

Expansion of Restorative Justice Initiatives for Youth in Nebraska

by Kristen M. Blankley and Nicole Britten

Over the last decade, restorative justice¹ services for cases involving Nebraska youth have greatly expanded due to generous grant-based funding and shifts in policy. Most recently, the United States Department of Justice Office of Juvenile Justice and Delinquency Prevention (OJJDP) awarded the Nebraska Office of Dispute Resolution (ODR) a three-year, \$1 million grant to continue to expand restorative justice for Nebraska youth.

The grant contemplates collaboration across a number of stakeholder groups to work with ODR on the implementation. All six of Nebraska's community mediation centers² are involved in the project by training new restorative justice facilitators and rolling out new services. Two groups of researchers, one from the University of Omaha Juvenile Justice Institute (UNO-JJI) and one interdisciplinary team at the University of Nebraska Lincoln (UNL) will undertake research components to evaluate the program and conduct stakeholder analysis. Other key stakeholders, such as representatives from the Court Improvement Project and the Crime Commission, are also involved.

The grant provides Nebraska with a unique opportunity to provide restorative processes for youth both in the child welfare and the juvenile justice systems.³ The grant provides funding for three important tasks: 1) for the state's community mediation centers to expand restorative justice services, 2) for evaluation of the services provided, and 3) for research on attitudes and barriers to increasing restorative justice statewide. This article provides background on services currently offered, expanded services available under the grant, and the two research components.

Restorative Services Currently Offered Through the State's Mediation Centers

Restorative justice practices use support from both family members and the community to create a dialogue around the impact of the harm on the victim, the family, and the community in hopes of creating a plan to repair the harm. The mediation centers currently offer an array of restorative justice services statewide.



Kristen M. Blankley



Kristen Blankley is the Henry M. Grether, Jr., Professor of Law at the University of Nebraska College of Law. She is a mediator affiliated with three of Nebraska's community mediation centers, and she is on the Office of Dispute Resolution Advisory Council.

Nicole Britten



Nicole Britten is a Program Specialist with the Nebraska Supreme Court's Office of Dispute Resolution. Prior to working with ODR, she worked with Nebraska DHHS Children and Family Services for ten years. Nicole obtained her Bachelor's of Science in Psychology from the University of Nebraska at Kearney in 2010.

EXPANSION OF RESTORATIVE JUSTICE INITIATIVES FOR YOUTH IN NEBRASKA

To date, the following services are tailored for dealing with youth in both the child welfare and the juvenile justice systems. Nebraska has a long history of using restorative services in child welfare cases, notably the Family Group Conference. Family Group Conferences help develop a family-centered plan to address a child's safety, permanency, and well-being.

