

The logo for the Through the Eyes of the Child Initiative is a circular emblem. It features a central illustration of a woman in a long, light-colored dress holding a young child. The background of the illustration is a soft, hazy landscape. The text "THROUGH THE EYES OF THE CHILD INITIATIVE" is written in a serif font around the perimeter of the circle.

THROUGH THE EYES  
OF THE  
CHILD INITIATIVE

# Pre-Hearing Conferences

Kelli Hauptman, Through the Eyes of the Child  
Initiative

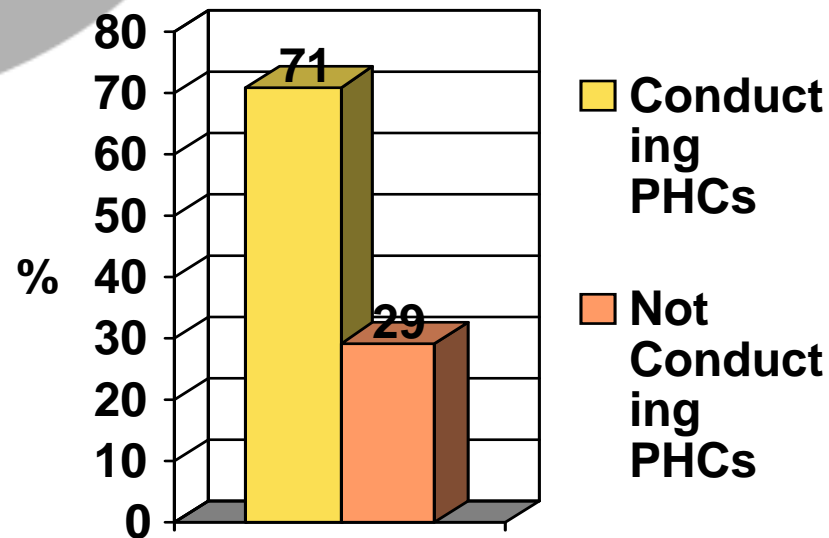
Debora Brownyard, Office of Dispute Resolution

