

On February 1, 2024, the Nebraska Supreme Court approved the following rule amendments to the local separate juvenile court rules of Douglas County:

## **Douglas County Juvenile Court**

### **Rules of Practice and Procedure in the Separate Juvenile Courts of for Douglas County, Nebraska**

*(Effective January 20, 2000; amended September 24, 2014; amended February 2024.)*

#### **Rule 1. Initial Statement.**

~~1.1~~ These rules shall govern the procedure of ~~this juvenile court so far~~ the Separate Juvenile Court for Douglas County, Nebraska, insofar as they are applicable and are not inconsistent with any statute of the State of Nebraska or any rule or order of the Nebraska Supreme Court having the force of law.

#### **Rule 2. Decorum and Attire.**

2.1. The judge shall require order and decorum in proceedings before the judge.

2.2. Attorneys shall conduct themselves, whether in court or by remote technology, in a manner ~~which that~~ promotes a positive image professional, courteous, and civil representation of the legal profession and the courts, assists the eCourt in properly reviewing the case, and displays appropriate respect for the justice system. Specifically, Court, the parties, and the proceedings. ~~A~~ An attorney who manifests professional courtesy and civility:

- a. Is punctual and prepared for all court appearances;
- b. ~~Always~~ Interacts with parties, counsel, witnesses, court personnel, and the eCourt with courtesy and respect, in a timely manner;
- c. Makes legal objections ~~during court proceedings for legitimate and~~ in good faith reasons and does not make such objections ~~only~~ for the purpose of harassment or delay; and
- d. ~~Honors appropriate~~ Timely responds to requests made by opposing counsel ~~during court proceedings which do not prejudice his or her client's rights or sacrifice tactical advantage and the Court.~~

2.3. All parties and their attorneys shall be present and prepared to proceed at the hour set by the Court for the hearing ~~by the court. When the judge enters the courtroom, those~~

~~present shall rise and remain standing until the judge is seated or until granted permission by the judge to sit.~~

2.4. Counsel and self-represented litigants shall not participate in colloquy with opposing counsel or courtroom observers during a hearing, whether audible or inaudible, without permission of the eCourt.

2.5. Attorneys or self-represented litigants shall examine witnesses and address the eCourt from the attorney's table and shall not approach the bench, witness stand, court reporter, or opposing counsel, or otherwise move from the counsel table, without first obtaining the permission of the eCourt.

2.6. Witnesses and parties shall be referred to and addressed by their surnames or professional titles unless age or other circumstances allows for the usage of their first names. Only one counsel for each party shall examine a witness or make objections during the testimony of such witness.

2.7. Only one counsel for each party shall examine a witness or make objections during the testimony of the witness.

2.78. In the discretion of the law enforcement charged with courthouse security officers or the court, any person may be subjected to a search of his or her person, property, or possessions for possession of any weapons, destructive devices, or components thereof.

2.89. All court proceedings are open to the public as provided by law; however, the eCourt may close the a proceeding or a portion thereof pursuant to law and the Nebraska Supreme Court Rules, on motion of counsel or self-represented litigants and notice to all parties 14 judicial days before a hearing. Counsel or self-represented litigants shall simultaneously submit a brief in support of or in opposition to a motion to close proceedings and cite legal authority for the request. Briefs must be provided to the Court and all parties seven (7) judicial days before the hearing on the motion, absent exigent circumstances. Response briefs shall be due three (3) judicial days before the hearing on the motion. Briefs shall not exceed 10 pages.

2.910. Attorneys shall be attired in ordinary business wear. All parties, witnesses, and persons present in the courtroom shall be appropriately attired as is suitable and proper for court proceedings. The eCourt may continue or delay hearing if any parties' appearance is inappropriate. The court may also cause the removal from the courtroom of any individual not inappropriately attired.

2.101. Cellular telephones, pagers, personal computers, or other such All electronic devices shall be turned off or otherwise disabled so as silenced to not to cause a disturbance during court proceedings, unless otherwise approved by the Court.

2.142. Unless expressly authorized by the ~~judge~~ Court, all broadcasting, televising, ~~and/or taking of~~ photographs, as well as ~~and~~ audio and video recording, except for the making of the official court record of the proceedings, are prohibited in the courtroom and in the areas immediately adjacent to all juvenile courtrooms, as well as in the ~~juvenile e~~Court reception area, ~~during sessions of court or during the recesses between sessions.~~ This shall include hearings by remote technology.

