

E AND R AMENDMENTS TO LB 800

Introduced by Enrollment and Review Committee: Nordquist, 7,
Chairperson

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 24-313, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 24-313 The district court may by rule compel an inferior
6 court or board to allow an appeal or to make or amend records
7 according to law either by correcting an evident mistake or
8 supplying an evident omission. This section shall not apply ~~to~~
9 ~~cases in which a review by a juvenile review panel may be requested~~
10 ~~under sections 43-287.01 to 43-287.06 or~~ if the Administrative
11 Procedure Act otherwise provides.

12 Sec. 2. Section 25-2701, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 25-2701 (1) All provisions in the codes of criminal
15 and civil procedure governing actions and proceedings in the
16 district court not in conflict with statutes specifically governing
17 procedure in county courts and related to matters for which no
18 specific provisions have been made for county courts shall govern
19 and apply to all actions and proceedings in the county court.

20 (2) County courts may seal records of a person as
21 provided under sections 25 to 29 of this act.

22 Sec. 3. Section 25-2728, Reissue Revised Statutes of
23 Nebraska, is amended to read:

1 25-2728 (1) Any party in a civil case and any defendant
2 in a criminal case may appeal from the final judgment or final
3 order of the county court to the district court of the county where
4 the county court is located. In a criminal case, a prosecuting
5 attorney may obtain review by exception proceedings pursuant to
6 sections 29-2317 to 29-2319.

7 (2) Sections 25-2728 to 25-2738 shall not apply to:

8 (a) Appeals in eminent domain proceedings as provided in
9 sections 76-715 to 76-723;

10 (b) Appeals in proceedings in the county court sitting as
11 a juvenile court as provided in sections ~~43-287.01 to 43-287.06,~~
12 ~~43-2,106,~~ and 43-2,106.01;

13 (c) Appeals in matters arising under the Nebraska Probate
14 Code as provided in section 30-1601;

15 (d) Appeals in matters arising under the Nebraska Uniform
16 Trust Code;

17 (e) Appeals in adoption proceedings as provided in
18 section 43-112;

19 (f) Appeals in inheritance tax proceedings as provided in
20 section 77-2023; and

21 (g) Appeals in domestic relations matters as provided in
22 section 25-2739.

23 Sec. 4. Section 29-1816, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 29-1816 (1) The accused shall be arraigned by reading to
26 him or her the indictment or information, unless the reading is
27 waived by the accused when the nature of the charge is made known

1 to him or her. The accused shall then be asked whether he or she
2 is guilty or not guilty of the offense charged. If the accused
3 appears in person and by counsel and goes to trial before a jury
4 regularly impaneled and sworn, he or she shall be deemed to have
5 waived arraignment and a plea of not guilty shall be deemed to have
6 been made.

7 (2)(a) At the time of the arraignment the court shall
8 advise the ~~defendant~~ accused, if he or she was less than eighteen
9 years of age at the time of the commitment of the alleged crime,
10 that he or she may move the county or district court at any time
11 not later than thirty days after arraignment, unless otherwise
12 permitted by the court for good cause shown, to waive jurisdiction
13 in such case to the juvenile court for further proceedings under
14 the Nebraska Juvenile Code. The court shall schedule a hearing on
15 such motion within fifteen days. The customary rules of evidence
16 shall not be followed at such hearing. The county attorney or
17 city attorney shall present the evidence and reasons why such
18 case should be retained, the ~~defendant~~ accused shall present the
19 evidence and reasons why the case should be transferred, and both
20 sides shall consider the criteria set forth in section 43-276.
21 After considering all the evidence and reasons presented by both
22 parties, pursuant to section 43-276, the case shall be transferred
23 unless a sound basis exists for retaining the case.

24 (b) In deciding such motion the court shall consider,
25 among other matters, the matters set forth in section 43-276
26 for consideration by the county attorney or city attorney when
27 determining the type of case to file.

1 (c) The court shall set forth findings for the reason for
2 its decision, which shall not be a final order for the purpose of
3 enabling an appeal. If the court determines that the ~~child~~ accused
4 should be transferred to the juvenile court, the complete file in
5 the county or district court shall be transferred to the juvenile
6 court and the complaint, indictment, or information may be used
7 in place of a petition therein. The court making a transfer shall
8 order the ~~minor~~ accused to be taken forthwith to the juvenile court
9 and designate where ~~the minor~~ he or she shall be kept pending
10 determination by the juvenile court. The juvenile court shall then
11 proceed as provided in the Nebraska Juvenile Code.