# Preliminary Findings in Nebraska

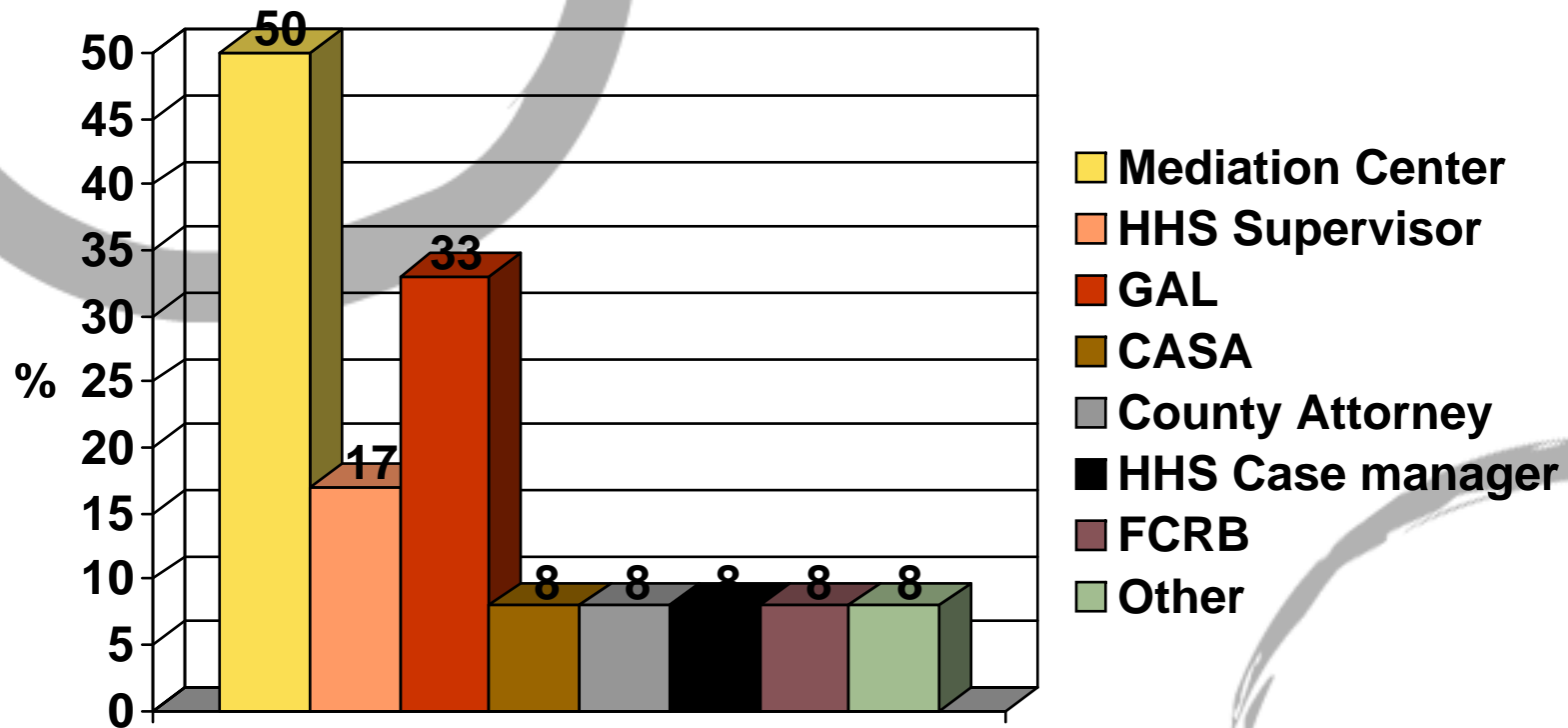


- Online survey conducted in June 2007
- Surveyed team secretaries
- 17 responses out of 25 teams

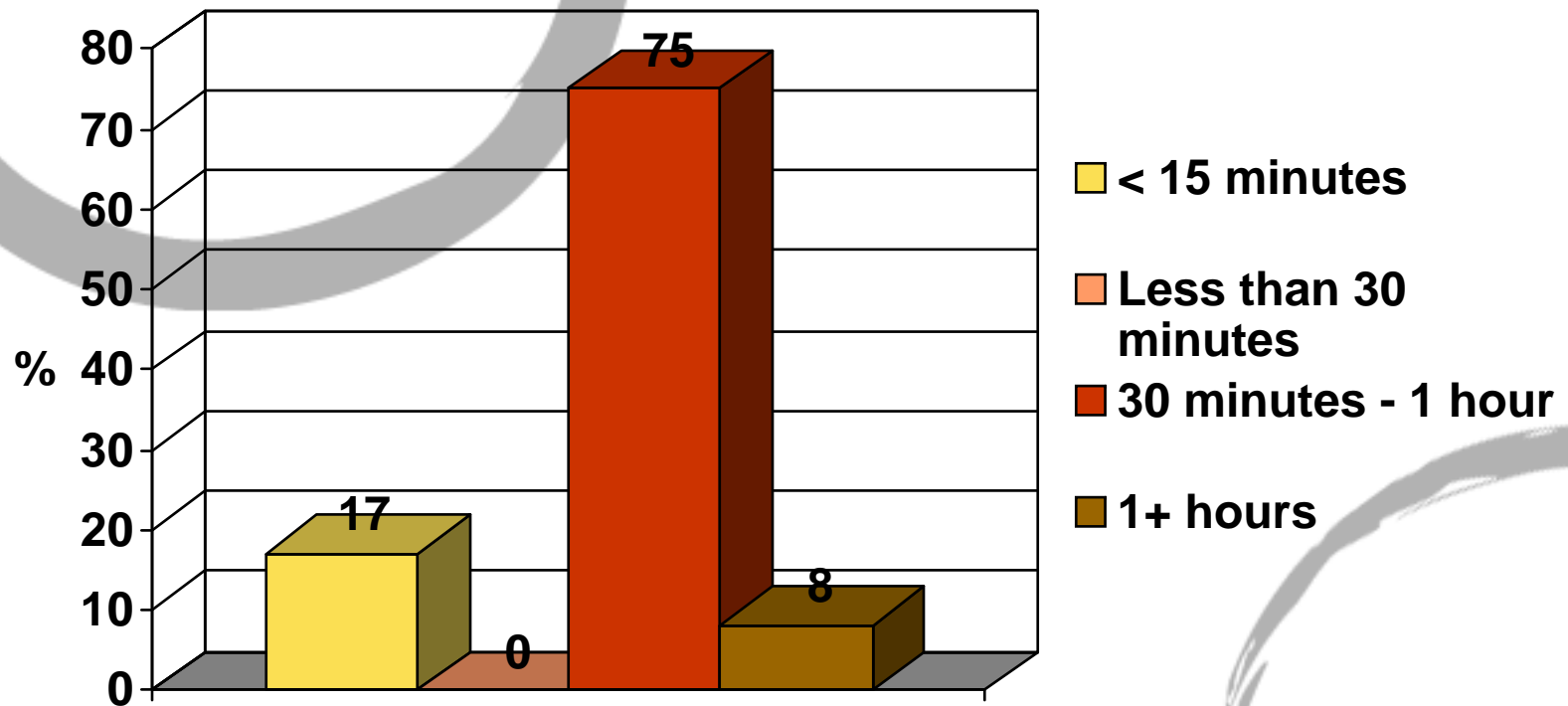
# Is your team conducting or participating in PHCs?