### **Rule 3. Pretrial ~~Conferences~~ Matters and Orders.**

3.1. ~~Within fifteen (15) days of the filing of a petition, the county attorney shall make available to opposing counsel and to any, self-represented litigants, and all guardians ad litem, all discoverable documents or other evidence in the county attorney's possession which that supports the filing of such petition. In turn, a~~ All counsel have a corresponding obligation to take proper steps and self-represented litigants are obligated to request and obtain such documents or other evidence from the county attorney's office. The county attorney shall timely supplement, as additional documents or other discoverable materials become available.

3.2. ~~Within~~ The Court shall hold a pretrial conference within twenty-one (21) days of the detention hearing or arraignment, whichever comes first, of a for any petition filed pursuant to Neb. Rev. Stat. § 43-247(3)(a), (3)(b), or (3)(c) ease, the court shall hold a pretrial conference.

3.3. The court shall hold an arraignment and/or pretrial conference ~~W~~within twenty-one (21) days of the filing of a petition of a filed pursuant to Neb. Rev. Stat. § 43-247(1), (2), or (4) ease, the court shall hold an arraignment/pretrial conference. See also Rule 11.1 below.

3.4. ~~At least one (1) day prior to the pretrial conference, all counsel, including parties appearing pro se, and self-represented litigants shall sign and file a proposed pretrial schedule with the court, delivering a copy of the same to the bailiff, indicating whether the matter is contested or can be disposed of by a plea agreement.~~

3.5. ~~The responsibility for timely filing a proposed pretrial schedule with the court falls equally upon all counsel of record and upon every party of record appearing pro se.~~

3.6. ~~If the matter can be disposed of by plea agreement, then the parties shall indicate in their proposed pretrial schedule the parameters of the proposed plea agreement.~~

3.7. ~~If the matter is contested, the parties will be prepared to advise the e~~Court as to of the following:

- a. ~~The number of witnesses anticipated by each party to be called by each party testify;~~

- b. The amount of time needed for presentation of evidence by each party's case;
- c. Whether agreement has been reached by the parties regarding ~~deadlines for conducting discovery; the filing of pretrial motions;~~ the exchange of witness lists; and the identification of exhibits, ~~indicating~~ and the proposed deadlines for each;
- d. Identification of ~~issues not in controversy, as well as controverted and uncontroverted~~ issues, and other related matters;
- e. Stipulations regarding the advisability/ or necessity of ~~certain~~ evaluations to be performed ~~prior before adjudication, to trial, and identifying with respect to each:~~ wit: (1) the reason(s) for the evaluation; (2) the nature of each the evaluation; (3) the person(s) upon whom it is to be performed; what (4) the arrangements have been made or that need to be made in order to obtain such the evaluation; and (5) the amount of time needed to complete the evaluation and for the parties to obtain the written report of the same; and (6) the cost of the evaluation and the party responsible for payment;
- f. Stipulations regarding foundation or other matters relating to the admissibility of ~~documentary~~ evidence;
- g. Whether in-chambers testimony will be requested and any objections thereto;
- h. Whether an interpreter ~~of any nature will be~~ is required, and if so, the language for which interpretation is required;
- i. Whether audiovisual, ~~computer,~~ or other assistive technological ~~equipment~~ of any nature type is required;
- j. Whether ~~there are any counsel, the parties, or witnesses require~~ any special health needs ~~of counsel, parties, or witnesses requiring~~ accommodations by the eCourt;
- k. Whether the parties are in such substantial disagreement regarding material pretrial matters that they believe a formal pretrial hearing is necessary-;
- l. Whether plea agreements have been reached;
- m. Any known or anticipated security concerns; and
- n. Whether transportation arrangements are needed for a party or witness due to incarceration or placement in a facility. Counsel shall be responsible for making the necessary arrangements for transport, including, but not limited to, filing the necessary pleadings.

~~3.85. Upon receipt of the proposed pretrial schedule, the court may approve, modify, or overrule it. Lack of response from counsel or a client shall not be good cause to continue a pretrial matter. Counsel and self-represented litigants must abide by the case progression standards set forth in the Nebraska Supreme Court Rules.~~

#### **Rule 4. Motions.**

##### **4.1 Contested Motions:**

~~a. Each courtroom will reserve at least two (2) one-half hours per week during which the court will hear contested motions, which do not involve the testimony of witnesses, including but not limited to motions to dismiss; motions under Rule 12; motions supported by affidavit; motions relating to discovery; and motions for continuance; as well as any other motions or matters which the court, in its discretion, may choose to hear. All motions shall state, with clarity, the specific relief sought.~~

b. All motions, unless stipulated to by the parties, shall be in writing, shall contain a complete certificate of service, and shall contain a notice of hearing. All motions must be filed at least three (3) judicial days before the scheduled hearing on the motion. Failure to timely file may result in the motion not being heard by the Court.