12 Sec. 5. Section 29-2258, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 29-2258 A district probation officer shall:

15 (1) Conduct juvenile intake interviews and investigations
16 in accordance with section 43-253 utilizing a standardized juvenile
17 detention screening instrument described in section 43-260.01;

18 (2) Make presentence and other investigations, as may be
19 required by law or directed by a court in which he or she is
20 serving;

21 (3) Supervise probationers in accordance with the rules
22 and regulations of the office and the directions of the sentencing
23 court;

24 (4) Advise the sentencing court, in accordance with
25 the Nebraska Probation Administration Act and such rules and
26 regulations of the office, of violations of the conditions of
27 probation by individual probationers;

1 (5) Advise the sentencing court, in accordance with the
2 rules and regulations of the office and the direction of the court,
3 when the situation of a probationer may require a modification of
4 the conditions of probation or when a probationer's adjustment is
5 such as to warrant termination of probation;

6 (6) Provide each probationer with a statement of the
7 period and conditions of his or her probation;

8 (7) Whenever necessary, exercise the power of arrest or
9 temporary custody as provided in section 29-2266 or 43-248;

10 (8) Establish procedures for the direction and guidance
11 of deputy probation officers under his or her jurisdiction and
12 advise such officers in regard to the most effective performance of
13 their duties;

14 (9) Supervise and evaluate deputy probation officers
15 under his or her jurisdiction;

16 (10) Delegate such duties and responsibilities to a
17 deputy probation officer as he or she deems appropriate;

18 (11) Make such reports as required by the administrator,
19 the judges of the probation district in which he or she serves, or
20 the Supreme Court;

21 (12) Keep accurate and complete accounts of all money or
22 property collected or received from probationers and give receipts
23 therefor;

24 (13) Cooperate fully with and render all reasonable
25 assistance to other probation officers;

26 (14) In counties with a population of less than
27 twenty-five thousand people, participate in pretrial diversion

1 programs established pursuant to sections 29-3601 to 29-3604
2 and juvenile pretrial diversion programs established pursuant
3 to sections 43-260.02 to 43-260.07 as requested by judges of
4 the probation district in which he or she serves, except that
5 participation in such programs shall not require appointment of
6 additional personnel and shall be consistent with the probation
7 officer's current caseload;

8 (15) Participate, at the direction of the probation
9 administrator pursuant to an interlocal agreement which meets the
10 requirements of section 29-2255, in non-probation-based programs
11 and services;

12 (16) Perform such other duties not inconsistent with the
13 Nebraska Probation Administration Act or the rules and regulations
14 of the office as a court may from time to time direct; and

15 (17) Exercise all powers and perform all duties necessary
16 and proper to carry out his or her responsibilities.

17 Sec. 6. (1) For purposes of this section:

18 (a) Administrative sanction means additional probation
19 requirements imposed upon a juvenile subject to the supervision
20 of a probation officer by his or her probation officer, with the
21 full knowledge and consent of such juvenile and such juvenile's
22 parents or guardian, designed to hold such juvenile accountable
23 for substance abuse or noncriminal violations of conditions of
24 probation, including, but not limited to:

25 (i) Counseling or reprimand by his or her probation
26 officer;

27 (ii) Increased supervision contact requirements;

- 1 (iii) Increased substance abuse testing;
2 (iv) Referral for substance abuse or mental health
3 evaluation or other specialized assessment, counseling, or
4 treatment;
5 (v) Modification of a designated curfew for a period not
6 to exceed thirty days;
7 (vi) Community service for a specified number of hours
8 pursuant to sections 29-2277 to 29-2279;
9 (vii) Travel restrictions to stay within his or her
10 residence or county of residence or employment unless otherwise
11 permitted by the supervising probation officer;
12 (viii) Restructuring court-imposed financial obligations
13 to mitigate their effect on the juvenile subject to the supervision
14 of a probation officer; and
15 (ix) Implementation of educational or cognitive
16 behavioral programming;
17 (b) Noncriminal violation means activities or behaviors
18 of a juvenile subject to the supervision of a probation officer
19 which create the opportunity for re-offending or which diminish the
20 effectiveness of probation supervision resulting in a violation of
21 an original condition of probation, including, but not limited to:
22 (i) Moving traffic violations;
23 (ii) Failure to report to his or her probation officer;
24 (iii) Leaving the juvenile's residence, jurisdiction of
25 the court, or the state without the permission of the court or his
26 or her probation officer;
27 (iv) Failure to regularly attend school, vocational

