

The Legal Resource Workgroup was established by the Committee to review how families involved in non-court juvenile cases are served by protecting their legal rights and identifying legal services to prevent court involvement. Last year, the group determined that finding assistance with obtaining guardianships to prevent system involvement was a priority. When the primary parent or caregiver is unable to care for children, often there is a willing caretaker available but without guardianship established, this caretaker has limited legal rights. The group met with DHHS and discovered that the legal expenses of establishing a guardianship can be paid with funds from the Department; however, Alternative Response families typically do not meet the requirements for this funding. Rather than establishing a guardianship, families often use a Power of Attorney or Temporary Delegation of Parental Power (TDPP). Forms for TDPP's are easily available on the Nebraska Supreme Court website. But many times, families do not understand the responsibilities and limits of a TDPP. Further education on these responsibilities and limits would allow for more transparency.

Understanding the responsibilities of a legal guardian is also imperative for guardianships to be successful. The group learned of instances in which guardianships have been established, but do not truly serve the best interests of the child because of the guardian's lack of engagement in their life. Some counties in Nebraska require that Guardians Ad Litem from juvenile court cases remain involved in the guardianship case to ensure the guardianship goes well. Other counties only require an annual report from the guardian. Establishing some consequences for guardians who purposely do not meet appropriate expectations would also provide protections to youth.

The group also discussed educational issues families face, including caregivers who are unfamiliar with Nebraska's educational system and are not able to advocate for a child's unique needs. These situations can lead to the impression that the caregiver is guilty of educational neglect or creating negative behaviors that become unmanageable in the school system. The Educational Rights Counsel met with the group to explain more about how the educational system works with alternative response families, and the group determined further education and understanding is needed to properly meet the needs of each individual student. There are several pathways to get services, and typically each student receives a unique response to a common problem. Nebraska's school systems are complex because each district is different; however, if a central navigation agency was established or a flow chart on how to address a specific need were created, families could get services without being concerned about getting further involved with the child welfare system.

The workgroup would offer the following recommendations:

1. Create a culturally competent training explaining the responsibilities and limitations of Power of Attorney/Temporary Delegation of Parental Powers and Guardianships; what their differences are, and what the consequences are for not fulfilling obligations. This training should be required prior to closing any DHHS alternative or traditional response case.
2. Create a central location accessible to families of all racial and ethnic backgrounds to seek culturally competent information to help understand processes and procedures related to their children's engagement with their school system to prevent unnecessary removal or refusal to attend school.