~~c. Prior to calendar scheduling the motion, as designated by the court in Rule 4.1 above, the attorney for the party seeking the hearing on a contested motion shall consult with the eCourt's bailiff to obtain a specific hearing date and time for the motion.~~

~~d. In the event of vacation, extended illness, or other prolonged absence of the judge to whom the case is assigned, the attorney seeking a hearing upon a motion shall contact the Juvenile Court Administrator's office to make arrangements regarding a hearing on the motion for assistance.~~

**4.2 Uncontested Motions:** The eCourt may grant a motion that is ~~not~~ uncontested by the parties without a hearing, as follows:

a. An uncontested motion, ~~including an uncontested motion to continue,~~ may be filed, ~~which is either signed by all counsel for the parties, or which alleges /self-represented litigants and state the following:~~

i. All other parties and counsel ~~agree or~~ have no objection to the relief requested in the motion, and

ii. Counsel for the moving party has provided all other counsel with a copy of the motion ~~as well as the~~ and proposed order to be entered upon the motion.

b. All ~~such~~ uncontested motions shall be accompanied by a proposed order ~~for the judge's signature, prepared by at least one of the attorney(s) seeking the order granting the motion.~~

c. The eCourt may require the moving party to submit a proposed order signed by all counsel, ~~including parties appearing pro se and self-represented litigants,~~ designated "approved as to form and content."

d. ~~Such attorney~~ Counsel for the moving party shall promptly send/distribute a copy of the signed order to all counsel and self-represented litigants of record ~~and to each party who is not represented by counsel.~~

#### **4.3 Ex Parte Motions:**

a. ~~The hearing on a~~ A probable cause finding granting immediate custody of a juvenile in a delinquency or status offense case ~~hearing~~ shall be heard held within twenty-four (24) hours ~~of the juvenile's being taken into custody,~~ or on the next judicial day when a juvenile has been detained for an act, other than a traffic offense, that would constitute an infraction, a misdemeanor, a felony offense, or probation violation under the laws of this state.

b. ~~The hearing on an ex parte order granting immediate temporary custody in a child abuse/neglect case filed under Neb. Rev. Stat. § 43-247(3)(a) shall be heard~~ A hearing shall be held within ten (10) ~~calendar~~ judicial days of the date of ~~the~~ entry of an ex parte order granting immediate temporary custody of a child to the Nebraska Department of Health and Human Services or another suitable person in a case filed pursuant to Neb. Rev. Stat. § 43-247(3)(a) such order by the court.

c. All other ex parte motions, ~~excluding those described in Rule 4.3(a) or (b) above,~~ shall be heard within ten (10) ~~calendar~~ judicial days after ~~the ex parte~~ an order granting said ex parte motion ~~was signed is entered.~~

d. Emergency contact with the eCourt for ex parte orders ~~or otherwise~~ shall first be attempted through the assigned judge, ~~and if that.~~ If the assigned judge is not unavailable, then through the duty judge.

#### **4.4 Motions for Continuance:**

Motions for continuance must be supported by an affidavit as required in Neb. Rev. Stat. § 25-1148 and shall set forth whether the opposing party(s) has an objection. If the opposing party(s) does not object to a continuance, the movant is responsible for scheduling a new date and time with all opposing parties and the court. If the opposing party does object, it is the movant's responsibility to schedule the motion for hearing with

the court. Except in exigent circumstances, a motion for continuance shall be filed three (3) judicial days before the hearing for which continuance is requested.

## **Rule 5. Exhibits.**

5.1. All documents, including, but not limited to, predisposition reports, case plans, progress/probation reports, and guardian ad litem reports shall be delivered to all counsel, self-represented litigants, and pro-se parties ~~the court reporter~~ at least five (5) judicial days ~~prior to~~ before the hearing in which the documents are to be offered. Counsel and self-represented litigants are responsible for ensuring their respective exhibits are in proper form. Absent good cause shown on the record, failure to comply with this rule may result in disallowance of exhibits.

5.2. The party offering ~~said an~~ an exhibit shall have the exhibit ~~separately~~ marked by the court reporter ~~prior to the start of~~ before the hearing begins. Exhibits shall not contain any unrelated attachments.

5.3. All exhibits offered but not received by the eCourt shall be returned to the court reporter before the close of the hearing unless leave is granted by the eCourt to withdraw the exhibit.

5.4. Copies of all exhibits received into evidence shall be placed in an exhibit file that correspondings to the respective case, involving the child or children. Only t~~The judge and court staff will have exclusive access to the exhibit file. No other persons or self-represented litigants may have access to the exhibit file. All others shall not have access to the exhibit file~~ or exhibits without permission of the eCourt and notice to all parties. ~~Those e~~ Exhibits in the custody of the court reporting personnel may be open for inspection and copying by counsel ~~appointed or appearing on behalf of the parties, or self-represented litigants~~ upon reasonable request ~~of~~ to the court reporting personnel. All others may not have access to the exhibits without permission of the eCourt.

