Problem-solving Courts in Nebraska

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In Nebraska and throughout the U.S., a new type of court, referred to as a “problem-solving court,” has emerged as an alternative to jail time for dealing with some social ills. The first problem-solving court was an adult drug court established in Miami in 1987. Nebraska’s problem-solving court program was established in 1997, and today all 12 of Nebraska’s judicial districts have at least one problem-solving court. Douglas County has five problem-solving courts (family recovery drug court, impact from infancy court, adult drug court, young adult drug court, and veteran treatment court); Lancaster County has four (no impact from infancy court); and Sarpy County has three (family, adult, and juvenile drug courts). The remaining nine districts have one or two problem-solving courts.

Adult drug courts are the most common problem-solving court in Nebraska, followed by family drug courts, juvenile drug courts and veteran courts. In Nebraska, the problem-solving court option is available after the defendant has either pled guilty or been convicted of a crime. The defense attorney applies to the county court judge or district court judge for the relevant problem-solving court option. If the judge concludes that the defendant is a suitable candidate, the defendant can participate in the court rather than going to jail. The defendant will have an individual treatment team composed of the judge, the prosecutor, the defense attorney, probation officer and a treatment professional. The defendant works intensively with the treatment professional, and the treatment team meets regularly (often monthly) to review the defendant’s treatment progress. The process is intended to address the factors motivating the defendant’s criminal behavior, reduce repeat offenses and maintain public safety.

Costs are much lower than incarceration, at less than 10% of the costs per corrections inmate. Problem-solving court expenses are funded in part by a $3 per case court cost fee. One of the challenges in rural Nebraska are the long travel distances involved for treatment sessions and treatment team meetings. Nebraska problem-solving court expenses and success rates are comparable to those in other states.

In his 2019 State of the Judiciary speech to the Nebraska Unicameral, Nebraska Supreme Court Chief Justice Mike Heavican advocated for the problem-solving courts and indicated that increased funding would allow the courts to meet the growing mental health needs of offenders. Problem-solving courts are an important option for dealing with non-violent offenders that many Nebraskans are unaware of. Nebraska problem-solving courts are part of the Nebraska district court and county court system.

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