



2020-2025 STRATEGIC PLAN FOR NEBRASKA PROBLEM-SOLVING COURTS

April 2020

Center
for
Court
Innovation

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BACKGROUND

Nebraska currently operates 32 problem-solving courts, including 20 adult drug courts. Other problem-solving court models in Nebraska include juvenile drug courts, veterans treatment courts, young adult courts, family dependency courts, and reentry courts. All Nebraska problem-solving courts are governed by the Nebraska Supreme Court Committee on Problem-Solving Courts under the direction of the Nebraska Supreme Court. The committee is comprised of the statewide problem-solving court director (an employee of the Administrative Office of the Courts and Probation) as well as representatives of courts, probation, law enforcement, judges, prosecutors, and defense attorneys. The administrative oversight of problem-solving courts was authorized through legislation in 2004. In 2006, the Supreme Court established standards and procedures for the implementation, operation, and management of problem-solving courts. Nebraska's statewide problem-solving court director is responsible for providing oversight and technical assistance to all of the state's problem-solving courts.

In 2012, the Nebraska Problem-Solving Courts Leadership Group released a five-year strategic plan to guide the development of the state's problem-solving courts. The five focus areas included in this plan were: 1) sustainable infrastructure; 2) state coordination, collaboration, and administration; 3) quality assurance and ensuring best practices; 4) multi-system integration, support and service access; and 5) scope and scale of problem-solving courts.

In 2018, the Nebraska Administrative Office of the Courts and Probation requested the Center's assistance with developing a new strategic plan that would guide the state's problem-solving courts for the next several years, with a special emphasis on preparing courts for the future and using data to enhance court operations.

CENTER FOR COURT INNOVATION

The Center for Court Innovation promotes new thinking about how the justice system can respond more effectively to issues like substance use, intimate partner violence, mental illness, and juvenile delinquency. The Center achieves its mission through a combination of operating programs, original research, and expert assistance. For over two decades, the organization has been intensively engaged in designing and implementing problem-solving courts, and each year, it responds to hundreds of requests for training and technical assistance and hosts hundreds more visitors at its operating programs. Its staff includes former prosecutors, defense counsel, probation officials, senior administrators of major criminal justice agencies, social workers, technology experts, researchers, victim advocates, and mediators. Under the Bureau of Justice Assistance's (BJA) Statewide Adult Drug Court Training and Technical Assistance Program, the Center provides training and technical assistance to statewide treatment court systems, helping state-level treatment court coordinators and other officials enhance the operation of drug courts and other treatment courts throughout their state.

METHODOLOGY

The Center and the Nebraska Administrative Office of the Courts worked together between December 2018 and September 2019 to create a needs assessment report for Nebraska problem-solving courts. A 25-member strategic planning committee representing many key stakeholders in the state's problem-solving court system was convened. Center staff interviewed each committee member between June and August 2019.

- Harley Amy, Sergeant, Buffalo County Sheriff's Department
- Eric Asboe, Budget and Fiscal Officer
- Judi Biniamow, Wiles Counseling & Assessment Inc.
- Fred Cheesman, Principal Court Research Consultant, National Center for State Courts
- Pat Condon, Lancaster County Attorney
- Robert Denton, Deputy Probation Administrator
- Leo Dobrovolny, Judge, Scotts Bluff County Adult Drug /DUI Court
- James Doyle IV, Judge, Midwest Nebraska Adult Drug Court
- Jeffrey Funke, Justice, Nebraska Supreme Court
- Bill Harry, Douglas County Public Defender's Office
- Michael Heavican, Chief Justice, Nebraska Supreme Court
- Roger Heideman, Judge, Separate Juvenile Court of Lancaster County
- Connie Hultine, Chief Probation Officer
- Adam Jorgensen, Statewide Problem-Solving Court Director, Administrative Office of Courts and Probation
- Deb Minardi, Probation Administrator
- Jodi Nelson, Judge, Lancaster County Adult Drug Court
- Joe Nigro, Lancaster County Public Defender
- Landon Parks, Lancaster County Adult Drug Court Coordinator
- Anne Power, Midwest Nebraska Adult Drug Court Coordinator
- Jennifer Rasmussen, Deputy Court Administrator for Information Technology, Nebraska State Court Administrator's Office
- Gary Randall, Judge, Douglas County Adult Drug Court
- Julie Scott, Director of Rehabilitative Services, Administrative Office of Courts and Probation
- Corey Steel, State Court Administrator
- Elizabeth Waterman, Dawson County Attorney
- Richard Wiener, Professor of Law and Psychology, University of Nebraska/Lincoln
- Paul Yakel, Douglas County Adult Drug Court Coordinator

