



Pete Ricketts
Governor

STATE OF NEBRASKA

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

(Nebraska Crime Commission)

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NEBRASKA COALITION FOR JUVENILE JUSTICE

Meeting Minutes

June 24, 2016, 1:00 p.m. CDT

The Nebraska Coalition for Juvenile Justice met Friday, June 24, 2016, 1:00 p.m. CDT at the Northbridge Community Center, 1533 N. 27th St, Lincoln NE. Notice of this meeting was published June 10, 2016 in the Lincoln Journal Star and on the Crime Commission website.

I. Call to Order

The meeting was called to order at 1:06 p.m. CDT by Cassandra Blakely, Chairperson.

II. Open Meetings Law Advisement

Blakely informed the Coalition that a copy of the Nebraska Open Meetings Act, as amended by LB 898, is located on the table on the side of the room for public review if desired.

Blakely also informed the Coalition that the materials which will be used for the meeting are located on the table as well.

III. Roll Call

Members Present: Darrell Fisher, Dan Scarborough, Kara Brostrom, Amanda Speichert, Elaine Menzel, Cassandra Blakely, Chris Rodgers, Kim Hawekotte, Neleigh Boyer, Tiffany Gressley, Kathy Seacrest, Brian Halstead, Jeanne Brander, Kent Turnbull, Tony Green, Kevin Spencer

Members Excused: Judge Vernon Daniels, John-Robert Bloom, Denise Kracl, Nicola Variano, Michelle Schindler, Brett Matthies, Mark Benne, Heather Duhachek, Caitlin Holman, Justin Myers, Daniel Osmond, Corben Waldron

Members Absent: Ron Johns

Staff Present: Lisa Stamm, Derek Jones, Kristy Nguyen, Laurie Holman

Public Members: Jennifer Lenis, Pam Lausterer, Thomas Burns

IV. Introductions

Blakely commented and appreciated the attendance of the Coalition members. Blakely informed the Coalition that there are a few new members that have been added to the Coalition; however they were not notified of the meeting due to not having their contact information, so their absence will not be held against their attendance. Blakely introduced and welcomed Kevin Spencer, Chief of Police of Scotts Bluff, one of the new members, that was present. Blakely had everyone introduce themselves to the group.

V. Approval of March 7, 2016 Meeting Minutes

Blakely invited a motion to approve the March 7, 2016 Meeting Minutes.

Motion

A motion was made by Menzel and seconded by Rodgers to approve the March 7, 2016 Meeting Minutes. Voting in favor of motion: Fisher, Scarborough, Brostrom, Speichert, Menzel, Blakely, Rodgers, Hawekotte, Boyer, Duhacheck, Gressley, Seacrest, Halstead (abstained), Brandner, Turnbull (abstained), Green, Spencer (abstained.) Motion carried.

VI. DMC Update

Rodgers provided an update on DMC. There was a discussion among the Coalition members regarding the OJJDP Requirements, the level of investment for the Committee, and actions that need to be done to move forward. Blakely stated that the Collation will need a formal action on the next agenda meeting regarding DMC.

VII. JJ Specialist Update

Stamm provided an update on the screening evaluations for the DMC programs. Stamm informed the Coalition that the UNL Law/Psychology (UNLLP) research group has completed the screening evaluations and written final reports for four of the DMC programs: *Girls Inc. Adolescent Pregnancy Prevention, Girls Inc. Success Preparation Program, Urban League Truancy Prevention Program, and the Indian Center Four Directions program.* Stamm stated that the UNLLP provided feedback on all findings to the program directors and the Crime Commission.

Stamm also informed the Coalition that the UNLLP has completed screening evaluations for the *Douglas County Fire Setter Prevention program, the Many Nations Counseling Project at the Indian Center in Lincoln, and the Men with Dreams Brick by Brick Program in Lancaster County.* Stamm also stated that the UNLLP also started working with Fire Setters, Girl Scouts in Lancaster County and the African Initiative in Omaha. Stamm indicated that both the Girl Scouts and the African Initiative are starting new DMC programs to address the needs to refugees in Nebraska.

Stamm also informed the Coalition that the Committee has started the online storage folders with materials for UNLLP and the service agencies to review and use to formulate plans for further activity. Stamm indicated that the Committee's plan is to have the refuge programs in place and the beginnings of data collection instruments in place in September 2016.

