskans in every county, including the four tribal nations, are served by a private nonprofit center that is approved annually by the State Court Administrator. These centers (Appendix A) provide a variety of services, including mediation and restorative justice. Services are available for a variety of case types ranging from:

- Basic Mediation (e.g., small claims disputes, neighbor issues, employment matters, landlord/tenant conflicts, business/consumer concerns)
- Parenting Act Mediation (e.g., parenting plans, full divorce, modifications, child financial plans)
- Child Welfare Conferences (e.g., pre-hearing conferences, pre-hearing permanency review conferences, pre-hearing termination of parental rights conferences, family group conferences, child welfare mediation, child welfare facilitation)
- Youth Restorative Justice (e.g., victim youth conferences, expedited family group conferences, truancy/excessive absenteeism conferences, juvenile justice mediation/facilitation, circles)

Case Summary Statistics

For the 2022-2023 fiscal year, the following graphics highlight case statistics. Of the overall case volume (4,290 cases), there were 2,553 cases mediated or facilitated, meaning that these cases “came to the table.” Of the remaining cases, 5.94% resolved prior to the mediation/facilitation; in 29.79% of cases one of the parties withdrew, declined participation, was non-responsive, or chose not to participate; 1.26% of cases were not appropriate for mediation; and 1.96% of cases were still open. The outcomes of mediated/facilitated cases were full agreement, partial agreement, no agreement, or facilitated only (applies to child welfare and juvenile restorative justice facilitations).

Restorative Justice – Addressing Absenteeism

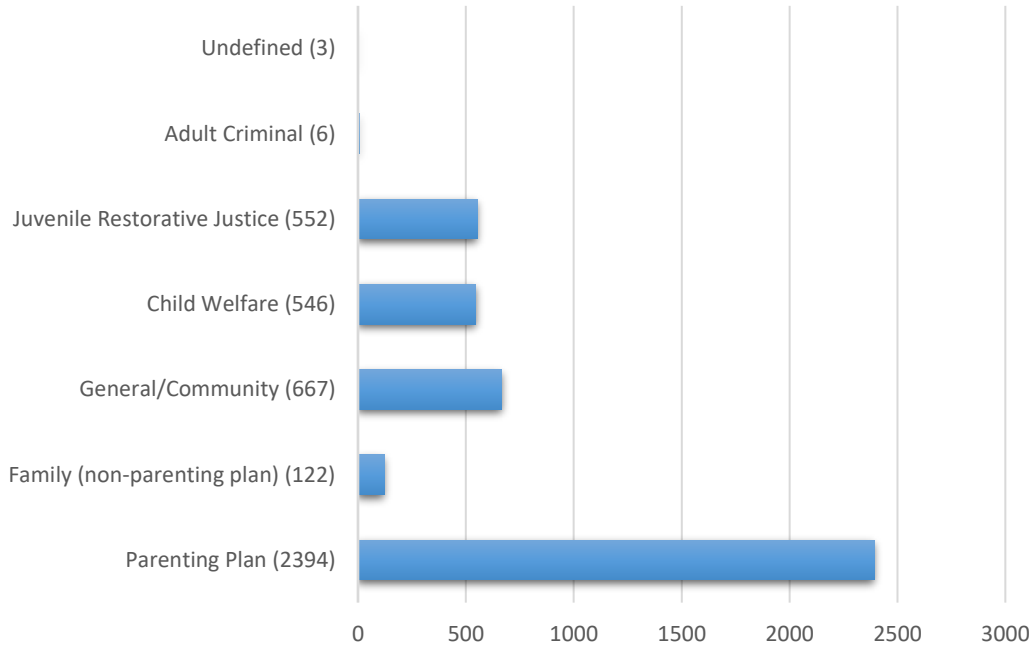
A center received a referral from a county attorney for a student who had reached the 20-day mark for absences. This referral utilized the restorative justice option outlined in Neb. Rev. Stat. § 43-276.

A truancy conference was held with the youth, his grandmother (legal guardian), school director, teacher, and therapist. During the conference, it was learned that the youth had been sick a few days, though most of the absences stemmed from being bullied. The student had excellent grades but did not feel challenged. This resulted in low motivation to attend school.

Together the group developed an attendance plan. The plan included the youth going to school daily. If he didn’t feel well, he would check-in with the school nurse who would determine if he needed to stay home. They talked through how to help the student block out verbal bullying and who to notify at school if that did not work or it became worse. Additionally, the school committed to offering advanced classes that would challenge the student.

At the 30-day follow-up, the school noted that the student had not missed a day since the conference. The County Attorney determined a juvenile petition for truancy was not necessary.

