

Nebraska Office of Dispute Resolution

Collaborative Judicial Child Welfare Practices

2003-2017

Child Welfare collaborative practices began in Nebraska...

in the late 1990's starting with FGCs. Since their inception, ODR-approved mediation centers have primarily been providing these services in Nebraska. The process is based on the belief that families and communities must partner together to ensure the best outcomes for children, and the notion that families know themselves, their struggles, their strengths, and their weaknesses better than any agency. When supported and facilitated, families are able to put together a successful family driven plan to help them alleviate the concerns that brought them into the health and human services system. The American Humane Association specially trains mediation center staff and affiliates for FGCs, and FGC coordinators must abide by *Nebraska's Family Group Conferencing Competency Policies and Standards*.

PHCs began in 2003 as an outcome of the first statewide Children's Summit, and were based upon the National Council of Juvenile and Family Court Judges' best practices to front-load the child welfare case, to reduce a child's time in the system and increase permanency. PHCs are brief facilitated meetings that occur prior to the initial removal hearing, to address the family's need for immediate services, to identify paternity, determine whether ICWA applies, and to identify possible extended family members for placement. The regional mediation centers follow the PHC Protocols developed by the Through the Eyes of the Child initiative.

In October 2009, ODR, NDHHS and the juvenile court system began utilizing PHRs and PHTPRs to improve children's permanency in child welfare and termination of parental rights cases, the protocols for which were developed by the Through the Eyes of the Child initiative. **Between then and June 30, 2017, the mediation centers facilitated 815 PHPR and PHTPR cases.**

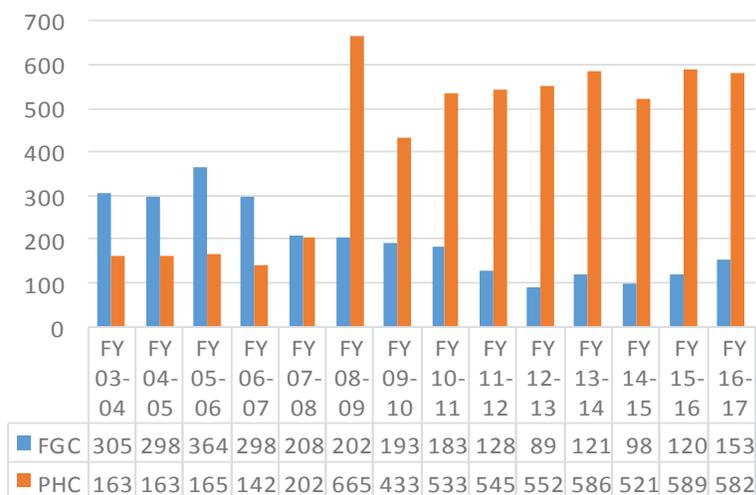
Thus in recent years, mediation centers' case numbers have shown a huge leap because of the Nebraska Parenting Act¹ and child welfare court referrals: **from 1,765 in 2008 to 4440 in the 2016-2017 fiscal year, an increase of over 150%.**

Types of Child Welfare Cases

Family group conferencing (FGC): New Zealand model for child abuse, neglect, and vulnerable teen cases in which family connections and decision-making are essential elements. This family-centered approach may be used at any stage of the child welfare process. An engaged family and network of others creating a family plan for permanency, addressing critical safety issues, is the outcome. Since 2001, Nebraska ODR-approved mediation centers have conducted **3,154 FGCs**.