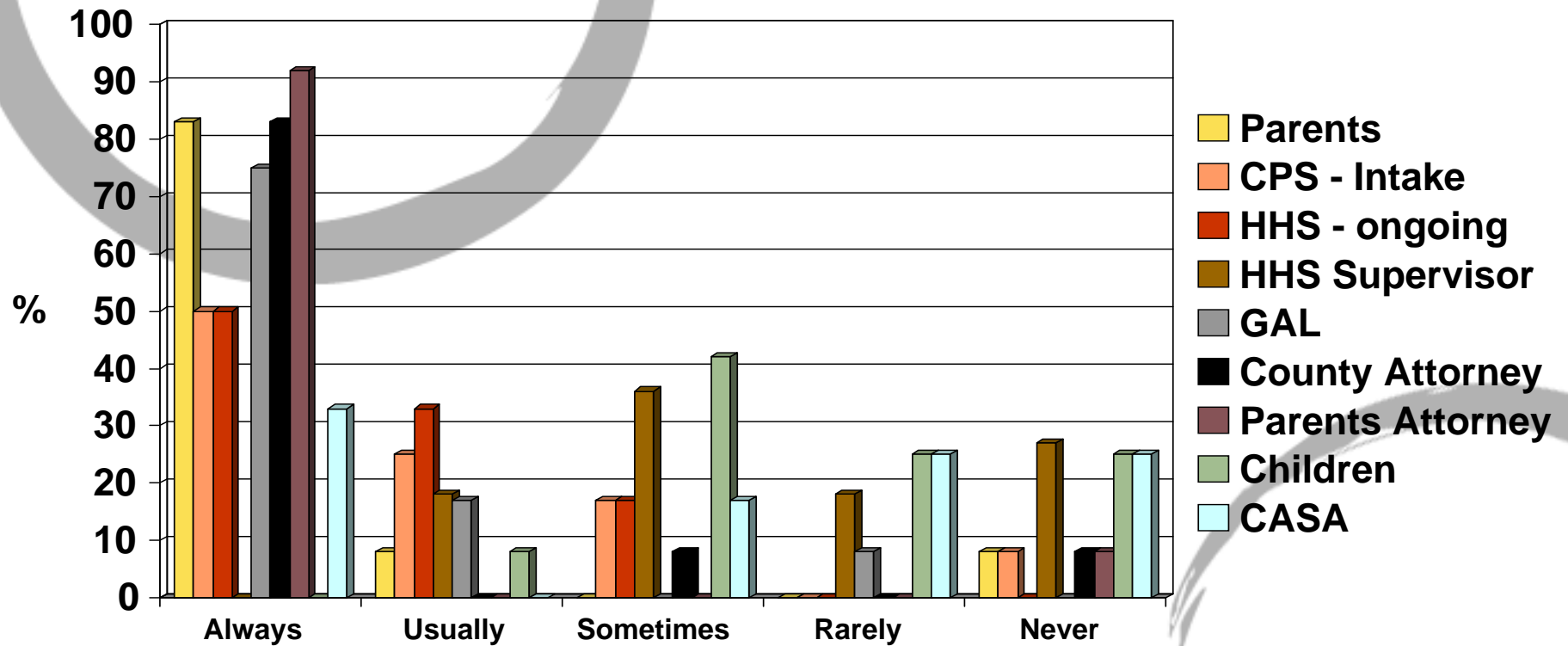
# Who is conducting the facilitation?