1 training, other training, counseling, treatment, programming, or
2 employment;

3 (v) Noncompliance with school rules;

4 (vi) Continued violations of home rules;

5 (vii) Failure to notify his or her probation officer of
6 change of address, school, or employment;

7 (viii) Frequenting places where controlled substances are
8 illegally sold, used, distributed, or administered and association
9 with persons engaged in illegal activity;

10 (ix) Failure to perform community service as directed;

11 and

12 (x) Curfew or electronic monitoring violations; and

13 (c) Substance abuse violation means activities or
14 behaviors of a juvenile subject to the supervision of a probation
15 officer associated with the use of chemical substances or related
16 treatment services resulting in a violation of an original
17 condition of probation, including, but not limited to:

18 (i) Positive breath test for the consumption of alcohol;

19 (ii) Positive urinalysis for the illegal use of drugs;

20 (iii) Failure to report for alcohol testing or drug
21 testing;

22 (iv) Failure to appear for or complete substance abuse
23 or mental health treatment evaluations or inpatient or outpatient
24 treatment; and

25 (v) Tampering with alcohol or drug testing.

26 (2) Whenever a probation officer has reasonable cause to
27 believe that a juvenile subject to the supervision of a probation

1 officer has committed or is about to commit a substance abuse
2 violation or noncriminal violation while on probation, but that
3 such juvenile will not attempt to leave the jurisdiction and will
4 not place lives or property in danger, the probation officer shall
5 either:

6 (a) Impose one or more administrative sanctions with the
7 approval of his or her chief probation officer or such chief's
8 designee. The decision to impose administrative sanctions in lieu
9 of formal revocation proceedings rests with the probation officer
10 and his or her chief probation officer or such chief's designee
11 and shall be based upon such juvenile's risk level, the severity
12 of the violation, and the juvenile's response to the violation.
13 If administrative sanctions are to be imposed, such juvenile shall
14 acknowledge in writing the nature of the violation and agree
15 upon the administrative sanction with approval of such juvenile's
16 parents or guardian. Such juvenile has the right to decline to
17 acknowledge the violation, and if he or she declines to acknowledge
18 the violation, the probation officer shall submit a written report
19 pursuant to subdivision (2)(b) of this section. A copy of the
20 report shall be submitted to the county attorney of the county
21 where probation was imposed; or

22 (b) Submit a written report to the adjudicating court
23 with a copy to the county attorney of the county where probation
24 was imposed, outlining the nature of the probation violation and
25 request that formal revocation proceedings be instituted against
26 the juvenile subject to the supervision of a probation officer.

27 (3) Whenever a probation officer has reasonable cause to

1 believe that a juvenile subject to the supervision of a probation
2 officer has violated or is about to violate a condition of
3 probation other than a substance abuse violation or noncriminal
4 violation and that such juvenile will not attempt to leave the
5 jurisdiction and will not place lives or property in danger, the
6 probation officer shall submit a written report to the adjudicating
7 court, with a copy to the county attorney of the county where
8 probation was imposed, outlining the nature of the probation
9 violation.

10 (4) Whenever a probation officer has reasonable cause to
11 believe that a juvenile subject to the supervision of a probation
12 officer has violated or is about to violate a condition of his
13 or her probation and that such juvenile will attempt to leave
14 the jurisdiction or will place lives or property in danger, the
15 probation officer shall take such juvenile into temporary custody
16 without a warrant as provided in section 43-248 and may call on any
17 peace officer for assistance.