Pre-hearing conference facilitation – initial removal (PHC): immediately preceding the initial protective custody hearing, a day-of-court use of neutral, knowledgeable child welfare facilitators to assist in facilitating a brief (30-45 minute) conference to address key preliminary issues with parents, child welfare, attorneys, guardians ad litem. **Because of a statewide expansion of the pilot project, the number of PHCs skyrocketed between 2007 and 2009, the mediation centers' reporting a 229% increase in PHCs. Recently, in the 2016-2017 fiscal year, PHCs increased by 34% since the 2009-2010 fiscal year.**

Family Group Conference and Pre-Hearing Conferences at Nebraska ODR-approved Mediation Centers: 2003-2017



1. Neb. Rev. Stat. §43-2920, et seq. (2008)
 2. Neb. Rev. Stat. §43-247.01. (2008)

Nebraska Office of Dispute Resolution

Collaborative Judicial Child Welfare Practices

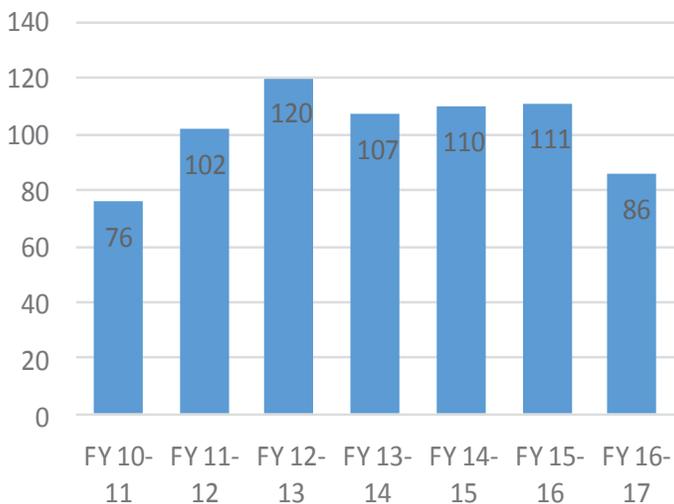


Types of Child Welfare Cases (continued)

Pre-hearing conference facilitation – twelve month permanency reviews (PHPR): optimally scheduled 60 days prior to twelve-month permanency review court hearing, this court-ordered off-site facilitated pre-hearing conference for the parents, child welfare, attorneys, GALs requires the parties to confront critical permanency decisions and action steps.

Facilitated pre-hearing conference of termination of parental rights matters (PHTPR): optimally scheduled 60 days prior to a termination of parental rights trial date, this court-ordered off-site facilitated conference requires parents, attorneys, GALs and other professionals to confront the critical issues and determine next steps in a termination of parental rights matter.

Pre-Hearing Permanency Reviews and Pre-Hearing Termination of Parental Rights at Nebraska ODR-approved Mediation Centers: 2010-2017



Expedited family group conferencing (EFGC): A family group conference specially created for use for court-involved children and youth who are at risk for removal from home or placement.

Child dependency mediation (CDM): small, one-to-one private problem solving between family members and providers, or family members themselves.

Research shows that:

- ⇒ Children achieve permanency more quickly in mediation or collaborative intervention than in non-mediated cases.
- ⇒ Reduction of re-abuse rates for children occurs more often in FGC cases than non-FGC.
- ⇒ Increase of using extended family members' care for children at risk in FGC cases.
- ⇒ Reduction in the number of multiple placements – FGC plans create stability for children.

American Humane Association, www.fgdm.org

Revised 8-2017

Nebraska Office of Dispute Resolution and its ODR-approved mediation centers partner with:

- Nebraska Juvenile and County Courts
- Nebraska Court Improvement Project, A Nebraska Supreme Court Juvenile Court Program
- Nebraska Through the Eyes of the Child Initiative
- Nebraska Center on Children, Families and the Law (NCCFL)
- National Center on Family Group Decision Making, Kempe Center
- National Child Welfare Collaborative Decision-Making Network (NCWCDMN)
- Association of Family and Conciliation Courts (AFCC)



For more information, please contact:
 Nebraska Office of Dispute Resolution (ODR)
 State Court Administrator's Office
 P. O. Box 98910 Lincoln, NE 68509-8910
 402-471-2766; debora.denny@nebraska.gov
supremecourt.nebraska.gov/programs-services/mediation