5.5. When ~~making a determination~~ ing as to the manner in which a ~~pro-se self-~~ self-represented litigant may inspect or copy exhibits, the eCourt will consider the fact that ~~pro-se self-represented litigants are not~~ ordinarily ~~are not~~ licensed attorneys and, therefore, not sworn officers of the eCourt. In all cases, the eCourt will take into ~~account~~ the consideration confidentiality ~~considerations~~ set forth in Neb. Rev. Stat. § 43-2,108 and may make such orders as are appropriate with respect to the inspection or copying of exhibits.

5.6. All counsel and self-represented litigants shall make timely inquiries of each other regarding exhibits to be offered at a scheduled hearing to avoid the need for a continuance.

## **Rule 6. Pleadings.**

6.1. All pleadings, motions, affidavits, and proposed orders shall comply with Nebraska Supreme Court Rules as to size, text, and fonts:

~~a. Shall be printed or typewritten on paper 8½ inches wide and 11 inches long;~~

~~ba. Pleadings shall contain the name, address, Nebraska State Bar Association number, and telephone number, and email address of the attorney preparing the same and filing said pleadings and all other information as required by current Supreme Court Rules, and may also contain the fax number or email address of said attorney as described in Rule 8.1(c) and (d) below. ; and~~

~~eb. Pleadings shall include the caption of the case,; and~~

~~d. In the case of pleadings and motions shall clearly designate its content the reason/purpose for the motion, and state on whose behalf it is filed.~~

6.2. ~~Subsequent to~~ After the filing of a petition, any party filing a pleading, motion, or proposed order shall serve a copy of the same upon all attorneys of record or ~~parties of record, if not self-represented by counsel~~ litigants. A copy of the motion and proposed order shall be also be served upon an attorney for the emailed to the assigned Probation Officer and Nebraska Department of Health and Human Services and/or the assigned probation officer Child and Family Services Specialist.

6.3. Service by ~~first class mail~~ the court-authorized service provider shall be sufficient unless service by some other means is required ~~by law~~.

6.4. Any document filed ~~subsequent to~~ after the petition shall contain a certificate of service ~~pursuant to these Rules~~.

6.5. ~~Counsel, or any party acting in a pro se capacity, and self-represented litigants~~ shall not attach as an exhibit to any pleading or motion or file with the Clerk of the Court, any document designated as not open to inspection or described as a confidential record under Neb. Rev. Stat. § 43-2,108, except as the filing of a confidential document or record is allowed by the court-authorized service provider for transmitting documents to trial and appellate courts.

## **Rule 7. Briefs.**

7.1. Briefs shall ~~be typed on paper 8½ inches wide and 11 inches long~~ comply with Nebraska Supreme Court Rules as to page size, text, and fonts.



7.2. The original brief shall be delivered to the judge rather than filed with the Clerk unless otherwise ordered by the Court. A copy shall be served on opposing counsel and any ~~unrepresented parties~~ self-represented litigants in accordance with Rule 8.2 below these rules. Briefs shall contain a certificate of service ~~indicating~~ specifying the date and manner of service.

7.3. Citation to authorities shall conform to generally accepted standards ~~of~~ for legal citations.

7.4. The eCourt may require briefs whenever briefs ~~would be helpful to~~ will assist the eCourt and may set a timetable for submission. In the absence of a specific court order, a party receiving a brief may file a response within ten (10) judicial days.

## **Rule 8. Service of Notices, Briefs, Pleadings, and Motions.**

### 8.1. Notices of Hearings:

a. ~~Written~~ Each notice of ~~all~~ hearings shall advise all counsel ~~(or parties, if unrepresented by counsel)~~, self-represented litigants, and the Office of the Court Administrator's Office for scheduling in JUSTICE, of the date, time, courtroom, or location at which the hearing will be held ~~upon the particular motion or pleading involved~~.

b. ~~Written notice of all hearings, excluding child support hearings in the juvenile court (which are governed by Rule 9 below), shall be mailed or personally delivered to all other counsel in the case (or to a party, if such party is not represented by counsel) at least three (3) full judicial days prior to the hearing upon the motion.~~

c. ~~Service of notice of hearing may be faxed to any and all attorneys involved in an action if that attorney(s) has consented to receive service via fax transmission. An attorney who consents to this mode of service and to accept notice of hearing via fax shall so indicate by including his or her fax number with the attorney's signature, name, address, and telephone number on a document filed in an action.~~

d. ~~Service of notice of hearing may be emailed to any and all attorneys involved in an action if that attorney(s) has consented to receive service via email. An attorney who consents to this mode of service and to accept notice of hearing via email shall so indicate by including his or her email address with the attorney's name, address, and telephone number on a document filed in an action~~ Service of notice of hearing will be by electronic filing pursuant to Nebraska Supreme Court Rules. Attorneys shall not attach a separate certificate of service or certification document as the automated Certificate of Service issued by the Nebraska Electronic Filing System complies with Nebraska Supreme Court Rules and other applicable statutes.

