



January 20, 2016

Senator Les Seiler  
Chair, Judiciary Committee  
Room 1113, State Capitol  
Lincoln, NE 68509

Chairman Seiler and members of the Judiciary Committee,

My name is Robert McEwen and I am a staff attorney in the Child Welfare Program at Nebraska Appleseed. Nebraska Appleseed is a nonprofit organization that fights for justice and opportunity for all Nebraskans.

We support LB 673 because we believe it builds on the progress of the last legislative session to improve the representation of children within the guardian ad litem (GAL) system in Nebraska through LB 15. LB 673 does two things: first, it prioritizes the appointment of counsel to an existing county-based GAL division, and second, it requires the county board, instead of the court, to “fix reasonable fees.”

We support giving counties the option to create a GAL division, if an individual county determines that the creation of such an office is in the best interests of the children in that county. There are certain advantages to centralizing representation within one primary law office representing children in a county. For example, younger attorneys could benefit from mentorship by more experienced attorneys, best practices within a county could become more uniform, and individual attorneys could utilize a wider range of resources within a larger office. Furthermore, a centralized location could potentially ensure that a county has more oversight of the practice of attorneys within such a division and could ensure that each attorney has a reasonable caseload in accordance with national best practices.<sup>1</sup>

However, we would caution county officials to think carefully in making such a choice, as we feel that a structure that serves the best interests of children should be the primary factor in making such a decision, and not an attempt to save county funding. To ensure that children’s rights are adequately represented, counties must ensure that such a division would be adequately funded and staffed.

In addition, while we support the goals of LB 673, we would suggest an amendment that would create a mechanism for juvenile courts to appoint counsel outside of a county division if doing so was appropriate in an individual case. For example, there may commonly be situations in which a particular attorney in the county has specialized expertise in one area of law that could dramatically benefit a child.

For these reasons, we support LB 673 and urge the Committee to advance this bill. We also want to thank Senator Krist and the Committee for your continued efforts to improve Nebraska's child welfare system.

Sincerely,  
NEBRASKA APPLESEED



Robert McEwen  
Staff Attorney  
Child Welfare Program

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<sup>1</sup> NACC Recommendations for Representation of Children in Abuse and Neglect Cases (2001).