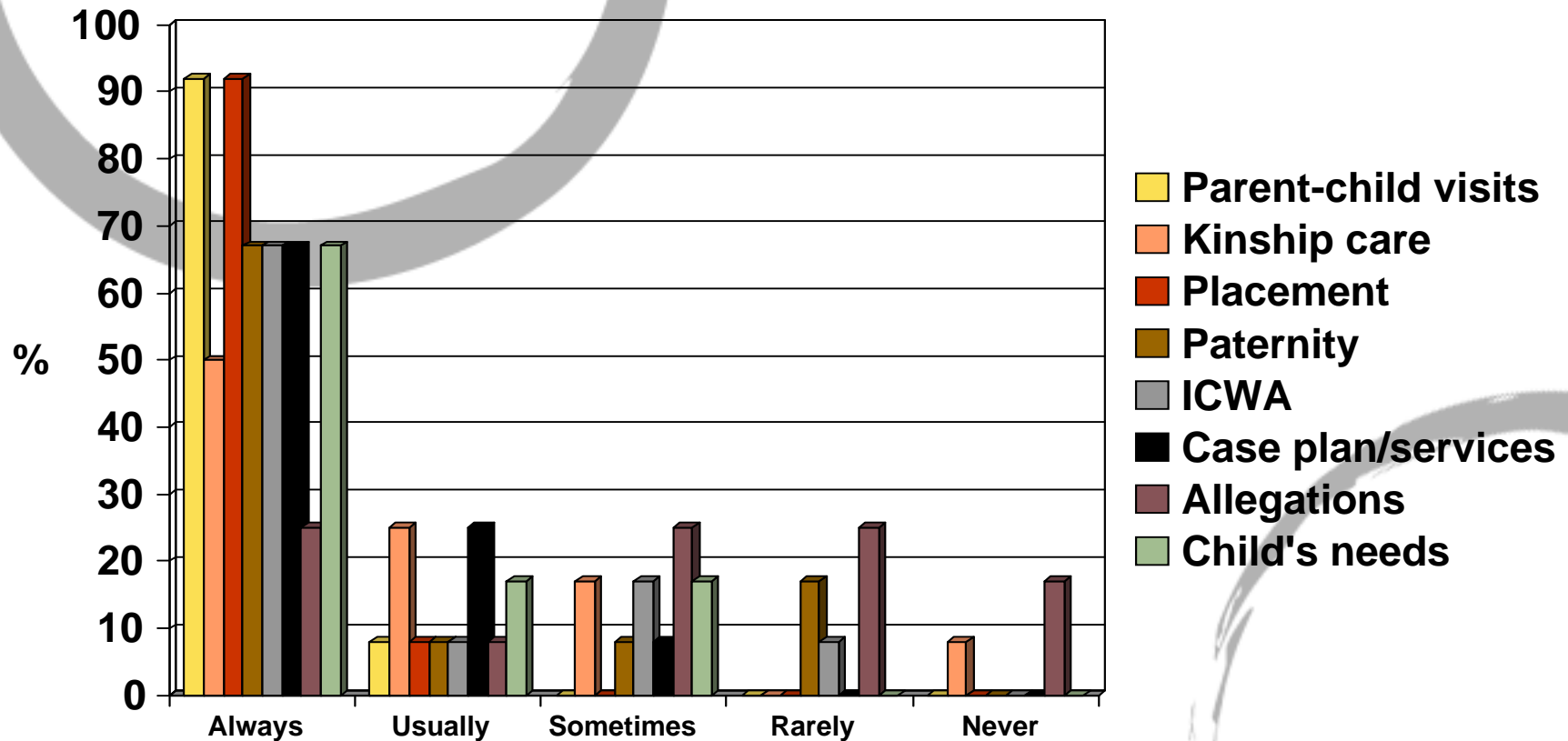
# What is the average length of a PHC?