18 (5) Immediately after detention pursuant to subsection
19 (4) of this section, the probation officer shall notify the county
20 attorney of the county where probation was imposed and submit
21 a written report of the reason for such detention and of any
22 violation of probation. After prompt consideration of the written
23 report, the county attorney shall:

24 (a) Order the release of the juvenile from confinement
25 subject to the supervision of a probation officer; or

26 (b) File with the adjudicating court a motion or
27 information to revoke the probation.

1 (6) Whenever a county attorney receives a report from a
2 probation officer that a juvenile subject to the supervision of a
3 probation officer has violated a condition of probation, the county
4 attorney may file a motion or information to revoke probation.

5 (7) The probation administrator shall adopt and
6 promulgate rules and regulations to carry out this section.

7 Sec. 7. Section 29-2262.07, Reissue Revised Statutes of
8 Nebraska, as amended by section 15, Legislative Bill 3, One Hundred
9 First Legislature, First Special Session, 2009, is amended to read:

10 29-2262.07 The Probation Program Cash Fund is created.
11 All funds collected pursuant to section 29-2262.06 shall be
12 remitted to the State Treasurer for credit to the fund. Except
13 as otherwise directed by the Supreme Court during the period
14 from the effective date of this act until June 30, 2011, the
15 fund shall be utilized by the administrator, in consultation
16 with the Community Corrections Council, for the purposes stated
17 in subdivision (14) of section 29-2252, except that the State
18 Treasurer shall, on or before June 30, 2011, on such date as
19 directed by the budget administrator of the budget division of
20 the Department of Administrative Services, transfer the amount
21 set forth in Legislative Bill 1, One Hundred First Legislature,
22 First Special Session, 2009. Any money in the fund available
23 for investment shall be invested by the state investment officer
24 pursuant to the Nebraska Capital Expansion Act and the Nebraska
25 State Funds Investment Act.

26 On the effective date of this act, the State Treasurer
27 shall transfer three hundred fifty thousand dollars from the

1 Probation Program Cash Fund to the Violence Prevention Cash Fund.
2 The Office of Violence Prevention shall distribute such funds
3 as soon as practicable after the effective date of this act to
4 organizations or governmental entities that have submitted violence
5 prevention plans and that best meet the intent of reducing street
6 and gang violence and reducing homicides and injuries caused by
7 firearms.

8 Sec. 8. Section 29-2269, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 29-2269 Sections 29-2246 to 29-2269 and section 6 of this
11 act shall be known and may be cited as the Nebraska Probation
12 Administration Act.

13 Sec. 9. A juvenile offender civil citation pilot program
14 as provided in this section and section 10 of this act may be
15 undertaken by the peace officers and county and city attorneys of
16 a county containing a city of the metropolitan class. The pilot
17 program shall be according to the following procedures:

18 (1) A peace officer, upon making contact with a juvenile
19 whom the peace officer has reasonable grounds to believe has
20 committed a misdemeanor offense, other than an offense involving
21 a firearm, sexual assault, or domestic violence may issue the
22 juvenile a civil citation;

23 (2) The civil citation shall include: The juvenile's
24 name, address, school of attendance, and contact information;
25 contact information for the juvenile's parents or guardian; a
26 description of the misdemeanor offense believed to have been
27 committed; the juvenile assessment center where the juvenile cited

1 is to appear within seventy-two hours after the issuance of the
2 civil citation; and a warning that failure to appear in accordance
3 with the command of the civil citation or failure to provide the
4 information necessary for the peace officer to complete the civil
5 citation will result in the juvenile being taken into temporary
6 custody as provided in sections 43-248 and 43-250;

7 (3) At the time of issuance of a civil citation by the
8 peace officer, the peace officer shall advise the juvenile that the
9 juvenile has the option to refuse the civil citation and be taken
10 directly into temporary custody as provided in sections 43-248 and
11 43-250. The option to refuse the civil citation may be exercised at
12 any time prior to compliance with any services required pursuant to
13 subdivision (5) of this section;

14 (4) Upon issuing a civil citation, the peace officer
15 shall provide or send a copy of the civil citation to the
16 appropriate county attorney, the juvenile assessment center, the
17 parents or guardian of the juvenile, and the victim, if any;

18 (5) The juvenile shall report to the juvenile assessment
19 center as instructed by the citation. The juvenile assessment
20 center may require the juvenile to participate in community service
21 or other available services appropriate to the needs of the
22 juvenile identified by the juvenile assessment center which may
23 include family counseling, urinalysis monitoring, or substance
24 abuse and mental health treatment services; and

25 (6) If the juvenile fails to comply with any services
26 required pursuant to subdivision (5) of this section or if the
27 juvenile is issued a third or subsequent civil citation, a peace

1 officer shall take the juvenile into temporary custody as provided
2 in sections 43-248 and 43-250.