VIII. SAG Update

Blakely provided an update on SAG. Blakely gave an explanation on the current membership and requirements of the Committee with the Coalition.

IX. Compliance Monitor Report

Stamm gave an update on the Compliance Monitor Report. Stamm informed the Coalition that the Committee has been working on compliance issues, conducting monitors and getting paperwork together and documentation. Stamm stated that Humaran has completed and submitted the Title II application. Stamm also informed the Coalition that Humaran did attend the April National Coalition for Juvenile Justice Conference. Stamm informed the Coalition that the Committee has been working on the Title II PREA, working with county jails to do contracts to have facilities pre-audited. Stamm stated that Vanessa and she did establish technical Assistance with new programs including African Aid Initiative and the Girl Scout Refugee Program. Stamm stated that Humaran will be reaching out at the end of July to start working on the annual Governors report. Stamm indicated that Humaran has participated in the JJ calls and has been assisting with compliance surveys and training. Stamm stated that the goal is to have Humaran and the Compliance DMC position work very close with each other.

Stamm explained that some of the juvenile programs have participated in the JAG Strategic Planning process which has been exciting as some of their gaps and needs may be better fulfilled through JAG funding. Stamm also informed the Coalition that she has been working very closely with Elissa Rumsey regarding DMC and compliance and how we can make that move forward. The Crime Commission has an SOS that is working on reaching out directly to all facilities and gathering information. Stamm also informed the Coalition that Dr. Wiener is writing a proposal for Humaran and him to present on the DMC evaluations in Baltimore at the beginning of December. There was a discussion among the Coalition.

Break from 2:05 p.m. to 2:20 p.m.

X. Grantee Presentation – Saunders County Truancy Program

Pam Lausterer provided a presentation on Saunders County Truancy Program. Lausterer presented information on the history of the program, the intervention levels, the numbers of youth served, the strength, the challenges and the success story of the program. There was a brief discussion between the Coalition and the presenter.

XI. Grantee Presentation – Clay County's *The Zone*

Jennifer Lenis provided a presentation on South Central Partnership. Lenis presented on South Central Partnership history, YWCA Zone, why Zone is important, After School Homework Assistant Program and shared the success story to the Coalition. There was a brief discussion between the Coalition and the presenter.

XII. Legislative Update

Holman gave an overview and provided a handout regarding the 2016 Juvenile Justice Coalition Bill Chart and Juvenile Justice Coalition 2016 Statements of Intent. (Please see attachment 1). There was a discussion among the members of the Coalition.

XIII. Legislative Committee Discussion

Blakely reminded the Coalition that this Committee was created based on the Coalition interests to form a Legislative Committee Discussion to have discussion about, if, how and when the Coalition would want to be involve in the Legislative matters. The members that volunteered to be in the Committee are Kim Hawekotte, Jeannie Brandner, Elaine Menzel, Denise Kracl, and Chris Rodgers. The Coalition discussed on selecting a chair person for the Committee.

XIV. NJJA Conference Update

Blakely and Menzel provided an update on the NJJA Conference that both have attended. Menzel and Blakely stated that it was an interesting and informative experience. There was some discussion among the Coalition.

XV. Probation/JDAI Update

Brandner provided an update on Probation and JDAI including the Probation. There was a brief discussion among members of the Coalition.

XVI. Juvenile Justice Advisory Crosswalk.

Blakely and Hawekotte gave an overview of the Juvenile Justice Advisory Crosswalk. Blakely provided an overview and handouts on the revised crosswalk and the Nebraska Crosswalk Analysis (Please see attachment 2.) There was a discussion among the Coalition. Blakely stated that an agenda item will be needed in the next September NCJJ Meeting for further recommendations.

XVII. Subcommittee Reports

a. Executive

Blakely provided an update on Executive subcommittee.

b. DMC

Rodgers indicated that there is no additional information to report for this subcommittee at this time.

c. Grant Review

Blakely indicated that there is no additional information to report for this subcommittee at this time.

d. Youth

Blakely provided a brief update on the Youth subcommittee. Blakely informed the Coalition that there are two new youth members and the committee is hoping for two more Ad-HOC members. There was some discussion among the Coalition.

e. County Planning Advisory

Menzel provided an update of the County Planning Advisory subcommittee. Menzel stated that the Committee is looking for new members. Menzel stated that if anyone is interested to please let Cynthia Kennedy or herself know.

f. Diversion

Blakely informed the Coalition that Denise could not make it to the meeting. Blakely stated that Denise did provide a written report since she couldn't attend the meeting. Blakely stated that all the Coalition members should have received the written report.