In addition to these interviews, the Center worked with NPC Research to administer a comprehensive assessment survey to every problem-solving court in Nebraska. The assessment, which is a proprietary tool developed by NPC Research, including more than 150 questions designed to measure the extent to which courts are adhering to the Adult Drug Court Best Practice Standards and other evidence-based practices. The results of the assessments were tabulated by NPC Research and described in a detailed report.

Finally, the Center collected relevant court data and reviewed the Nebraska's best practice standards, previous reports, and other documentation relevant to the state's problem-solving courts.

In August 2019, the Center submitted a detailed Needs Assessment Report, which outlined findings and recommendations in six major topic areas. This report was edited and refined by the Center and Nebraska's statewide problem-solving court director and ultimately presented to the strategic planning committee.

On September 9-10, Center staff facilitated a two-day strategic planning workshop with the full committee in Omaha, Nebraska. The workshop included a detailed review and discussion of the Needs Assessment Report, facilitated exercises designed to prioritize the committee's goals, a presentation on strategic foresight by Dr. Fred Cheesman, and the development of the detailed goals and objectives that would form the foundation of the strategic plan. Following the strategic planning workshop, Center staff and Nebraska's statewide problem-solving court director worked together to draft and edit this strategic plan.

FOCUS AREAS, GOALS, AND OBJECTIVES

●	Short-Term Goal: 12-18 months
■	Mid-Term Goal: 2-3 years
▴	Long-Term Goal: 3-5 years

FOCUS AREA I: ENSURING FIDELITY TO EVIDENCE-BASED PRACTICES: OPERATIONS, DATA COLLECTION, PERFORMANCE MEASURES, AND EVALUATION

An essential component of institutionalization and sustainability is ensuring that all Problem-Solving Courts utilize evidenced-based practices and best practice approaches as defined through research. Individual program evaluation is critical to ensure programs are successfully implementing and adhering to best practices. Developing a systematic process for evaluating courts allows for necessary adjustments for program practices. Programs that make routine modifications based on data analysis and evaluation are more likely to reduce recidivism, promote sustained recovery, and operate in a cost-effective manner. Reliable data related to court operations, treatment, and other services are critical elements in assessing program effectiveness. Data driven performance measures provide information regarding program effectiveness, as well as a mechanism to hold programs accountable for producing the intended results. Carey et al. (2008) found that programs that reported program statistics and used evaluation data to modify court operations had higher graduation rates (60% vs. 39%) and better results in terms of outcome costs (34% vs. 13%) compared to programs that did not.

Goal 1: Design and implement processes for development of Best Practice Standards and the regular review of adopted standards to ensure they remain in line with evidence-based practices and national standards.

- *Objective 1A: Design and implement a process for establishing Best Practice Standards for new types of Problem-Solving Courts and for variations of existing Problem-Solving Courts.*
- *Objective 1B: Design and implement a process for the review and updating of existing Problem-Solving Court standards to incorporate all relevant national standards and evidence-based practices.*
- *Objective 1C: Design and implement a process for approving, disseminating to, and educating Problem-Solving Court operators on compliance with updated state standards.*

Goal 2: Develop a sustainable fidelity review process to assess all Nebraska Problem-Solving Courts' adherence to the current and revised state standards.

- *Objective 2A: Examine existing model-specific fidelity assessment tools, select an existing or modified tool, and make recommendations to the Nebraska Supreme Court Committee on Problem-Solving Courts regarding the adoption of model-specific fidelity assessment tools.*

- *Objective 2B: Design a fidelity review process for all Problem-Solving Courts. Such process to include: the frequency of the fidelity review, the contents of the review, and the recipient(s) of the results of the process.*

- *Objective 2C: Implement the fidelity review process to include: scheduling timelines, training and implementation of the fidelity review process for all Problem-Solving Courts.*

Goal 3: Define Problem-Solving Court Operational terms.