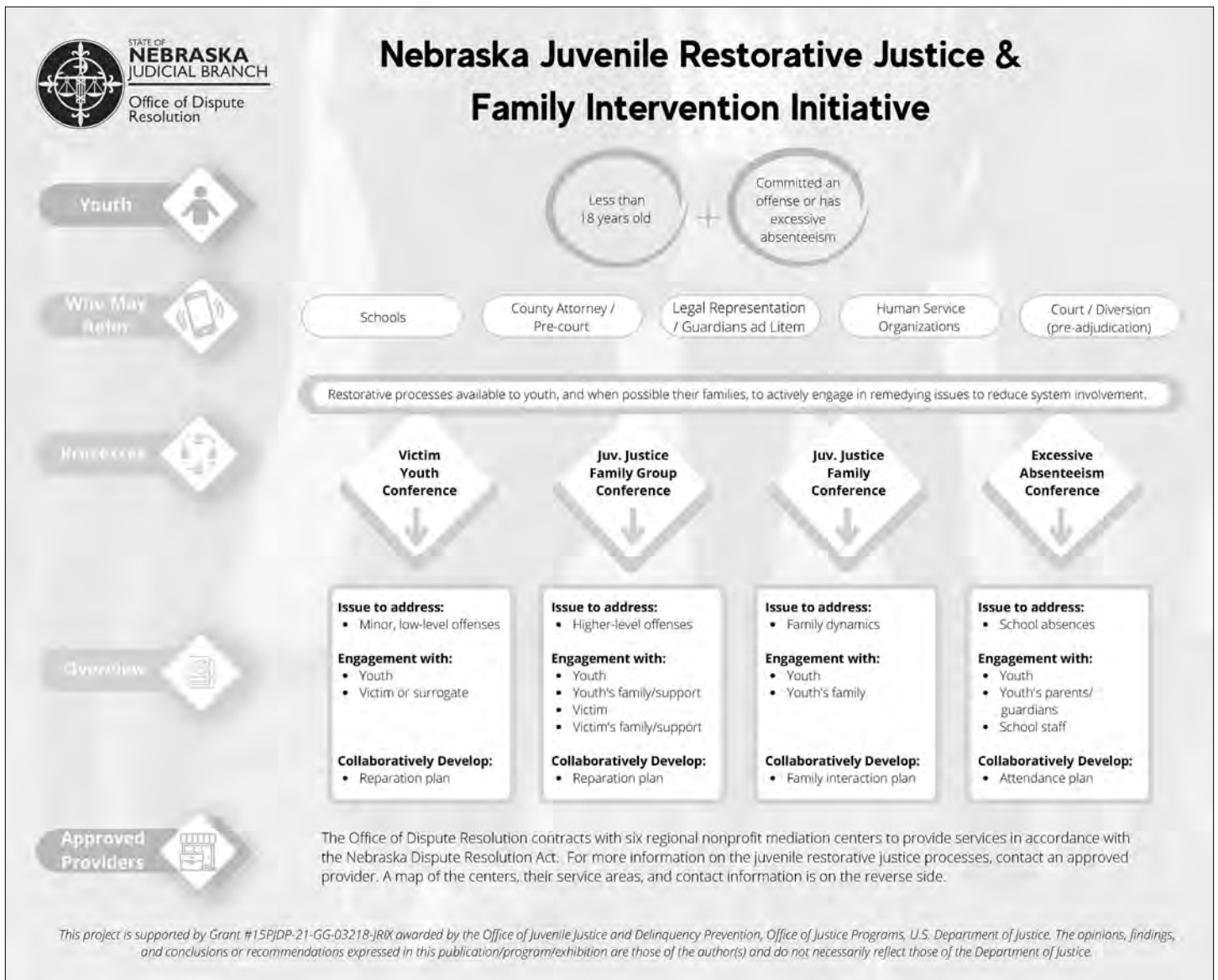
Other conferencing services can be used throughout the course of a child welfare case, including:

- Pre-hearing Conferences are held prior to any child welfare trial proceedings. These conferences focus on placement, parenting time, ICWA determination, or services needed for the family.
- Pre-hearing Permanency Reviews can be held prior to a disposition hearing or prior to a permanency hearing to address important issues or questions around the child's permanency plan.

- Pre-hearing Termination of Parental Rights Reviews are held prior to a permanency hearing or prior to a termination hearing to solidify a plan of termination of parental rights or alternatives to termination.
- Child Welfare Mediation or Facilitation can occur at any time to assess overall problems or barriers that are delaying the family's progress as well as parenting time issues.

In addition, the mediation centers provide services for youth in juvenile justice cases, at various points along the case progression, as early as pre-diversion and as late as post-adjudication.

The most popular model of restorative justice services are the Victim Youth Conferences (VYC), which are dialogues between the youth offender and the victim, or a victim surrogate, while always keeping in mind the victim's safety. The



EXPANSION OF RESTORATIVE JUSTICE INITIATIVES FOR YOUTH IN NEBRASKA

goal is to address and discuss the harm done to the victim and develop a reparation plan. According to the Victim Youth Conferencing Evaluation Final Report submitted by the Office of Dispute Resolution which summarized Victim Youth Conferencing data from years 2018-2021, 93% of VYC's resulted in reparation agreements, 85% of those agreements were fulfilled, 97% of the participants reported being satisfied or extremely satisfied and only 16% of the youth recidivated.⁴

Other restorative justice services provided by the mediation centers include:

- Youth Truancy Mediation is a facilitated process involving a youth with excessive absences from school as well as their parents and school staff. The goal is to develop a plan to address and eliminate the factors that are related to the absences.
- Juvenile Justice Mediation is a one-on-one mediation usually between a youth and parent, provider(s), or family members. This process seeks to address any barriers to the youth's overall progress.
- Juvenile Justice Facilitation is a multi-party facilitation designed to solve any current problems related to the youth's progress and develop a plan to address any barriers.