XVIII. 2016 Site Visits

Blakely informed the Coalition that the Committee is still looking for ideas and recommendation for upcoming site visits. Blakely stated that if anyone has suggestions for potential site visit locations to let Vanessa Humaran or herself know.

XIX. Old Business

No old business at this time.

XX. New Business

No new business at this time.

XXI. Public Comment

No public comment at this time.

XXII. Meeting Dates

- a. September 30, 2016 9:30 am – Site Visit

XXIII. Adjournment

Motion

A motion was made by Daniels and seconded by Spencer to adjourn the meeting. Motion carried unanimously by acclamation.

There being no further business the meeting adjourned at 4:00 p.m.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Huong (Kristy) Nguyen', with a long horizontal flourish extending to the right.

Huong (Kristy) Nguyen
Support Assistant, Grant Division

ATTACHMENT

1

LB 1034	Campbell	Change provisions relating to the Nebraska Children's Commission **Portions amended into LB 746 by AM 2381**	HHS	2/19/16	IPP			

Juvenile Justice Coalition 2016 Bill Statements of Intent:

LB 673 (Krist)

The intent of LB 673 is to allow county boards the flexibility to create internal Guardian ad Litem (GAL) divisions. If a county board chooses to create an internal GAL Division, the juvenile court would be required to appoint from this division, unless a conflict of interest exists in representation. In addition, LB 673 provides county boards the authority over the rates/fees paid for attorney services. Portions of this bill were amended into LB 894 by AM 2610.

LB 675 (Krist)

Over twenty years of national research tells us that placement in a locked detention center increases the odds that youth will be found delinquent and committed to correctional facilities, and can seriously damage a child's prospects for future success in education and employment. Secure confinement should only be used as a last resort emergency measure, when a child presents a significant risk of harm to the community or a significant risk to flee the jurisdiction and avoid court processes. LB 675 will align and harmonize state law with national best practice standards by ensuring youth who pose little or no threat to public safety do not experience the damaging effects of confinement. This bill was indefinitely postponed.

LB 707 (Coash)

LB707 increases the number of judges (from five judges to six judges) of the separate juvenile court in counties having four hundred thousand inhabitants or more, which have established a separate juvenile court. This bill was indefinitely postponed.

LB 709 (Howard)

LB 709 is predominately a code clean-up bill occurring in 3 parts:

1. Provides a definition for a term used in the juvenile code. The definition of "alternatives to detention" is aligned with national best practice, and is consistent with the definition in use by Community Based Aid grant funding evaluation and the Juvenile Detentions Alternative Initiative definitions committee.
2. Inserts the term "alternatives to detention" in the appropriate places in statute, striking and removing reference to an old term ("nonsecure detention") that currently creates confusion.
3. Brings the language defining "staff secure placement" out of chapter 83 and places it directly in to the list of terms in the juvenile code, without changing an existing statutory language. This bill was indefinitely postponed.

LB 746 (Campbell)

LB746 implements provisions of the federal Preventing Sex Trafficking and Strengthening Families Act regarding the promotion of "normalcy" among children and youth in foster care. Normalcy is intended to mean age and developmentally appropriate activities and experiences essential to the healthy development of children and youth. The bill creates the Nebraska Strengthening Families Act for the following reasons: To ensure foster children can participate in extracurricular and social activities such as field trips, sports, school clubs, religious groups, family vacations and photos, sleepovers, and obtaining a driver's license. To ensure foster parents are able to make decisions about such activities using a reasonable and prudent parent standard. To involve birth parents in such decisions. To require the Department of Health and

Human Services to ensure children are made aware of their rights and responsibilities and have access to certain documents before aging out, to ensure foster parents are trained and supported in making determinations as to reasonableness, and report on progress. To require juvenile courts to ensure children's rights are protected and that children are able to engage in such activities, and to make certain findings part of the child's record. To eliminate the use of Another Planned Permanent Living Arrangement as a permanency goal for youth under age 16. This bill passed on final reading and was signed by the governor on April 18, 2016.