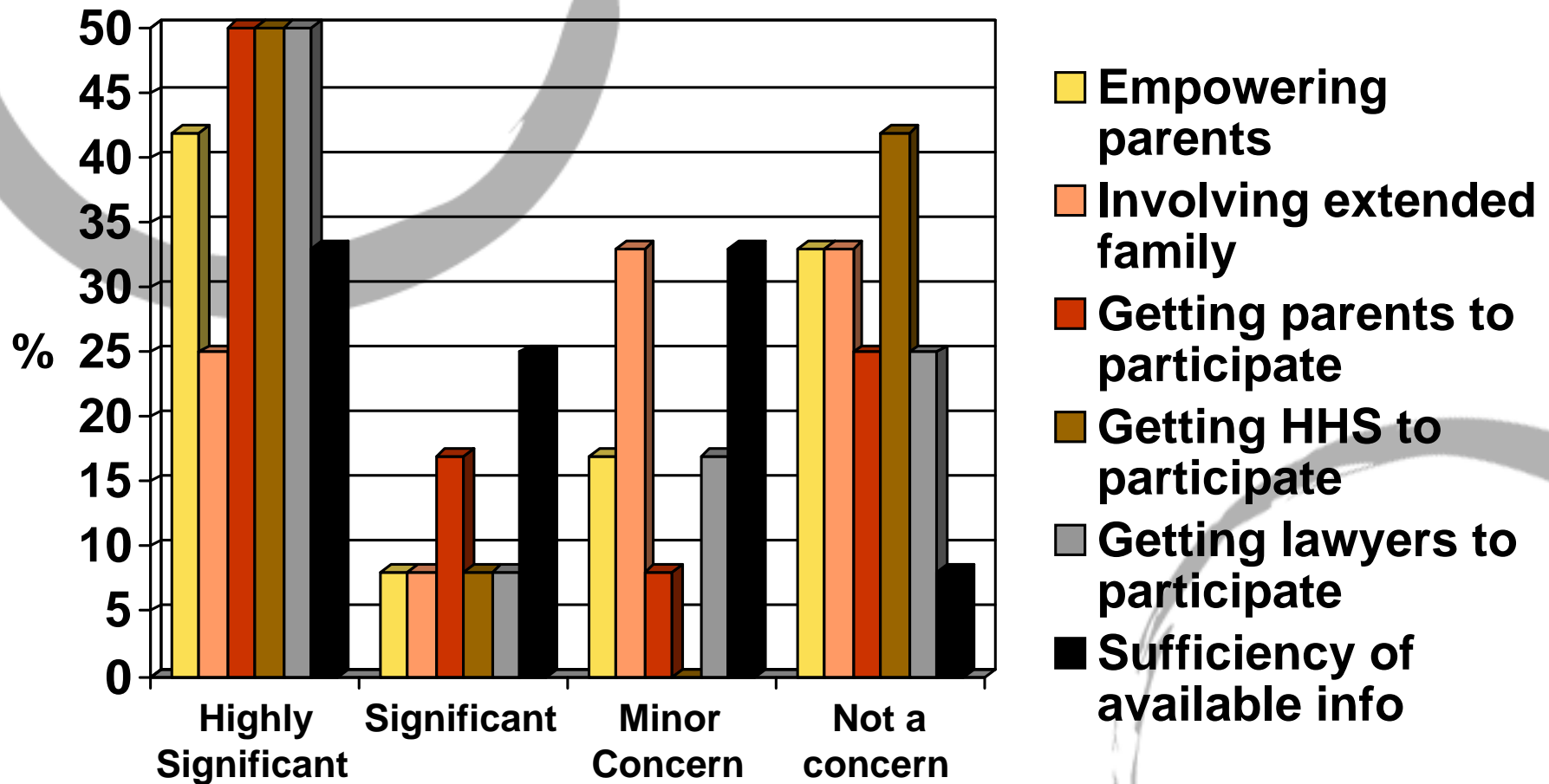
# Who attends PHCs?