- Circles are a storytelling process in which all parties have equal standing and have an opportunity for open, honest exchanges regarding difficult issues or painful experiences. This process allows individuals to gain new understandings, knowledge, and create possibilities for solutions.³
- Expedited Family Group Conferences are held on an emergency basis as they are designed to address the immediate placement needs of the youth.⁵

Expanded Restorative Justice Services Offered Through the OJJDP Grant

The mediation centers will continue these restorative justice services to children, youth, and their families, and with this grant, three additional juvenile restorative justice processes will be available. The new services include: 1) Juvenile Justice Family Conferencing, 2) Juvenile Justice Family Group Conferencing, and 3) Excessive Absenteeism Conferencing.

Juvenile Justice Family Conferencing (JJFC) is a facilitated dialogue between a youth and their family to have an open and safe conversation about their concerns, expectations, and needs and to develop a plan to address the identified needs. This service would be ideal for youth with juvenile justice cases who



WHERE ATTORNEYS GO FOR PROTECTION

Reduce Risk to Your Practice With Comprehensive Professional Liability Insurance



The USI Affinity Lawyers Professional Liability Program for Nebraska Attorneys

FLY_0601_0622_NE

Contact the Professional Liability Specialists at USI Affinity Today:

1.855.USI.0100

www.usiaffinity.com/attorneyspreferred

EXPANSION OF RESTORATIVE JUSTICE INITIATIVES FOR YOUTH IN NEBRASKA

are also dealing with family issues at home. The JJFC facilitator can also serve as a resource expander by providing the family with information on local or state-wide resources.

Juvenile Justice Family Group Conferencing (JJFGC) is a large group facilitation that not only includes the youth and their family, but also the person who was harmed as well as support systems for both individuals. This process is similar to the VYC in that the group focuses on identifying the harm, understanding the impact and creating a reparation plan, however the difference between the two is the presence of the support systems. The JJFGC, unlike the VYC, also includes private family time for the family to discuss how they can best help the youth in completing their reparations. Ultimately, the reparation plan is presented to the victim and their support group for acceptance.

Excessive Absenteeism Conferencing is a group facilitation including the student, their family, and school staff. The overall goal is to be able to understand the underlying factors or barriers that are contributing to the youth missing school. Once these barriers are identified, the group's next goal is to develop a plan to address those barriers.

As outlined earlier, recent data shows restorative justice services have a positive impact on youth. The state of Colorado is a leader in the use of restorative justice. In 2020, the Juvenile Diversion Restorative Justice Grant reported out on key findings from data collected from 2014 through 2020 regarding

youth who received restorative justice services. Similar to Nebraska's VYC data, 99% of youth reached an agreement, 91% fulfilled their agreement, and only 8.6% recidivated.⁶

Evaluation of the Expanded Services

Along with providing additional services, the grant notably provides the opportunity to assess those services to ensure they are meeting the goals of the program. Program evaluation is important to understand what portions of a program are working and what portions need changes. Nebraska's ODR has utilized program evaluators in the past to report on the success of restorative justice and mediation programs in the state.⁷

The University of Omaha's Juvenile Justice Institute (JJI) will lead the efforts in program evaluation. The team at JJI includes Dr. Anne Hobbs, Ana Cienfuegos, and Monica Miles-Steffens. They will develop advice on data collection and provide input on the types of information the mediation centers should collect for each of their cases.

At regular intervals, JJI will conduct analyses of the data to ensure the program is meeting its specified goals. Specifically, the team at JJI will analyze survey information from the youth and families participating in the program to understand the participants' satisfaction with the processes and their assessment of the value of these programs.

Your clients have trustworthy people

At UBT, our personalized approach and expertise mean your clients can trust our team to settle their estates, protect their legacy, and ensure their wishes are carried out. It's the kind of service you can count on from a family-owned, community-focused bank founded right here in Nebraska.

For more information, give us a call at **402.323.1324** or visit ubt.com/trust.

UBT Union Bank & Trust.



Leslie



Doug



Brad

Investment products: Not FDIC Insured—No Bank Guarantee—May Lose Value

402.323.1324 | ubt.com/trust

EXPANSION OF RESTORATIVE JUSTICE INITIATIVES FOR YOUTH IN NEBRASKA

JJI will also conduct a comparative assessment of how youth participating in one of the six programs under this grant fare compared to youth participating in other probation programs. One important measure that will be tracked is recidivism rates of the youth involved in the programs.