- *Objective 3A: Survey the definitions of key terms used by Problem-Solving Courts to define court operations, treatment interventions and other services provided to participants.*

- *Objective 3B: Establish a committee to recommend standardized terminology for use in all Problem-Solving Courts.*

- *Objective 3C: Design, disseminate and provide implementation training and education on a comprehensive dictionary setting forth definitions of key terms for all Problem-Solving Courts.*

Goal 4: Identify and implement key performance measures for different Problem-Solving Court models.

- *Objective 4A: Conduct a review of other state and national performance measures for Problem-Solving Court operations.*

- *Objective 4B: Establish standardized performance measures for each Nebraska Problem-Solving Court model.*

- *Objective 4C: Examine existing data management systems to determine which data elements are currently being collected, determine what additional data may be needed to assess courts against the standardized performance measures, and recommend additional data elements that need be collected.*

- *Objective 4D: Train and educate Nebraska Problem-Solving Court operators on existing and new data performance measures.*

- *Objective 4E: Implement new data elements and new performance measures into the existing data management systems.*

- *Objective 4F: Develop problem-solving court performance reporting capacity within existing data management system. Reports should be clear, contain graphics, and individual PSCs should be capable of producing reports on their performance without external assistance.*

Goal 5: Develop and implement a systematic evaluation process for all Problem-Solving Courts.

- *Objective 5A: Establish clear guidelines for internal and external Problem-Solving Court evaluations. Including the types of evaluations to be conducted, frequency, by whom, how results will be used, etc.*

- *Objective 5B: Train and educate Problem-Solving Court staff to collect, report, and analyze data consistent with the state's evaluation process.*

- *Objective 5C: To ensure compliance with the Nebraska Best Practice Standards, implement the developed evaluation process to complete Problem-Solving Court evaluations.*

Goal 6: Identify and implement a strategy for assessing cost/benefit outcomes of Problem-Solving Courts.

- ▼ *Objective 6A: Examine and analyze existing cost/benefit analysis methods or techniques, select an existing or modified method or technique, and make recommendations to the Nebraska Supreme Court Committee on Problem-Solving Courts regarding the adoption of cost/benefit analysis methods or techniques.*

- ▼ *Objective 6B: Design a cost/benefit review process for all Problem-Solving Courts. Such process to include: the frequency of the review, the contents of the review, and the recipient(s) of the results of the process.*

▼ Objective 6C: After appropriate education and training, implement the cost/benefit review process for all Problem-Solving Courts according to established timelines.

▼ Objective 6D: Use the results from the analyses to make cost-saving adjustments to Problem-Solving Court operations and to communicate the fiscal benefits of Problem-Solving Courts to legislators and other stakeholders.

FOCUS AREA II: DEVELOPING A COMPREHENSIVE AND SUSTAINABLE TRAINING STRATEGY

Research strongly supports that Problem-Solving Courts operating with trained staff are more likely to have better outcomes around recidivism reduction and a greater cost savings. Nebraska Problem-Solving Court Best Practice Standards provide that new Problem-Solving Court judges attend a judicial training program and continuing education at least every three years. Problem-Solving Court teams are similarly required to attend on-going education not less than every three years. All Problem-Solving Court team members are additionally required to attend formal training on delivering trauma informed services.

Goal 1: Assign to the Judicial Branch Education division, the responsibility of designing and implementing a program specific education and training program for all Problem-Solving Court operators, both individually (by role on the team) and as a team.

- *Objective 1A: Within the existing the Judicial Branch Education division, assign an individual responsible for accomplishing this goal.*

- *Objective 1B: Judicial Branch Education will establish necessary committees to accomplish this goal.*

- *Objective 1C: Design and implement a process for reporting Problem-Solving Court education efforts to the Nebraska Supreme Court Committee on Problem-Solving Courts.*

Goal 2: Design and implement a Problem-Solving Court education program to ensure compliance with Nebraska Best Practice Standards, as updated.

