

Corey R. Steel
State Court Administrator



Deborah A. Minardi
State Probation Administrator

April 6, 2020

Dear Juliet and Advocacy Organization Colleagues:

Thank you for your letter dated April 3, 2020, regarding ongoing concerns and recommendations for youth placed in congregate facilities, including Youth Rehabilitation and Treatment Centers (YRTC), and youth involved in the juvenile justice system. I am aware of a number of questions and concerns regarding the health crisis that exists. It is critical that child welfare agencies, juvenile justice professionals, the courts, and other members of the legal community work together to ensure that necessary judicial proceedings continue in this time of uncertainty. On March 27, 2020, Children's Bureau Associate Commissioner Jerry Millner provided similar guidance that Nebraska has implemented to child welfare legal and judicial leadership. This guidance specifically includes these overarching directives:

- "Refrain from making sweeping, blanket orders ceasing, suspending, or postponing court hearings;
- Ensure that important decisions about when and how hearings are conducted are made on a case-by-case basis in accordance with the facts of each individual matter;
- Encourage attorneys to file written motions raising issues of immediate concern;
- Make maximum use of technology to ensure due process where in-person hearings are not possible or appropriate; and
- Encourage attorneys to resolve agreed-upon issues via stipulated orders. For example, if all parties agreed that a child in foster care can be reunified with his/her family immediately, that issue should be resolved via a stipulated order, rather than waiting weeks or months for an in-person court hearing."

My response dated March 23, 2020, was responsive to the Judicial Branch's authority, including that of Probation. As you reference, Nebraska Revised Statute 43-297.01 (4), allows Probation to make an immediate change in placement without court approval only if the juvenile is in a harmful or dangerous situation. That said, Probation has been working proactively with Department of Health and Human Services staff at YRTC to intensively staff a number of committed youth. Even in this scenario, the requirement of the Office of Juvenile Services to notify required and interested parties and the court of the intent to discharge 60 and 30 days prior must occur in order for a continued disposition hearing for reentry to be set. These youth are committed to the Office of Juvenile Services (OJS) by order of the court and the OJS is responsible for the care and custody of the youth until discharged from commitment by the reentry process outlined above. With that said, probation and OJS must seek court approval in changing placement of a youth from YRTC.

With respect to your request to convene an emergency electronic meeting of the Supreme Court's Commission on Children in the Courts, given the number of individuals who participate and the logistics it would be difficult at best to conduct such a meeting. The Commission is advisory in nature to the Supreme Court and therefore recommends policy and procedure not create policy and procedure. That duty is the responsibility of the Supreme Court.

These are unprecedented times and Nebraska is taking necessary steps to ensure community safety is balanced with the needs of youth and families. Again, I thank you for your leadership and ask that you rally youth attorneys to file motions that raise issues of immediate concern during this health crisis.

Sincerely,

A handwritten signature in black ink, appearing to read "Corey R. Steel". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Corey R. Steel
State Court Administrator