Statewide Stakeholder Research

The OJJDP grant provides the State with a unique opportunity to explore stakeholder thoughts and attitudes about restorative justice. ODR subcontracted with the University of Nebraska Lincoln to conduct interdisciplinary research to assess avenues for growing restorative justice interventions in addition to identifying barriers that may stand in the way of program expansion.

This portion of the work will be undertaken primarily by Dr. Lisa Pytlik-Zillig (University of Nebraska Public Policy Center), Dr. Ashley Votruba (University of Nebraska Department of Psychology) and Professor Kristen Blankley⁸ (University of Nebraska College of Law). All three of these researchers are trained mediators and affiliated with mediation centers across the state.


Through the use of survey instruments, interviews, and focus groups, the researchers seek to assess current attitudes on the use of restorative justice interventions—both the good and the bad. The researchers plan to gauge attitudes of both legal stakeholders and community stakeholders.

Within the legal realm, the researchers hope to better understand how legal actors see the benefits and drawbacks of restorative justice, particularly for youth. The term “legal actors” intends to include, among others, judges, guardians ad litem, county attorneys, defense attorneys, probation personnel, DHHS caseworkers, school personnel, and others instrumental on referring cases to restorative justice.

In addition to the legal actors, the researchers are also interested in understanding perceptions of restorative justice among the greater Nebraska community. They hope to connect with policymakers (including legislators and school boards), parents, and citizens to gather their input.

This information should provide useful insight into how stakeholders view restorative justice. To the extent that the work uncovers patterns of obstacles to the implementation of these processes, this work has the possibility of determining key objections. Once those objections are known, the mediation centers and others can address those concerns as the project expands and evolves.

Conclusion

The overall goal of this initiative is to expand restorative justice services across Nebraska, evaluate those services, and research attitudes and barriers related to increasing the use of restorative justice services. Restorative Justice services not only allow the youth who caused the harm to understand the impact of their behavior on the victim and the community, but it helps them accept responsibility. Restorative justice services also seek to improve family outcomes and community safety, all while keeping the victim’s safety a priority. The Office of Dispute Resolution is excited to partner with the mediation centers, UNO and UNL to work on this initiative in order to create better outcomes for youth, their families, and the community. 

This project was supported by Grant #15PJDP-21-GG-03218-JRIX awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this publication are those of the authors and do not necessarily reflect those of the Department of Justice.

Endnotes

- 1 Restorative justice practices focus on resolving the impact of the offender’s behavior by creating reparation plan and using support from family members and the community. These practices seek to give the victim a voice while holding the offender accountable for their behavior.
- 2 Nebraska’s six community mediation centers provide services to all Nebraska counties. The community mediation centers are the Concord Mediation Center (Omaha), The Mediation Center (Lincoln), The Resolution Center (Beatrice), Nebraska Mediation Center (Fremont), Central Mediation Center (Kearney), and Mediation West (Scottsbluff).
- 3 Nebraska juvenile courts have jurisdiction over child welfare cases under Nebraska Revised Statute 43-274 (3)(a) and juvenile justice cases under Nebraska Revised Statutes 43-274 (3)(b).
- 4 “Victim Youth Conferencing Evaluation,” retrieved from [chrome-extension://efaidnbmnnnibpcajpgclefindmkaj/https://supremecourt.nebraska.gov/sites/default/files/u7124/VYC_Evaluation_Report_2018-2021_Final.pdf](https://supremecourt.nebraska.gov/sites/default/files/u7124/VYC_Evaluation_Report_2018-2021_Final.pdf) on May 16th, 2022.
- 5 “Restorative Justice Programs Currently Available,” retrieved from <https://supremecourt.nebraska.gov/restorative-justice> on May 16th, 2022.
- 6 “Colorado’s Juvenile Diversion Restorative Justice Grant August 2020,” retrieved from <https://rjcolorado.org/resources/research-and-analysis/> on May 16th, 2022.
- 7 The Office of Dispute Resolution publishes its program evaluations on its website. See <https://supremecourt.nebraska.gov/restorative-justice>.
- 8 Professor Kristen Blankley is a co-author of this article.

MAKE SURE YOU HAVE THE

Write Facts LLC

Since 1991 **SANDRA FOOTE**
HANDWRITING SPECIALIST/EXAMINER

PHONE: (402) 879-4619
PO BOX 97, SUPERIOR, NE 68978

WEBSITE: WWW.WRITEFACTSLLC.COM
EMAIL: SANDRA@WRITEFACTSLLC.COM