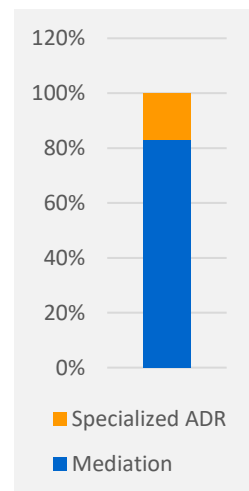
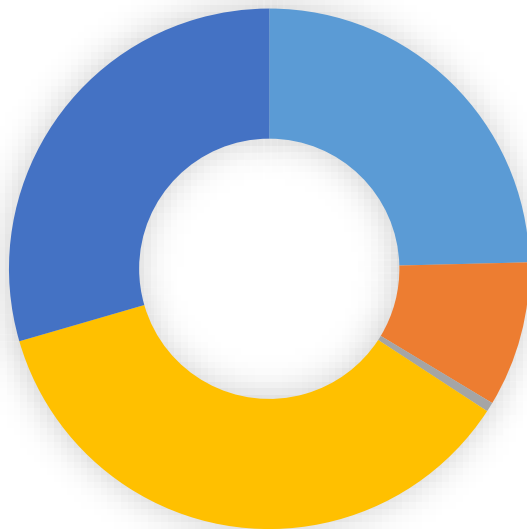
Total Case Volume – 4,290 Cases



Parenting Plan Cases (2,394)

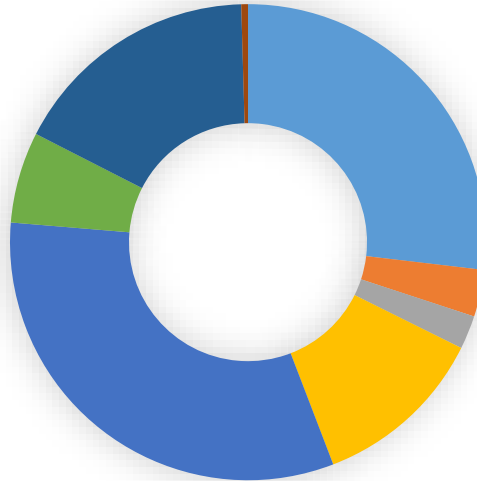
Parenting plan cases are assessed to determine the appropriate process – mediation or specialized alternative dispute resolution (ADR), or if neither process is appropriate. The specialized ADR process is used when a mediator has determined that it is needed for a parent to be able to negotiate freely and make informed decisions, and be able to address safety measures.

- Divorcing w/ Parenting Plan (589; 25%)
- Parenting Plan + Child's Financial + Property (216; 9%)
- Parenting Plan + Child Financial Plan (14; 1%)
- Modification (869; 36%)
- Never Married Needing a Parenting Plan (706; 29%)



Child Welfare and Juvenile Restorative Justice Cases (1,098)

- Pre-hearing (Initial Removal) (295; 27%)
- Pre-hearing Permanency Review (35; 3%)
- Pre-hearing Termination of Parental Rights (25; 2%)
- Expedited/Family Group Conference (130; 12%)
- Victim Youth Conference (353; 32%)
- Mediation/Facilitation (68; 6%)
- Absenteeism/Truancy Conference (187; 17%)
- Other Juvenile Justice (5; <1%)



Overall Case Disposition of Closed Cases

- 1,714 Cases Mediated *
- 491 Cases Facilitated *
- 79% Resolution
* "Came to the table"

Referral Sources

- 45% Court
- 22% Attorney
- 18% Self/Family/Friend
- 8% Gov't Agency / Org
- 5% School

Challenges and Recommendations

Access to justice is a priority for the Judicial Branch as well as the approved mediation centers. While many may think of justice as occurring in the court room, a broader interpretation of access to justice is to allow people to seek a remedy through both formal and informal processes. Mediation is one such informal pathway.

The approved mediation centers continue to provide services to Nebraska citizens, young and old, in all 93 counties as well as four tribal nations. Since the passage of the Dispute Resolution Act in 1991, the centers have increased their services to provide Nebraskans with more options. While the centers have always been available prior to filing a court case (e.g., mediating a parenting plan prior to a divorce hearing), since 2015 there has been a focus to go upstream for juvenile justice. For example, the centers are working directly with schools to provide excessive absenteeism conferencing well before a student reaches 20 absences and is referred to a county attorney for a status offense or the parents are charged with educational neglect.

Through conferencing, the student, their family, and school personnel can delve into what is causing the absences. Many times, it is much more than just not wanting to go to school. For example, poverty and mental health issues can be a contributing factor. Research has shown that addressing the underlying issue and providing community support to the student and family can be instrumental, especially when addressed in the early school years (kindergarten – 5th grade).