~~8.2. Service of all other notices or requests, pleadings, and briefs should be made so as to allow~~ notices, briefs, pleadings, and motions upon opposing counsel a reasonable and self-represented litigants shall be made within the time that allows for response or preparation, or as governed by the applicable statutes or Nebraska Supreme Court Rules or statutes, or in accordance with such timeline as the eCourt may direct.

~~8.3. All pleadings, motions, notices, and briefs, excluding the initial petition and the initial ex parte motion for custody of the juvenile~~ Briefs, memoranda of law, and written arguments shall not be electronically filed unless specifically directed by the Court, shall be served upon the parties of record, and shall be served within the timeframe directed by the Court.

~~8.4. Each brief, memorandum of law, and written argument, except those directed by the Court to be electronically filed, shall contain a certificate of service certifying the manner and date upon which service of such pleading, motion, notice, or brief was made upon all attorneys counsel and self-represented litigants of record (and parties, if unrepresented by counsel). The certificate of service must be signed by the attorney or attorney's representative (or by the party, if unrepresented by counsel) who filed the pleading, motion, notice, or brief.~~

~~8.45. The use of first-class email for service of pleadings, motions, notices, and briefs, memorandum, and written argument shall constitute sufficient compliance with this Rule, except as may be otherwise be required by statute or rule of the, Nebraska Supreme Court Rule, or as the juvenile court may direct~~ ordered by the Court.

## **Rule 9. Child Support Hearings.**

9.1. Child support hearings in the jJuvenile eCourt shall be conducted in accordance with Neb. Rev. Stat. §§ 43-290 and 43-2,113(3).

9.2. If filed in the jJuvenile eCourt, the county attorney or authorized attorney ~~shall give~~ must provide notice of the filing ~~of said action~~ and of any scheduled hearings to the attorney of record, if any, for the parent from whom child support is being sought, or directly to the parent, if unrepresented by counsel; and to the guardian ad litem for the juvenile, if any; and to an attorney for the Nebraska Department of Health and Human Services, if the juvenile is in the custody of the department. Notice of any child support hearing shall be given ~~by first-class mail; or by personal service; or by other means consented to by the receiving party; and shall be given in accordance with Rule 8.1 of these Rules~~ as soon as possible, but at least ten (10) judicial days ~~prior to~~ before the hearing.

9.3. If a parent who is unrepresented by counsel does not have the ability to receive notice filed electronically or via email, then notice shall be given to such parent by certified mail, return receipt requested, and shall be given as soon as possible, but no less

than ten (10) judicial days before the hearing. Within three (3) days after mailing, the attorney shall file a proof of service with the court. If notice of a child support hearing cannot be accomplished by certified mail, the party serving said notice shall request direction from the Court as to an alternative method of service.

9.4. In said action, counsel are required to comply with the Nebraska Child Support Guidelines as promulgated and modified by the Nebraska Supreme Court. The county attorney or authorized attorney and the attorney for the parent, if any, shall complete a child support calculation worksheet pursuant to the guidelines and furnish the worksheet to opposing counsel or parties at least three (3) days ~~prior to~~ before any hearing on a request for child or medical support. The party setting a child or medical support action for trial shall request sufficient time for trial of the case. Notice shall be given as set out in Rule 8.1 above.

## **Rule 10. Court Files.**

~~10.1 Court files may be checked out by attorneys licensed to practice law in Nebraska or by an attorney's law clerk or other duly authorized representative. Proper identification shall be furnished upon request by the Clerk, and the person checking out the court file shall sign a receipt for the file upon which the Clerk shall note or stamp the date and time of check out.~~

~~10.2 A court file may be checked out for a period not to exceed one judicial day and may be checked out for purposes of making copies of the same, or to present the file to the court or to the parties in connection with any matter. Files shall be returned to the Clerk with all documents in the exact same order and condition as when they were checked out.~~

~~10.3 In no event shall a juvenile court file be returned to the Clerk later than three (3) judicial days prior to any juvenile court hearing or proceeding in the case to which the file/files relate. It is the responsibility of each attorney or firm checking out the court file to be aware of the date of the next hearing or trial in the case.~~

~~10.4 All other persons, including individuals appearing pro se, may review the court file in the presence of the Clerk and, for a fee, obtain copies of pleadings contained within the court file. Copy fees shall be waived for indigent pro se litigants.~~

~~10.5 Violation or failure to comply with these Rules governing court files will result in cancellation by the Clerk of the privilege to check out court files by said attorney or by such other person. The Clerk will maintain a list of persons whose privilege to check out court files has been canceled. A judge of the juvenile court may reinstate such privilege upon good cause shown.~~

Court files may be reviewed in a viewing room provided by the Clerk of the Court.