LB 845(Pansing Brooks)

This bill would provide for definitions and standards regarding the recording and reporting of juveniles being placed in solitary confinement, or 'room confinement' at juvenile facilities and adult correctional facilities. Specifically, the bill provides that if a juvenile is subject to room confinement at certain designated time periods, staff (including, in some instances, the director) of the juvenile facility must record certain information regarding the juvenile, the circumstances relating to the confinement, why lesser-restrictive means were not successful or pursued, and information regarding the psychological and physical health of the juvenile in relation to the period of confinement. In addition, the affected facilities will be required to report to the Legislature instances in which juveniles are being subject to lengthy terms of confinement. This reporting will be done on a quarterly basis beginning September 30, 2016. Finally, the bill directs the Inspector General of Nebraska Child Welfare to review all data collected pursuant to the reporting requirement and to prepare an annual report to the Legislature regarding the use of room confinement at the facilities. This bill was indefinitely postponed.

LB 866(Bolz)

LB866 establishes a program for young people who have been in out-of-home placement and have been adjudicated as a juvenile. The program provides case management and assistance for young people working to transition into adult living. This bill was indefinitely postponed.

LB 893(Pansing Brooks)

This bill would require that a juvenile would have to be at least eleven (11) years old to be prosecuted or adjudicated for a criminal law violation or to be prosecuted as ungovernable, in juvenile or adult court. Instead, the juvenile court in each county, shall have jurisdiction of children who are 10 and younger, who engage in conduct which would otherwise be considered as a law violation under 43-247(3)(a). Portions of this bill were amended into LB 894 by AM 1962.

LB 894(Pansing Brooks)

This bill makes several statutory changes relating to juveniles' rights to counsel in juvenile and adult court. With respect to juveniles' out of court rights to counsel, the bill would require law enforcement, when questioning juveniles regarding the right to counsel, to use 'developmentally appropriate' language with such juvenile. Additionally, should the juvenile request counsel and unless there exist exigent circumstances, such juvenile shall have access to counsel, either retained or appointed, 'without delay.' The bill also requires the juvenile courts to appoint counsel at the time the juvenile petition is filed and prior to the juvenile appearing before the court. The bill further requires juvenile courts to only accept waivers of right to counsel in open court, on the record, and such waivers shall be confirmed in writing signed by the juvenile. The

court shall ensure that the waiver is made intelligently, voluntarily, and understandingly and in determining these descriptions regarding the waiver, the court shall consider a variety of factors including the age, intelligence, and emotional stability of the child, among other factors. In no circumstance shall the court accept a waiver of counsel for a child under age 14; for a detention hearing; for any dispositional hearing requiring out of home placement; or a motion to transfer a case from juvenile court to adult court. Further, the Supreme Court shall set standards for all attorneys practicing in juvenile court. This bill was a Judiciary Committee priority bill. Portions of several bills were amended into this bill by AM 1962.

LB 939(Mello)

LB 939 would adopt the Nebraska Early Childhood Advantage Act. The bill would establish annual state reporting requirements for Departments administering state-funded home visiting programs. This bill was indefinitely postponed.

LB 954(Krist)

LB954 amends provisions in the Office of Inspector General of Nebraska Child Welfare Act and a confidential records provision to address concerns raised by the Nebraska Supreme Court Administrator regarding access to juvenile records by the Inspector General of Child Welfare. This bill passed on final reading and was signed by the governor on March 7, 2016.

LB 975(Kolterman)

LB975 seeks to secure safe and loving foster and adoptive homes for children in need by protecting child-placing agencies against adverse action by the state. The bill allows and will encourage the Department of Health and Human Services to continue its practice of contracting with a diverse array of child-placing agencies, some of which are guided by their religious faith, to serve children in need. Such agencies actively recruit parents willing to take foster and adopted children into their homes, increasing the number of parents caring for state wards. Agencies in other states have recently had to close their doors due to adverse action by state and local governments. The bill ensures the State of Nebraska will maintain as many qualified child-placing agencies as possible by not allowing the state to take adverse action against such agencies based on their sincerely held religious beliefs. This bill was indefinitely postponed.