3 Sec. 10. To achieve uniformity, the Supreme Court shall
4 prescribe the form of a civil citation which conforms to the
5 requirements for a civil citation in section 9 of this act and such
6 other matter as the court deems appropriate. The civil citation
7 shall not include a place for the cited juvenile's social security
8 number.

9 Sec. 11. Section 43-245, Revised Statutes Supplement,
10 2009, is amended to read:

11 43-245 For purposes of the Nebraska Juvenile Code, unless
12 the context otherwise requires:

13 (1) Age of majority means nineteen years of age;

14 (2) Approved center means a center that has applied for
15 and received approval from the Director of the Office of Dispute
16 Resolution under section 25-2909;

17 (3) Civil citation means a noncriminal notice which
18 cannot result in a criminal record and is described in section 9 of
19 this act;

20 ~~(3)~~ (4) Cost or costs means (a) the sum or equivalent
21 expended, paid, or charged for goods or services, or expenses
22 incurred, or (b) the contracted or negotiated price;

23 ~~(4)~~ (5) Criminal street gang means a group of three or
24 more people with a common identifying name, sign, or symbol whose
25 group identity or purposes include engaging in illegal activities;

26 ~~(5)~~ (6) Criminal street gang member means a person who
27 willingly or voluntarily becomes and remains a member of a criminal

1 street gang;

2 ~~(6)~~ (7) Juvenile means any person under the age of
3 eighteen;

4 ~~(7)~~ (8) Juvenile court means the separate juvenile court
5 where it has been established pursuant to sections 43-2,111 to
6 43-2,127 and the county court sitting as a juvenile court in all
7 other counties. Nothing in the Nebraska Juvenile Code shall be
8 construed to deprive the district courts of their habeas corpus,
9 common-law, or chancery jurisdiction or the county courts and
10 district courts of jurisdiction of domestic relations matters as
11 defined in section 25-2740;

12 ~~(8)~~ (9) Juvenile detention facility has the same meaning
13 as in section 83-4,125;

14 ~~(9)~~ (10) Mediator for juvenile offender and victim
15 mediation means a person who (a) has completed at least thirty
16 hours of training in conflict resolution techniques, neutrality,
17 agreement writing, and ethics set forth in section 25-2913, (b) has
18 an additional eight hours of juvenile offender and victim mediation
19 training, and (c) meets the apprenticeship requirements set forth
20 in section 25-2913;

21 ~~(10)~~ (11) Mental health facility means a treatment
22 facility as defined in section 71-914 or a government, private, or
23 state hospital which treats mental illness;

24 ~~(11)~~ (12) Nonoffender means a juvenile who is subject
25 to the jurisdiction of the juvenile court for reasons other
26 than legally prohibited conduct, including, but not limited to,
27 juveniles described in subdivision (3)(a) of section 43-247;

1 ~~(12)~~ (13) Nonsecure detention means detention
2 characterized by the absence of restrictive hardware, construction,
3 and procedure. Nonsecure detention services may include a range
4 of placement and supervision options, such as home detention,
5 electronic monitoring, day reporting, drug court, tracking and
6 monitoring supervision, staff secure and temporary holdover
7 facilities, and group homes;

8 ~~(13)~~ (14) Parent means one or both parents or a
9 stepparent when such stepparent is married to the custodial parent
10 as of the filing of the petition;

11 ~~(14)~~ (15) Parties means the juvenile as described in
12 section 43-247 and his or her parent, guardian, or custodian;

13 ~~(15)~~ (16) Except in proceedings under the Nebraska Indian
14 Child Welfare Act, relative means father, mother, grandfather,
15 grandmother, brother, sister, stepfather, stepmother, stepbrother,
16 stepsister, uncle, aunt, first cousin, nephew, or niece;