- *Objective 2A: Develop a system for tracking Problem-Solving Court educational requirements to include initial orientation, ongoing education, and compliance with education requirements and Best Practice Standards.*

- *Objective 2B: Implement approved orientation education for all Problem-Solving Court team members, as individuals and as a team, to ensure that each individual completes required education.*

- *Objective 2C: Design, implement, and sustain a model-specific Problem-Solving Court education curriculum to provide all Problem-Solving Court team members, as individuals and as a team, with ongoing training and education, including but not limited to new and emerging*

evidence-based practices concerning pharmacology, cognitive behavior modification, substance use evaluation and treatment and behavioral health treatment.

■ *Objective 2D: Design and implement a process for Problem-Solving Court training and education review and updating.*

Goal 3: Establish in-state education curriculum, to ensure compliance with the Nebraska Best Practice Standards, for all Problem-Solving Court judges.

■ *Objective 3A: Design and implement ongoing judicial education curriculum and requirements to provide a means of compliance with the Nebraska Best Practice Standards for all Problem-Solving Court judges considering their experience and prior education.*

Goal 4: Design, implement and sustain annual statewide Problem-Solving Court education and training.

● *Objective 4A: Examine different approaches for designing and implementing statewide education and training (e.g. statewide conferences).*

● *Objective 4B: Following procedures described in Focus Area IV, Goal 1, request the Nebraska Supreme Court establish a line item from the legislature for funding to support statewide training and education.*

Goal 5: Develop mechanisms to fund training.

■ *Objective 5A: Obtain legislative authority for the use of state funding for training and the associated training costs of non-state employees on Problem-Solving Court teams.*

● *Objective 5B: Design and implement a process to identify training opportunities provided by entities outside of those provided by the Judicial Branch and a process to bring such training opportunities for use in Nebraska.*

▼ *Objective 5C: Request the Supreme Court to formalize its position concerning the identification and application for grant funding to support statewide education and training for Nebraska Problem-Solving Courts.*

FOCUS AREA III: SERVICES: ACCESS AND QUALITY ASSURANCE

Access to effective services is critically important to the operation of successful Problem-Solving Courts. Problem-Solving Courts must be supported by a strong network of effective, evidence-based services for participants. Problem-Solving Courts should work with state and local partners to implement an ongoing quality assurance system to ensure that such services are being provided. Problem-Solving Courts in Nebraska must be able to expand access to services, especially in rural areas, through technology that enables the remote delivery of many kinds of individual and group services.

Goal 1: Design and implement a comprehensive behavioral health and recovery support service continuum for Problem-Solving Courts that meets the needs of each court/district.

- *Objective 1A: Conduct a statewide service analysis, to include access and sustainability of identified service needs for each Problem-Solving Court.*

- ▼ *Objective 1B: Using the results from the 2019/2020 Needs Analysis Survey, design and implement a plan for working with state and local partners to expand access to services, including use of teleservices.*

Goal 2: Increase Problem-Solving Court access to Medication Assisted Treatment (MAT).

- *Objective 2A: Work with local and state partners to develop and implement a plan to increase the number of available prescribers.*

- *Objective 2B: Work with local and state partners to identify additional funding sources to make addiction medications accessible and affordable for Problem-Solving Court participants.*

- *Objective 2C: Incorporate education regarding the use of MAT into the Problem-Solving Court training curriculum being developed.*

Goal 3: Ensure delivery of effective services to all Problem-Solving Court participants.

- *Objective 3A: Design and implement a comprehensive structure for ongoing quality assurance and continuous quality improvement for Problem-Solving Court services.*

▼ Objective 3B: *Design and implement a process for Problem-Solving Court services review and updating.*

Goal 4: Increase utilization of technology to expand behavioral health and recovery support service access to Problem-Solving Court participants throughout the state.

● Objective 4A: *Using the results of the statewide service analysis, research existing technologies that can be used to expand access to needed behavioral health and recovery support services.*

▼ Objective 4B: *Develop a statewide teleservices implementation plan to leverage existing technologies, acquire new technologies, and train Problem-Solving Court teams and partnering agencies on utilizing technology to increase access to behavioral health and recovery support services.*

FOCUS AREA IV: PROBLEM-SOLVING COURT GROWTH, EXPANSION, AND STAKEHOLDER RELATIONSHIPS

Nebraska continues to examine innovative ways to provide targeted evidence-based services to individuals in the criminal justice system. Since 2016, Nebraska has implemented Veterans Treatment Courts and Reentry Courts. Development of Mental Health Courts, DUI Courts, and Family Dependency Courts are a priority of the Nebraska Supreme Court's Committee on Problem-Solving Courts. A critical part to this process is the development of state standards and measurable procedures to determine the efficacy of each court model. Problem-Solving Courts must develop collaborative relationships between local and state agencies and establish and foster a thorough fact-based understanding of the efficacy of Problem-Solving Courts among legislators and leaders in the Executive Branch, as well as with community and state service providers and leaders.