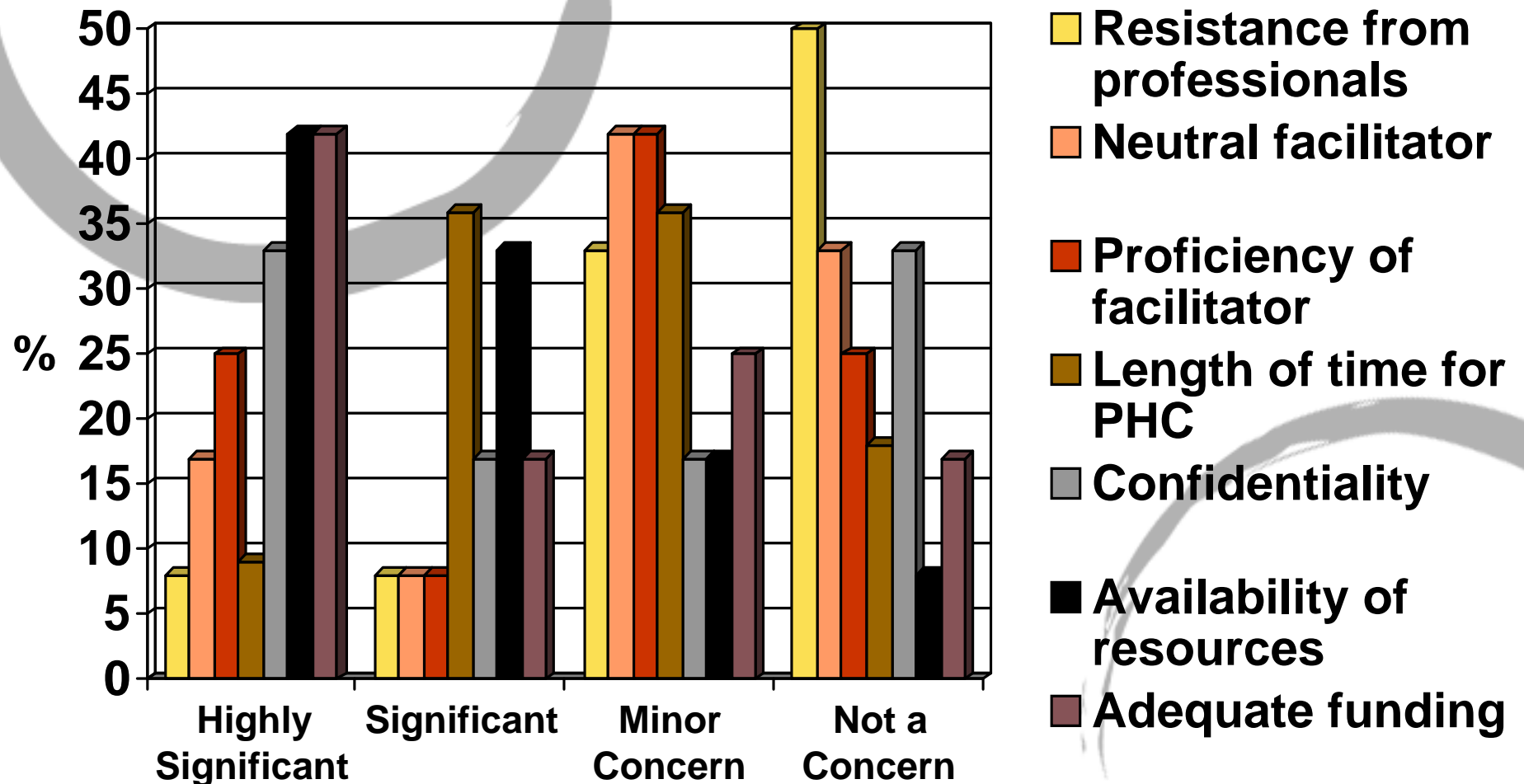
# What issues are covered during the PHC?



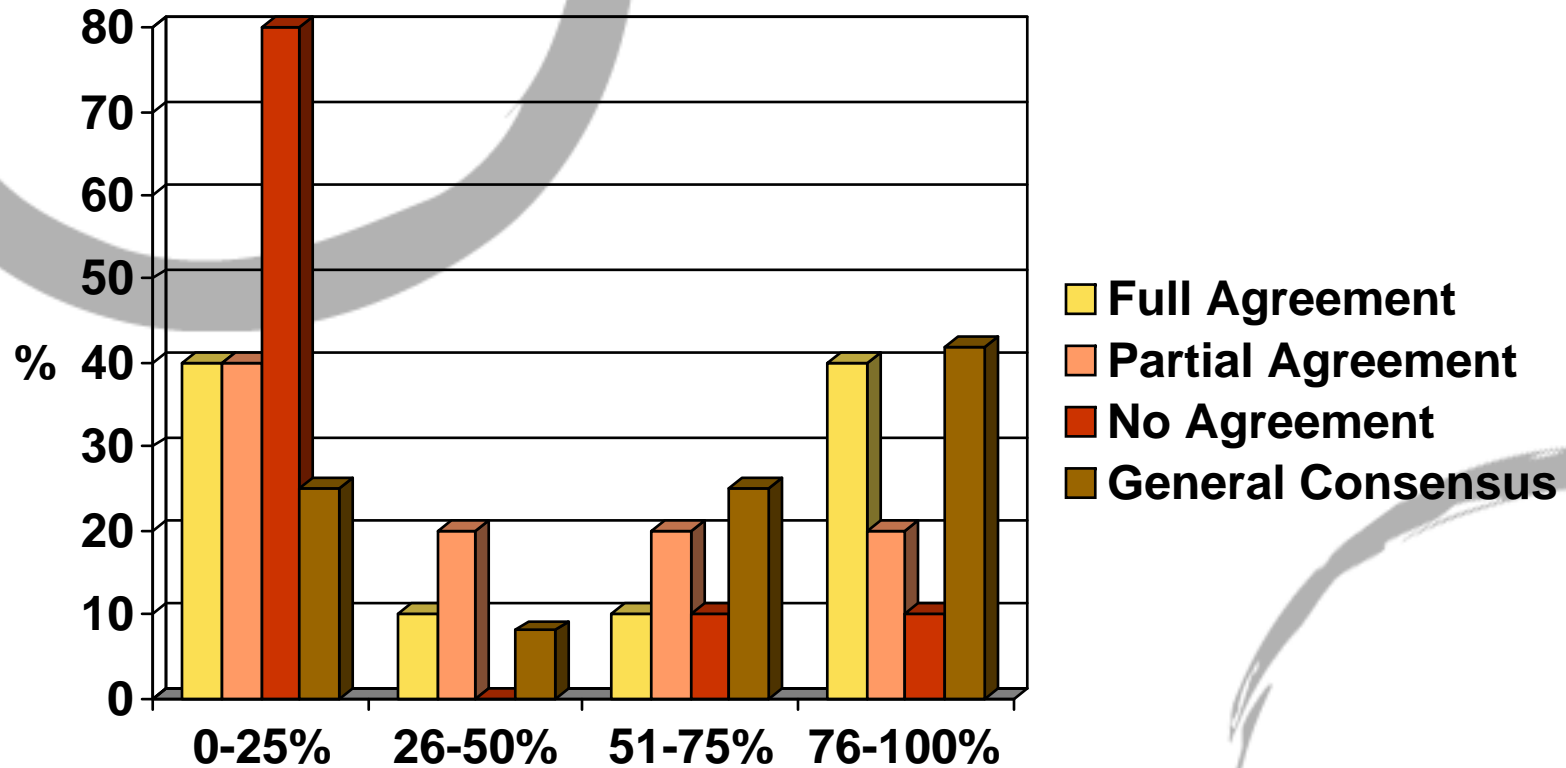
# What are significant concerns to your team?