LB 998(Schumacher)

To provide for emergency community crisis centers and change provisions relating to emergency protective custody. This bill was indefinitely postponed.

LB 1008(Coash)

LB1008 is a bill recommended by the Nebraska Supreme Court commissioned Subcommittee of Vulnerable Adults. The subcommittee recommended that legislation should be pursued to define the duties and/or role of guardian ad litem in probate proceedings because, unlike the Juvenile Code, no statutory parameters for guardians ad litem exist in the Probate Code. There is currently a huge question about what GALs can and cannot do. This bill defines the responsibilities of adult GALs. LB1008 requires that GAL be attorneys, complete training, and advocate for the best interests of whom they represent, including defending for that person's social, economic, and safety interests. The GAL may conduct discovery, present witnesses, cross examine witnesses, present other evidence and file motions on behalf of the person they are

appointed. The GAL may also enter into agreements, request medical, psychological, geriatric, or other evaluations of the person who is the subject of the guardianship or conservatorship. The GAL shall make recommendations to the court regarding a temporary or permanent guardianship, conservatorship, or other protective order. The guardian ad litem's appointment begins immediately at the time he or she is appointed and ends when the court allows the termination. The GAL must make contact with the person he or she is representing within two weeks of appointment and become familiar with that person's condition. The court will determine whether the county or the person who is the subject of the conservatorship or guardianship pays for the GAL. Portions of this bill were amended into LB 934 by AM 2190.

LB 1010(Williams)

The purpose of LB 1010 is to allow county attorneys to file juvenile court petitions electronically. Current law requires petitions to be notarized, which cannot be filed electronically. This bill passed on final reading and was signed by the governor on April 7, 2016.

LB 1034(Campbell)

LB1034 is intended to update the statutes authorizing the Nebraska Children's Commission and extend the Commission through June 30, 2019. The Commission was created in 2012 after serious problems with the child welfare system led the Legislature to restructure the goals of the child welfare system and require more oversight and accountability. The Nebraska Children's Commission has been very successful at bringing together stakeholders, monitoring, and making recommendations in the child welfare system. After 4 years of operation, it is necessary to extend the Children's Commission or it will terminate June 30, 2016. The bill also updates the duties of the commission to include juvenile justice youth. Portions of this bill were amended into LB 746 by AM 2381.

ATTACHMENT

2

Nebraska Crosswalk Analysis

Name of Workgroup/Committee/Coalition	Primary Area of Focus/Themes	Point of Contact with the Juvenile Justice System [Prevention, Arrest, Referral to Court, Diversion, Secure Detention, Petition (charges filed), Delinquent Findings, Probation, Confinement in Secure Correctional Facilities, Transfer to Criminal/Adult Jurisdiction]
Nebraska Commission on Law Enforcement and Criminal Justice Community-based Juvenile Services Aid Division	Builds Capacity of Nebraska Community Planning Teams, Juvenile Justice fund allocation Community Based, Interdisciplinary	Prevention, Arrest, Referral to Court, Diversion, Secure Detention, Petition (charges filed), Delinquent Findings, Probation, Confinement in Secure Correctional Facilities, Reentry
Nebraska Community Planning Teams	Community Based, Interdisciplinary, Collaboration between Juvenile Courts, Law Enforcement, Schools, and Juvenile Justice Service Groups. Work to Build a Comprehensive Juvenile Service Plan. The County Juvenile Service Programs Help Youth Build Accountability and Personal Responsibility. Functions As a Team Supporting Other Agencies and School Districts Involved in Juvenile Services. This Is a Multi-Point Program Provider System, to Help Youth Exit the System At Any Point.	Prevention, Arrest, Referral to Court, Diversion, Secure Detention, Petition (charges filed), Delinquent Findings, Probation, Confinement in Secure Correctional Facilities, Reentry
Nebraska Department of Health & Human Services, Division of Behavioral Health, System of Care Planning Grant	Behavioral Health, Substance Abuse Treatment, Interdisciplinary, Providing Accessible Community-based Care for Youth and Their Families	Although there is a focus on prevention and early intervention, the SOC focuses on youth at all points in the juvenile justice system – Prevention, Arrest, Referral to Court, Diversion, Secure Detention, Petition (charges filed), Delinquent Findings, Probation, Confinement in Secure Correctional Facilities, Reentry
Nebraska Department of Health & Human Services System Five Year Prevention Statewide Strategic Plan	Early Intervention, Substance Abuse Prevention, Interdisciplinary, Promote Safe And Healthy Environments for Youth And Families, Increase Preventative Care for Vulnerable Youth	Prevention and Early Intervention
Nebraska Children's Commission	Devise Strategic Plan for Child Welfare and Juvenile Justice, Provide Permanent Leadership Forum for the Collaboration for Child Welfare and Juvenile Justice Reform at the Three Branches of Government, Public and Private Stakeholders, and Various Levels of Governance to Develop a Strategic Plan, Interdisciplinary	Prevention, Arrest, Referral to Court, Diversion, Secure Detention, Petition (charges filed), Delinquent Findings, Probation, Confinement in Secure Correctional Facilities, Reentry