17 (17) Seal a record means that a record shall not be
18 available to the public except upon the order of a court upon good
19 cause shown;

20 ~~(16)~~ (18) Secure detention means detention in a highly
21 structured, residential, hardware-secured facility designed to
22 restrict a juvenile's movement;

23 ~~(17)~~ (19) Status offender means a juvenile who has been
24 charged with or adjudicated for conduct which would not be a crime
25 if committed by an adult, including, but not limited to, juveniles
26 charged under subdivision (3)(b) of section 43-247 and sections
27 53-180.01 and 53-180.02; and

1 ~~(18)~~ (20) Traffic offense means any nonfelonious act in
2 violation of a law or ordinance regulating vehicular or pedestrian
3 travel, whether designated a misdemeanor or a traffic infraction.

4 Sec. 12. Section 43-246, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 43-246 Acknowledging the responsibility of the juvenile
7 court to act to preserve the public peace and security, the
8 Nebraska Juvenile Code shall be construed to effectuate the
9 following:

10 (1) To assure the rights of all juveniles to care
11 and protection and a safe and stable living environment and to
12 development of their capacities for a healthy personality, physical
13 well-being, and useful citizenship and to protect the public
14 interest;

15 (2) To provide for the intervention of the juvenile court
16 in the interest of any juvenile who is within the provisions of
17 the Nebraska Juvenile Code, with due regard to parental rights and
18 capacities and the availability of nonjudicial resources;

19 (3) To remove juveniles who are within the Nebraska
20 Juvenile Code from the criminal justice system whenever possible
21 and to reduce the possibility of their committing future law
22 violations through the provision of social and rehabilitative
23 services to such juveniles and their families;

24 (4) To offer selected juveniles the opportunity to take
25 direct personal responsibility for their individual actions by
26 reconciling with the victims through juvenile offender and victim
27 mediation and fulfilling the terms of the resulting agreement which

1 may require restitution and community service;

2 (5) To achieve the purposes of subdivisions (1) through
3 (3) of this section in the juvenile's own home whenever possible,
4 separating the juvenile from his or her parent when necessary for
5 his or her welfare, the juvenile's health and safety being of
6 paramount concern, or in the interest of public safety and, when
7 temporary separation is necessary, to consider the developmental
8 needs of the individual juvenile in all placements, to consider
9 relatives as a preferred potential placement resource, and to make
10 reasonable efforts to preserve and reunify the family if required
11 under section 43-283.01;

12 (6) To promote adoption, guardianship, or other permanent
13 arrangements for children in the custody of the Department of
14 Health and Human Services who are unable to return home;

15 (7) To provide a judicial procedure through which these
16 purposes and goals are accomplished and enforced in which the
17 parties are assured a fair hearing and their constitutional and
18 other legal rights are recognized and enforced; ~~and~~

19 (8) To assure compliance, in cases involving Indian
20 children, with the Nebraska Indian Child Welfare Act; ~~and-~~

21 (9) To make any temporary placement of a juvenile in the
22 least restrictive environment consistent with the best interests of
23 the juvenile and the safety of the community.

24 Sec. 13. Section 43-248, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 43-248 A peace officer may take a juvenile ~~may be taken~~
27 into temporary custody ~~by any peace officer~~ without a warrant or

1 order of the court and proceed as provided in section 43-250 when:

2 (1) A juvenile has violated a state law or municipal
3 ordinance ~~in the presence of the officer,~~ and the officer
4 has reasonable grounds to believe such juvenile committed such
5 violation;

6 ~~(2) A felony has been committed and the officer has~~
7 ~~reasonable grounds to believe such juvenile committed it;~~

8 ~~(3)~~ (2) A juvenile is seriously endangered in his or her
9 surroundings and immediate removal appears to be necessary for the
10 juvenile's protection;

11 ~~(4)~~ (3) The officer believes the juvenile to be mentally
12 ill and dangerous as defined in section 71-908 and that the harm
13 described in that section is likely to occur before proceedings may
14 be instituted before the juvenile court; ~~or~~

15 ~~(5)~~ (4) The officer has reasonable grounds to
16 believe that the juvenile has run away from his or her parent,
17 guardian, or custodian; ~~or~~

18 (5) A probation officer has reasonable cause to believe
19 that a juvenile is in violation of probation and that the juvenile
20 will attempt to leave the jurisdiction or place lives or property
21 in danger; or

22 (6) The officer has reasonable grounds to believe the
23 juvenile is truant from school.