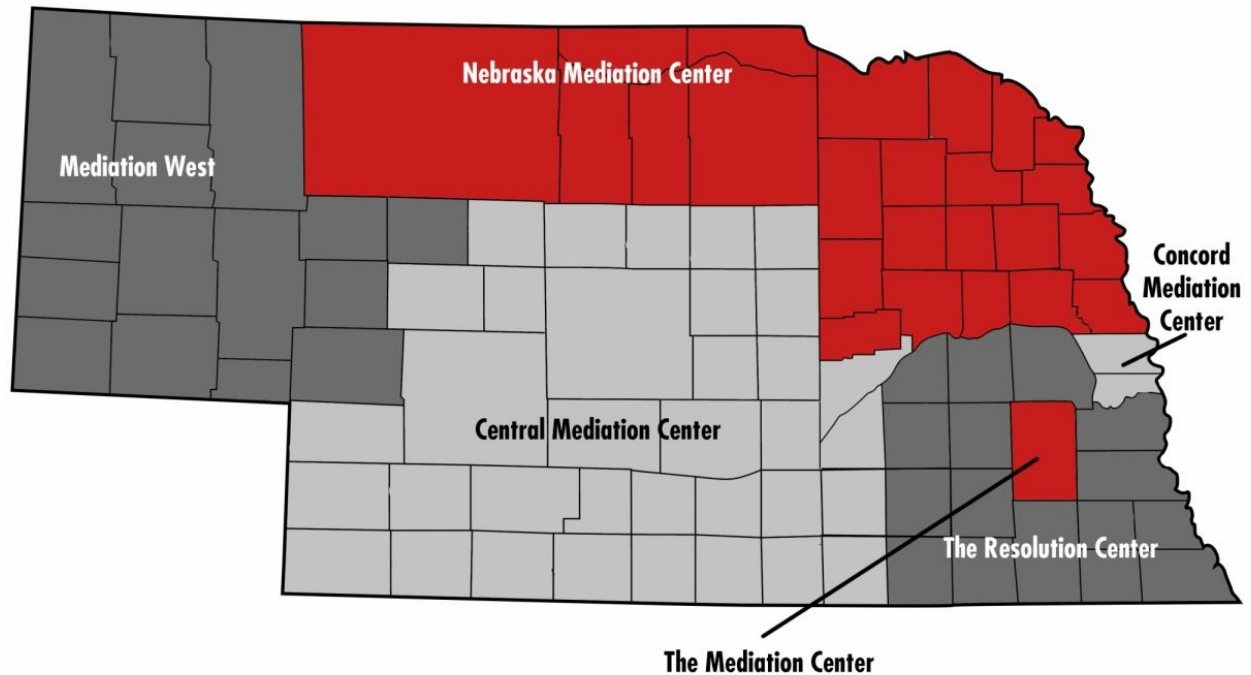
The Administrative Office of the Courts and Probation currently has a \$1M grant through the Department of Justice's Office of Juvenile Justice and Delinquency Prevention that pays for these upstream services. The grant also is funding an external evaluation through the University of Nebraska's Juvenile Justice Institute. Prior to the end of the grant, it is imperative that policies are developed to ensure continued access to justice through these informal processes with sustained funding. Investing in upstream services in the juvenile justice arena will provide a return on investment by reducing legal and court staff time processing these cases, as well as youth becoming more productive adult citizens by avoiding the justice system for status and other low-level offenses.





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ODR-Approved Mediation Centers



Central Mediation Center

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TEL 308.237.4692 | FAX 308.237.5027
Email: info@centralmediationcenter.com
centralmediationcenter.com

Concord Mediation Center

Executive Director: Dan Bechtol
2910 S 84th St, Omaha, NE 68124
TEL 402.345.1131 | FAX 402.884.7057
Email: contact@concord-center.com
concordmediationcenter.com

The Mediation Center

Executive Director: Casey Karges
610 J Street, Suite 100, Lincoln, NE 68508-2936
TEL 402.441.5740 | FAX 402.441.5749
Email: info@themediationcenter.org
themediationcenter.org

Mediation West

Executive Director: Charles Lieske
615 South Beltline Highway West | P.O. Box 427
Scottsbluff, NE 69363-0427
TEL 308.635.2002 | FAX 308.635.2420
Email: info@mediationwest.org
mediationwest.org

Nebraska Mediation Center

Executive Director: Michele Lueders
Dodge County Courthouse, 4th Floor
P.O. Box 1062, Fremont, NE 68026
TEL 402.753.9415 | FAX 402.721.6790
Email: nmc@nebraskamediationcenter.com
nebraskamediationcenter.com

The Resolution Center

Executive Director: Sharon Schmidt
120 South 5th Street, Beatrice, NE 68310
TEL 402.223.6061 | FAX 402.223.6625
Email: info@theresolutioncenter.org
theresolutioncenter.org



The Fiscal Year 2023 Annual Report and previous Annual Reports are available online at:
<https://supremecourt.nebraska.gov/programs-services/mediation-restorative-justice/reports-laws-policies-forms>

For more information about our office, visit:
<https://supremecourt.nebraska.gov/programs-services/mediation-restorative-justice>