## **Rule 11. Appointment of Counsel and Fees.**

11.1. The eCourt will appoint counsel and/or a guardian ad litem for any juvenile or ~~for any parent determined to be~~ indigent by the eCourt, and for any other person whenever appointment of counsel would be appropriate as authorized by statute, in the exercise of the eCourt's discretion. ~~The court will also appoint a guardian ad litem for a juvenile as required under Neb. Rev. Stat. § 43-272 and as required by any other section of the Nebraska Juvenile Code.~~

11.2. Attorneys ~~who are~~ willing to serve as court-appointed counsel in juvenile court proceedings shall ~~notify~~ complete the form entitled "Court Appointment List Request" for the Juvenile Court Administrator of that fact, providing the administrator with their contact information annually. The Juvenile Court Administrator shall maintain a current list of all attorneys who ~~are willing to~~ accept appointments in ~~j~~Juvenile eCourt, and shall provide the same to all judges, and shall keep the list updated. Any attorney who wishes to be removed from the list may do so upon request to the Juvenile Court Administrator. ~~Said~~ The list may be examined by the public upon request of the Juvenile Court Administrator.

11.3. Appointments shall be made by the eCourt using the list described in Rule 11.2 above. The eCourt is entitled to rely upon its knowledge of an attorney's qualifications, skill level, and experience in appointing an attorney ~~whom~~ the eCourt ~~deems~~ finds suitable to serve on a particular case.

11.4. ~~Court appointed counsel may apply for payment of reasonable attorney fees by submitting a motion to the Clerk of the Juvenile Court, and a copy of the motion along with an itemized statement to the Juvenile Court Administrator's office. The itemized billing statement shall provide with specificity each service rendered; the date of each service rendered; and the amount of time expended thereon. The statement should further include the attorney's name and the case number. Further, court appointed counsel shall sign each statement confirming the truth and accuracy of the same.~~

~~11.5~~ Court-Appointed counsel shall comply with the Instructions for Court-Appointed Counsel. The Juvenile Court Administrator ~~sh~~will provide the Instructions for Court-Appointed Counsel forms in the Juvenile Court Administrator's office and at the ~~j~~Juvenile eCourt's website, <http://juvenile.dc4dc.com>.

11.5. Attorneys shall apply for reasonable attorney fees within six (6) months of the date of service. An application for fees submitted outside this timeframe shall comply with Rule 11.6.

11.6. Attorneys wishing to apply for attorney fees that were not timely applied for pursuant to Rule 11.5 shall file a Motion for Attorney Fees pursuant to Rule 11.6. The motion shall be supported by an affidavit setting forth with specificity good cause for

approval of payment. Being overburdened by work, forgetting to apply for attorney fees, or failure of staff to properly or timely process billing shall not constitute good cause.

The affidavit shall be filed as a confidential document. The motion and affidavit shall be served on the county attorney pursuant to Nebraska Supreme Court Rule § 6-1704(D). If no objection is filed within ten (10) judicial days, the Court shall rule on the motion or set the matter for hearing.

11.7. Unless the Court finds good cause, counsel shall not be compensated for expenses associated with counsel's application for payment of attorney fees not timely sought, including, but not limited to, attorney fees, witness fees, and other expenses.

## **Rule 12. Miscellaneous Use of Remote Technology for Court Proceedings.**

12.1. Generally, court costs ordered paid in Juvenile Court shall be paid to the Clerk of the District Court for Douglas County. Payor shall be able to provide docket and page or case number of the case for appropriate credit. All court proceedings will be conducted in person, unless otherwise approved or ordered by the Court. Court proceedings may be conducted using telephone, video, or other remote technology as follows:

a. In its discretion, the Court may order that a proceeding not involving testimony of witnesses by oral examination be conducted by remote technology.

b. By agreement of the parties and with the permission of the Court, any court proceeding may be conducted by the use of remote technology.

c. If Emergency Modified Court Operations are in effect, the administrative orders of the Separate Juvenile Court for Douglas County shall govern the use of remote technology for court proceedings.