# (cont'd) What are significant concerns to your team?



# Do pre-hearing conferences reach agreement?



# What are the major factors of success of a PHC?

- Pre-planning
- Non-threatening environment and atmosphere
- Training of parties
- Everyone is given a chance to speak and present questions or concerns
- Open communication, being direct
- Parents having attys, understanding the process
- As many parties attend as possible
- Adequate information is available
- Support of the judge

# What are the major obstacles to the success of a PHC?

- When not everyone is on the same page or time frame
- Lack of knowledge of best practices
- Parties that are hurried, want to treat PHC as an adjudication hearing
- Lack of training, refusal to attend available training
- Resistant, micromanaging personalities

# Issues to consider:

- Should attendance be mandatory? What is the authority to do so?
- Should all 3a cases go to PHC? I.e., extreme abuse allegations and TPR petitions
- Are PHCs confidential? Is non-confidentiality preventing full participation?
- How do you get full participation?
- What to do when a parent is advised not to speak at all during the PHC?
- Do 3b cases come into PHC? Are there issues with no representation of parents?

# Current PHC Activities in NE:

- Local team activities: training for attorneys, parties, local protocol development
- HHS funding for PHC facilitation
- Protocol Development Committee (PDC): standardized protocol and training

# PHC as ADR

Facilitated prehearing  
conferences are a form of ADR

-

***alternative dispute  
resolution***

# ADR and the Courts

- ADR, such as a Facilitated Prehearing Conference, is an “interest-based” process
- **American courts are a “rights-based” system**
- **What are the challenges?**
- **What are the opportunities?**

