



A decade of sowing  
the seeds of justice.

March 8, 2007

Senator Brad Ashford  
Chair, Judiciary Committee  
Room 1103, State Capitol  
Lincoln, NE 68509

Chairman Ashford and members of the Judiciary Committee,

On behalf of the Nebraska Appleseed Center for Law in the Public Interest, I am here today to testify in support of LB 535. Nebraska Appleseed is a non-profit, non-partisan law project that works to address systemic issues facing low-income Nebraskans and remove obstacles to self-sufficiency. In 2003, Nebraska Appleseed established its Child Welfare System Accountability Project which seeks to protect the legal rights of children in foster care and to work for lasting and meaningful reform of the system.

At Nebraska Appleseed, we believe children deserve the highest quality of legal representation. The Foster Care Review Board's recent report, however, indicated that in 3,309 cases reviewed, 15% of children had no contact with their guardian ad litem (GAL).<sup>1</sup> In an additional 32% of cases reviewed, there was no documentation as to whether or not there had been any contact with a GAL. Similarly, the Nebraska Court Improvement Project 2005 Reassessment of Court and Legal System for Child Abuse and Neglect and Foster Care indicated that only about half the time were guardians ad litem reported to talk with the child prior to the day before the hearing.<sup>2</sup> The Reassessment also indicated that only about half the time were GALs reported to: conduct a home visit at least one day before the hearing, consult with the caseworker before the day of the hearing, and conduct a range of statutorily required investigations.

We can and must do better for our children. We believe LB 535 attempts to do so and accomplishes several positive things. First, LB 535 provides for the adoption of guidelines and standards for juvenile legal services, such as establishing maximum caseloads, compensation rates, and continuing legal education and training. We think such standards are critical to the goal of improving the availability and consistency of GAL services across the state. Second, while several local groups have been working to develop standards and national standards already exist, this bill goes an important step further by creating a centralized office to oversee the standards. This centralized office would provide a level of accountability currently absent from the system. Third, LB 535 makes use of an already existing infrastructure, the Nebraska Commission on Public Advocacy (NCPA), to provide these services. The Commission has experience offering legal services across the state and is an appropriate entity to administer the provision of juvenile legal services.

However, in light of our support for these aspects of LB 535, we nevertheless urge the Committee to take a *comprehensive* look at the problems plaguing our child welfare system, and in particular ways to insure that guardians ad litem can be *enabled* -

<sup>1</sup> Nebraska Foster Care Review Board, 2005 Annual Report and Recommendations.

<sup>2</sup> Available at <http://www.cfpl.unl.edu/outreach/judicialcommission/nscc/2005reassessment.pdf>.

CORE VALUES | COMMON GROUND | EQUAL JUSTICE

Nebraska Appleseed Center for Law in the Public Interest  
941 "O" Street, Suite 920 • Lincoln, NE 68508 • 402.438.8853  
402.438.0263 Fax • [info@neappleseed.org](mailto:info@neappleseed.org) • [www.neappleseed.org](http://www.neappleseed.org)

Affiliated with the Appleseed Foundation of Washington, DC

through our statutes, policies, and governmental structures – to provide the same zealous representation to children that is expected for adults. As the Committee is well aware, several bills have been introduced this session offering a number of different approaches to improving the system. This underscores the fact that our child welfare system is in acute need of reform and suggests that there is a certain level of disagreement about what that reform should look like. Therefore, we call on this Committee and the entire Legislature to take a close and careful look at these issues.

At Nebraska Appleseed, we have had the pleasure of working with countless dedicated, passionate, and hard-working guardians ad litem across the state. These lawyers work day in and day out, addressing complex issues, investigating services and placements, identifying needs, making difficult decisions, and advocating for our state's most vulnerable children. We support this bill because we think it could create systems to insure that *all* children are consistently receiving such a high quality of advocacy.

We thank Senator Schimek for introducing this legislation and the Committee to their thoughtful consideration of this important topic. If we can be of any help in further analyzing LB 535 or providing information relating to the issues addressed by the bill, please do not hesitate to contact us.

Sincerely,

Sarah Helvey  
Staff Attorney  
Child Welfare System Accountability Project