12.2. Counsel shall inform the court's bailiff if an interpreter is needed for any hearing so that arrangements can be made to obtain an appropriate interpreter. Remote appearance of any party shall be arranged by counsel of the party or the self-represented litigant to include providing the Zoom link, or other details for remote access, to the party.

12.3. Where counsel for a parent has reason to believe that his or her client is incarcerated or otherwise detained, counsel shall timely contact the Juvenile Court Administrator's office to make suitable arrangements for the transportation of the parent to the hearing, which may necessitate the filing of a motion by counsel and the obtaining of an order for transport. To request an evidentiary hearing by remote technology, the initiating counsel or self-represented litigant shall contact all counsel of record and self-represented litigants for a stipulation to proceed by telephone, video, or other remote technology. If all parties are in agreement, initiating counsel shall file a motion requesting Court approval, and notice of hearing. All parties appearing by use of remote

technology shall provide the court's bailiff with contact information, email address, and telephone number three (3) judicial days prior to the hearing.

a. All exhibits to be offered at the hearing by use of remote technology shall be provided to the court reporter no less than five (5) judicial days prior to the hearing. All exhibits submitted shall comply with Nebraska Revised Statutes and the Rules of the Supreme Court.

b. Any hearing held by remote technology shall be conducted in conformance with the rules for courtroom decorum as set forth in the Rules of the Supreme Court and Rule 2 of these Rules.

c. There shall be no driving, eating, or smoking; no animated backgrounds; no distortion of the parties, counsel, or the judge; and no other distracting behaviors during remote hearings. Attire must conform to Rule 2.10. Cameras must be turned on and focused on the person speaking unless otherwise permitted by the Court. Counsel shall advise their clients of the same.

~~12.4. Recordings and screenshots of remote proceedings are prohibited. The Nebraska Department of Health and Human Services shall notify, in writing, the court and all parties within one (1) judicial day of any emergency change in the child's placement and shall notify the court and all parties, in writing, seven (7) days prior to any non-emergency change in placement.~~

~~12.5 **Companion Cases.** The county attorney shall, at the time of filing each petition, note or stamp upon the front page of the petition, the case title and docket number of all other open companion cases involving the juvenile, and the name of the judge to whom each companion case has been assigned.~~

~~A "companion case" as defined by this Rule includes: (1) all other open dockets involving the juvenile, whether delinquency, status offense, abuse neglect, or dependency, filed under Neb. Rev. Stat. § 43-247; and (2) those in which multiple juveniles are charged, in separate petitions, with delinquent acts arising out of the same set of facts.~~

~~12.6 **Request for Transcript by Non-party.** Where a non-party seeks the transcript of any juvenile court hearing pursuant to Neb. Ct. R. § 1-203, such non-party shall (1) file an appropriate pleading with the juvenile court in accordance with Rule 6 of these Rules, which pleading shall contain the request for the transcript of each requested hearing, and (2) secure a hearing date from the bailiff regarding the request.~~

~~12.7 Such non-party shall perfect service of his or her pleading in accordance with Rule 8 of these Rules. Where a request for transcript of hearing is made in a case where the court's jurisdiction has been terminated, notice and service under Rule 8 shall be given~~

~~by the non-party requestor to all persons or entities who were parties to the proceeding on the date of the hearing for which the transcript is being requested.~~

~~12.8 After hearing upon the request, the court shall issue an order either granting or denying the request.~~

~~12.9 Payment of all costs for the preparation of the transcript shall be governed by Neb. Ct. R. § 1-203(B).~~

### **Rule 13. Emergency Modified Court Operations.**

~~A~~13.1. This rule sets out the procedures governing emergency modified court operations in the District Court, County Court, and Separate Juvenile Court ~~of~~ for the Fourth Judicial District (collectively “the Courts”).

~~B~~13.2. The presiding judge of the Fourth Judicial District Court shall be responsible for convening a standing committee for the Fourth Judicial District. This Emergency Modified Court Operations Committee shall be responsible for planning and implementing emergency modified court operations.

~~C~~13.3. The Emergency Modified Court Operations Committee shall include a District Judge, a County Judge, and a Separate Juvenile Court Judge (collectively the “Judicial Representatives”). The Committee shall also include representatives from the following stakeholders: District 4A and 4J Probation Office; Douglas County Attorney’s Office; Douglas County Public Defender’s Office; City of Omaha Legal Department; Douglas County Department of Corrections; Douglas County Youth Center; Clerk of the District Court; Douglas County Sheriff’s Office; Douglas County Health Department; and Omaha Douglas Public Building Commission. The Judicial Representatives shall be responsible for coordinating and facilitating communication among the members of the Emergency Modified Court Operations Committee.