# 2006-07 NE ODR Mediation Child Welfare Cases

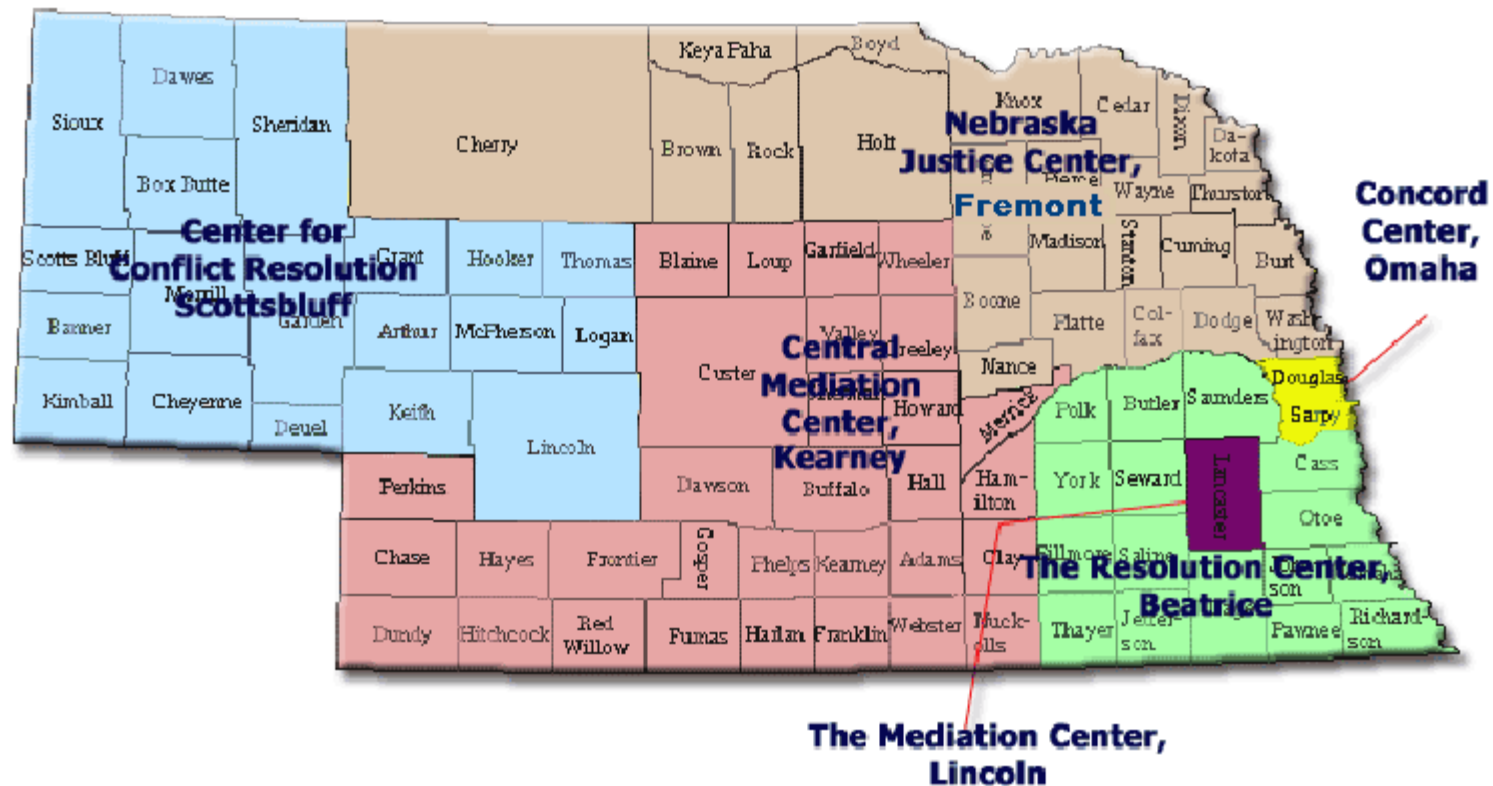
- Overall total of 1,762 mediation and facilitation cases statewide
- 298, or 19% family group conferencing for child welfare and juvenile justice
- 142 or 9% were prehearing conference facilitations (Douglas County)

# NE Office of Dispute Resolution

- Under the State Court Administrator's Office
- Approves and sets mediator and center ethical, training, related standards for ODR-approved mediation centers
- Furthers the use of mediation, ADR in the state

# Nebraska ADR

## NEBRASKA ODR-APPROVED MEDIATION CENTERS



For more information, please contact the NE Office of Dispute Resolution, 402-471-2766, [dbrownyard@nsc.state.ne.us](mailto:dbrownyard@nsc.state.ne.us) or [www.court.state.ne.us](http://www.court.state.ne.us) and click on "mediation."

# ODR-approved mediation centers

- Omaha: Concord Center
- Fremont: Nebraska Justice Center
- Scottsbluff: Center for Conflict Resolution
- Kearney: Central Mediation Center
- Beatrice: The Resolution Center
- Lincoln: The Mediation Center

# What statutes govern ADR and mediation in Nebraska?

- Nebraska Dispute Resolution Act, 25-2901 et seq. (1991)
- Nebraska Parenting Act, 43-2901 et seq. (1993)
- Nebraska Uniform Mediation Act, 25-2930 et seq (2003)

## *ODR information:*

- For more information, please contact the Office of Dispute Resolution:  
[www.supremecourt.ne.us/mediation](http://www.supremecourt.ne.us/mediation)
- 402-471-2766
- [dbrownyard@nsc.state.ne.us](mailto:dbrownyard@nsc.state.ne.us)
- Nebraska Mediation Center Association (NMCA): [www.nemediation.org](http://www.nemediation.org)