Goal 1: Develop a clear and consistent strategy for the Problem-Solving Court committee to solicit funding from the state legislature for the operation of Problem-Solving Courts.

- *Objective 1A: Identify the Nebraska Supreme Court representatives who will be responsible for communicating with the legislature regarding funding needs.*
- *Objective 1B: Establish a clearly defined process for the Supreme Court's Committee on Problem-Solving Courts to identify and prioritize its funding needs and recommend funding requests to the Nebraska Supreme Court for the operation of Problem-Solving Courts.*

Goal 2: Assess and evaluate the feasibility of the use of Mental Health Courts in Nebraska in high and low population districts.

- *Objective 2A: Finalize and approve Nebraska's Mental Health Court Standards.*
- *Objective 2B: Obtain funding necessary to operate Mental Health Courts in Nebraska.*
- *Objective 2C: Establish small-scale pilot programs for Mental Health Courts in Lancaster, Douglas, and Sarpy counties to evaluate the effectiveness of the standards and the needs of the population.*
- ▼ *Objective 2D: Collect data concerning the operations of the courts and assess the propriety and efficacy of the courts.*

▼ *Objective 2E: Evaluate the results from the small-scale pilot programs.*

▼ *Objective 2F: Report viability of Mental Health Courts in Nebraska and make recommendations to the Nebraska Supreme Court concerning the continuation, expansion, or termination of Mental Health Courts in Nebraska.*

▼ *Objective 2G: Educate county attorneys, state legislators, and the public about Mental Health Courts to generate stakeholder support for expansion.*

Goal 3: Expand the use DUI Courts in Nebraska.

● *Objective 3A: Review, evaluate, and revise Nebraska's DUI Court standards.*

● *Objective 3B: Identify and recommend to the Nebraska Supreme Court statutory changes needed to support DUI Courts.*

● *Objective 3C: Obtain funding necessary to operate DUI Courts in Nebraska.*

● *Objective 3D: Establish small-scale pilot programs for DUI Courts in Nebraska to evaluate the effectiveness of the standards and the needs of the population.*

▼ *Objective 3E: Collect data concerning the operations of the courts and assess the propriety and efficacy of the courts.*

▼ *Objective 3F: Evaluate the results from the small-scale pilot programs.*

▼ *Objective 3G: Report viability of DUI Courts in Nebraska and make recommendations to the Nebraska Supreme Court concerning the continuation, expansion or termination of DUI Courts in Nebraska.*

▼ *Objective 3H: Collaborate with county attorneys, state legislators and public interest groups to develop and provide information and education to the public concerning the need for and goals of DUI courts.*

Goal 4: Enhance Nebraska’s Family Dependency Courts by more fully integrating them into the state’s Problem-Solving Court system.

- *Objective 4A: Adopt state standards for Family Dependency Courts using the national standards as a guide.*

- *Objective 4B: Collaborate with the Nebraska Department of Health and Human Services (DHHS) to ensure sustainable funding and service access for Family Dependency Court participants.*

- *Objective 4C: Improve data exchange between DHHS and the Nebraska Supreme Court to facilitate the reporting and analysis of Family Dependency Court outcomes.*

- *Objective 4D: Evaluate the processes and outcomes of existing Family Dependency Courts.*

- *Objective 4E: Establish small-scale pilot programs for new Family Dependency Courts to evaluate the effectiveness of the standards and the needs of the population.*

- ▼ *Objective 4F: For both new and existing courts, collect data concerning the operations of the courts and assess the propriety and efficacy of the courts.*

- ▼ *Objective 4G: Evaluate the results from the small-scale pilot programs.*

- ▼ *Objective 4H: Report viability of Family Dependency Courts in Nebraska and make recommendations to the Nebraska Supreme Court concerning the continuation, expansion, or termination of Family Dependency Courts in Nebraska.*

- *Objective 4I: Develop a specialized training program for Family Dependency Court judges, including both orientation and ongoing training.*

- *Objective 4J: Establish a contractual relationship between DHHS and the Judicial Branch for the operation of Family Dependency Courts in Nebraska, including definitions of roles and responsibilities and the identification of necessary changes to Nebraska law.*

Goal 5: Enhance the relationship between Problem-Solving Courts, county attorneys and local law enforcement partners through information and education programs.