~~D~~13.4. In circumstances significantly threatening the ability of the Courts to conduct routine court proceedings safely and efficiently, the Emergency Modified Court Operations Committee’s Judicial Representatives shall vote as to whether to implement emergency modified court operations. If a majority of the Judicial Representatives votes in favor of emergency modified operations, emergency modified court operations shall go into effect. The Judicial Representatives, in coordination with the Nebraska Supreme Court, shall enter appropriate administrative orders detailing the emergency modified operations. Any administrative order implementing emergency modified court procedures shall identify the date by which the order shall expire if not previously vacated, extended, or amended.

~~E~~13.5. The following mission essential functions shall be addressed in any administrative order implementing emergency modified court procedures:

4a. County Court: The operation of the courtroom at Douglas County Corrections and the transport of prisoners to and therefrom. Also, hearings as to any of the following: protection orders, evictions, emergency guardianship or conservatorship proceedings, change of pleas, bond settings, arraignments, and preliminary hearings.

2b. Separate Juvenile Court: Hearings as to any of the following: adoptions, contested protective custody proceedings, contested adjudications or terminations of parental rights, contested motions to revoke probation, contested motions to commit to the Youth Rehabilitation and Treatment Center, and contested ex parte motions.

3c. District Court: Hearings as to any of the following: bond reviews, change of pleas, sentencing, protection orders, motions for ex parte orders or temporary allowances, and motions for temporary restraining orders and temporary injunctions.

¶13.6. The Committee will notify the Nebraska Supreme Court Administrative Services Division and the Omaha Police Department of the emergency modified court operations status. The Committee shall also notify the public of the emergency modified court operations status by:

4a. Preparing and issuing a press release to local media outlets regarding emergency operations;

2b. Placing notices on websites and social media accounts controlled by members of the Committee; and

3c. Posting notices at the entrances to the Douglas County Courthouse.

#### **Rule 14. Miscellaneous.**

14.1. Generally, court costs ordered paid in Juvenile Court shall be paid to the Clerk of the District Court for Douglas County. Payor must provide the docket and page or case number of the case for appropriate credit.

14.2. Counsel shall inform the Court's bailiff if an interpreter is needed for any hearing so that arrangements can be made to obtain an appropriate interpreter.

14.3. Where counsel for a parent or guardian ad litem for a parent or juvenile has reason to believe that his or her client is incarcerated or otherwise detained, counsel shall timely contact the Juvenile Court Administrator's office at least ten (10) days prior to the hearing date to make suitable arrangements for the transportation of the parent or juvenile to the hearing, which may necessitate the filing of a motion by counsel and the obtaining of an order for transport. At least three (3) judicial days prior to the scheduled hearing, counsel for the incarcerated parent or detained juvenile may request the parent or juvenile appear by video in accordance with Neb. Rev. Stat. § 43-278 and Rule 12 of these Rules.



14.4. The Nebraska Department of Health and Human Services shall notify, in writing, the Court and all parties within one (1) judicial day of any emergency change in the child's placement and shall notify the Court and all parties, in writing, seven (7) days prior to any non-emergency change in placement, and comply with Neb. Rev. Stat. § 43-285.

14.5. Companion Cases. At the time of filing, the county attorney shall notify the Juvenile Court Administrator by email of any companion cases for the Petition filed, including the case title, case number, and the judge to whom each companion case is assigned. A "companion case" as defined by this Rule includes: (1) all other open dockets involving the juvenile, whether delinquency, status offense, abuse-neglect, or dependency, filed under Neb. Rev. Stat. § 43-247; and (2) those in which multiple juveniles are charged, in separate petitions, with delinquent acts arising out of the same set of facts.

14.6. Request for Transcript by Non-party. Where a non-party seeks the transcript of any juvenile court hearing pursuant to Neb. Ct. R. § 1-203, such non-party shall: (1) file an appropriate pleading with the juvenile court in accordance with Rule 6 of these Rules, which pleading shall contain the request for the transcript of each requested hearing, and (2) secure a hearing date from the bailiff regarding the request.

14.7. Such non-party shall perfect service of his or her pleading in accordance with Rule 8 of these Rules. When a request for transcript of hearing is made in a case where the court's jurisdiction has been terminated, notice and service under Rule 8 shall be given by the non-party requestor to all persons or entities who were parties to the proceeding on the date of the hearing for which the transcript is being requested.

14.8. After hearing upon the request, the Court shall issue an order either granting or denying the request.

14.9. Payment of all costs for the preparation of the transcript shall be governed by Neb. Ct. R. § 1-203(B).