Juvenile Services Committee - Nebraska Children's Commission	A Committee with the Nebraska Children's Commission, Focused on Juvenile Justice/Juvenile Services and the Development of a Continuum of Care for Youth in the Juvenile Justice System. Committee is tasked with the Structuring the Continuum, Determining the Effectiveness of Rehabilitation and Treatments, and Assessing the Provision of Mental and Behavior Health Services.	Prevention, Arrest, Referral to Court, Diversion, Secure Detention, Petition (charges filed), Delinquent Findings, Probation, Confinement in Secure Correctional Facilities, Reentry (i.e., Continuum of Care)
Strategic Plan for Nebraska Problem-Solving Courts (Administrative Office of the Courts/Problem-Solving Courts)	Primary, Secondary, Tertiary Intervention for Juveniles Found Delinquent for Drug Use, DUIs, and for Young Adults Who Come into Contact with the Justice System	Arrest, Referral to Court, Diversion, Secure Detention, Petition (charges filed), Delinquent Findings, Alternative Sanctions, Probation
Nebraska Juvenile Justice Association	Statewide Professional Development for System Professionals	Prevention, Arrest, Referral to Court, Diversion, Secure Detention, Petition (charges filed), Delinquent Findings, Probation, Confinement in Secure Correctional Facilities, Transfer to Criminal/Adult Jurisdiction
Nebraska Statewide Collaborative for Juvenile Detention Alternative Initiative (JDAI)	Juvenile Detention Alternatives Focused on Safely Reducing the Use of Secure Confinement through the Collaborative Work of Various Stakeholders throughout the State's JJ System	Prevention, Arrest, Referral to Court, Diversion, Secure Detention, Petition (charges filed), Delinquent Findings, Probation
Nebraska Coalition for Juvenile Justice	State Advisory Group, Interdisciplinary	Prevention, Arrest, Referral to Court, Diversion, Secure Detention, Petition (charges filed), Delinquent Findings, Probation, Confinement in Secure Correctional Facilities, Transfer to Criminal/Adult Jurisdiction
NCJJ Juvenile Diversion Subcommittee	Subcommittee of the State Advisory Group, Diversion	Arrest, Referral to Court, Diversion

Questions Related to Analysis:

1. Does the SAG have access to the plans developed and outcomes achieved by the Nebraska Community Planning Teams?
 - Does the Commission on Law Enforcement and Criminal Justice Community-based Juvenile Services Aid Division or any other entity look across plans to determine:
 - patterns and identify needs to be addressed by the SAG in their three year plan and program/initiative funding?
 - professional development needs of individuals involved in all points of the system?
2. Is there a SAG member who is knowledgeable of the status of the Nebraska Department of Health & Human Services, Division of Behavioral Health, System of Care Planning Grant and the Nebraska Department of Health & Human Services System Five Year Prevention Statewide Strategic Plan?
 - If so, does the member provide the SAG with regular updates as to the status of these initiatives?
 - If not, can a representative who is knowledgeable of these initiatives be added to one of NCJJ's subcommittees?
3. How closely does the NCJJ Juvenile Diversion Subcommittee work with Nebraska's JDAI Initiative and Problem Solving Courts?
 - Are there subcommittee members who represent Nebraska's JDAI and Problem Solving Courts Initiatives?