- *Objective 5A: Examine existing information and education curriculum provided for law enforcement and county attorneys relating to Problem-Solving Courts.*

- *Objective 5B: Design and offer additions to or modifications to such programs.*

- ▼ *Objective 5C: Make recommendations to the Nebraska Supreme Court Committee on Problem-Solving Courts regarding the adoption of a county attorney and law enforcement education program.*

- ▼ *Objective 5D: Implement the law enforcement education program to include: scheduling timelines, training of educators, and implementation of education for all Problem-Solving Courts.*

- *Objective 5E: Ensure all Problem-Solving Courts have presence of and attendance of law enforcement at regular staffing meetings.*

FOCUS AREA V: CULTURAL COMPETENCY, RACIAL AND ETHNIC DISPARITIES, GENDER

Equitable access, retention, treatment, and outcomes are core goals of Problem-Solving Courts, as reflected in both the national and state Best Practice Standards. Until recently, however, there have been no widely available tools for assessing how well courts are achieving these goals. Some new tools, however, are making such assessment possible. Nebraska should begin to assess its Problem-Solving Courts for potential racial, ethnic, and gender disparities.

Goal 1: Assess all Problem-Solving Courts in the state to determine whether racial, ethnic and gender disparities exist in regard to referrals, acceptance, treatment delivery, sanctions and case dispositions.

- *Objective 1A: Explore existing tools for assessing Problem-Solving Courts for racial, ethnic and gender disparities and recommend an assessment tool(s) for use with Nebraska Problem-Solving Courts to the Nebraska Supreme Court Committee on Problem-Solving Courts.*

- *Objective 1B: Ensure that Problem-Solving Courts are collecting the data needed to assess the nature and scope of any disparities that may exist.*

- ▼ *Objective 1C: Implement the assessment tool(s), analyze results and produce a report summarizing the findings.*

Focus Area VI: HUMAN RESOURCES

Nebraska's Problem-Solving Courts are generally led by judges who volunteer for the role and who carry regular caseloads in addition to their Problem-Solving Court docket. This system puts a strain on judges who serve in Problem-Solving Courts and may limit their ability to devote adequate time and attention to the specialized and intensive requirements of Problem-Solving Court cases and training requirements. Because of this, recruiting new judges to serve as Problem-Solving Court judges is difficult. An essential component of institutionalization and sustainability is ensuring that all Problem-Solving Courts utilize evidenced-based practices and Best Practice approaches as defined through research. A focus on evaluation is critical to ensure programs are successfully implementing Best Practice approaches. Requiring adherence to common principles and operational processes is essential for building accountability and ensuring equal access and uniform quality of programming. Additional human resources are needed to implement many of the goals outlined in this strategic plan.

Goal 1: Determine the feasibility of designating specific judges as “Problem-Solving Court judges” and allowing them to focus on their Problem-Solving Court dockets.

- *Objective 1A: Complete the current study of judicial workload already in process.*
- *Objective 1B: Identify courts where caseload and other factors may justify the assignment of a specialized Problem-Solving Court judge, possibly assigning a judge to operate more than one Problem-Solving Court in a district and make recommendations to the Nebraska Supreme Court Committee on Problem-Solving Courts.*

Goal 2: Increase Problem-Solving Court administrative staff to further Problem-Solving Court growth and expansion.

- *Objective 2A: Hire and train a full-time specialist to work under the statewide Problem-Solving Court director to assist with Problem-Solving Court fidelity, data entry, education and expansion.*
- *Objective 2B: Examine options for the utilization of a grant writer to assist with Problem-Solving Court education, growth, and expansion; and make recommendations to the Nebraska Supreme Court Committee on Problem-Solving Courts.*