

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 649

Introduced by Christensen, 44.

Read first time January 19, 2011

Committee: Judiciary

A BILL

- 1 FOR AN ACT relating to courts; to require legislative recommendations
- 2 for guardians ad litem for children and youth.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. The Judiciary Committee of the Legislature
2 shall examine the report and the recommendations of the National
3 Association of Counsel for Children entitled, Evaluation of the
4 Guardian ad Litem System in Nebraska, December 2009. The committee
5 shall develop legislative recommendations by October 1, 2011. The
6 legislative recommendations are not limited to the recommendations of
7 the association, but the committee shall consider the recommendations
8 of the association for legislation including:

9 (1) Short-term reforms:

10 (a) Because attorneys for children should have clearly
11 defined case responsibilities, Nebraska should clearly enumerate
12 practice standards promulgated by the Supreme Court;

13 (b) Training for guardians ad litem in Nebraska must be
14 significantly increased and enhanced, and there must be organized
15 opportunities for guardians ad litem to network with and learn from
16 each other;

17 (c) The relationship between the guardian ad litem and
18 the child must be changed to become client-focused, not adult-
19 focused;

20 (d) Nebraska should establish mandatory caseload
21 standards for guardians ad litem in subdivision (3)(a) of section
22 43-247 cases;

23 (e) All guardians ad litem should be reimbursed on an
24 hourly basis. All counties that still use the law firm/flat-fee
25 contract system should phase this system out, given the evidence that

1 attorneys working on an hourly basis have more reasonable caseloads
2 and adequate compensation; and

3 (f) Youth should participate in subdivision (3)(a) of
4 section 43-247 proceedings in court; and

5 (2) Longer-term, systemic changes to the delivery of
6 legal services to children in Nebraska;

7 (a) Nebraska should establish a centralized system for
8 oversight of guardian ad litem services. Responsibility for
9 administering and funding the system of legal services to children in
10 subdivision (3)(a) of section 43-247 cases should be shifted to an
11 independent state entity, whether within the state administrative
12 office of the courts or the executive branch;

13 (b) Nebraska should adopt, by statute, a client-directed
14 model of representation. Building on subdivision (1)(c) of this
15 section, the child's attorney should follow the Nebraska Rules of
16 Professional Conduct just like all attorneys; and

17 (c) Nebraska should renovate court facilities to make
18 them adequate for the needs of children and youth.