24 Sec. 14. Section 43-250, Revised Statutes Supplement,
25 2009, is amended to read:

26 43-250 (1) A peace officer who takes a juvenile into
27 temporary custody under section 29-401 or subdivision (1), (4), or

1 (5) of section 43-248 or pursuant to a legal warrant of arrest
2 shall immediately take reasonable measures to notify the juvenile's
3 parent, guardian, custodian, or relative and shall proceed as
4 follows:

5 ~~(1)~~ (a) The peace officer shall may release such a
6 juvenile taken into temporary custody under section 29-401 or
7 subdivision (1) or (4) of section 43-248;

8 ~~(2)~~ (b) The peace officer shall prepare in triplicate
9 a written notice requiring the may require a juvenile taken into
10 temporary custody under section 29-401 or subdivision (1) or (4)
11 of section 43-248 to appear before the juvenile court of the
12 county in which such juvenile was taken into custody at a time and
13 place specified in the written notice prepared in triplicate by
14 the peace officer or at the call of the court. The notice shall
15 also contain a concise statement of the reasons such juvenile was
16 taken into custody. The peace officer shall deliver one copy of the
17 notice to such juvenile and require such juvenile or his or her
18 parent, guardian, other custodian, or relative, or both, to sign a
19 written promise that such signer will appear at the time and place
20 designated in the notice. Upon the execution of the promise to
21 appear, the peace officer shall immediately release such juvenile.
22 The peace officer shall, as soon as practicable, file one copy
23 of the notice with the county attorney or city attorney and, when
24 required by the juvenile court, also file a copy of the notice with
25 the juvenile court or the officer appointed by the court for such
26 purpose; or

27 ~~(3)~~ While retaining (c) The peace officer may retain

1 temporary custody, ~~the peace officer shall~~ of a juvenile taken into
2 temporary custody under section 29-401 or subdivision (1), (4),
3 or (5) of section 43-248 and communicate all relevant available
4 information regarding such juvenile to the probation officer and
5 ~~shall~~ deliver the juvenile, if necessary, to the probation officer.
6 The probation officer shall determine the need for detention of the
7 juvenile as provided in section 43-260.01. Upon determining that
8 the juvenile should be placed in a secure or nonsecure placement
9 and securing placement in such secure or nonsecure setting by the
10 probation officer, the peace officer shall implement the probation
11 officer's decision to release or to detain and place the juvenile.
12 When secure detention of a juvenile is necessary, such detention
13 shall occur within a juvenile detention facility except:

14 ~~(a)~~ (i) When a juvenile described in subdivision (1) or
15 (2) of section 43-247, except for a status offender, is taken
16 into temporary custody within a metropolitan statistical area and
17 where no juvenile detention facility is reasonably available, the
18 juvenile may be delivered, for temporary custody not to exceed
19 six hours, to a secure area of a jail or other facility intended
20 or used for the detention of adults solely for the purposes of
21 identifying the juvenile and ascertaining his or her health and
22 well-being and for safekeeping while awaiting transport to an
23 appropriate juvenile placement or release to a responsible party;

24 ~~(b)~~ (ii) When a juvenile described in subdivision (1)
25 or (2) of section 43-247, except for a status offender, is taken
26 into temporary custody outside of a metropolitan statistical area
27 and where no juvenile detention facility is reasonably available,

1 the juvenile may be delivered, for temporary custody not to exceed
2 twenty-four hours excluding nonjudicial days and while awaiting an
3 initial court appearance, to a secure area of a jail or other
4 facility intended or used for the detention of adults solely for
5 the purposes of identifying the juvenile and ascertaining his
6 or her health and well-being and for safekeeping while awaiting
7 transport to an appropriate juvenile placement or release to a
8 responsible party;

9 ~~(e)~~ (iii) Whenever a juvenile is held in a secure area
10 of any jail or other facility intended or used for the detention
11 of adults, there shall be no verbal, visual, or physical contact
12 between the juvenile and any incarcerated adult and there shall be
13 adequate staff to supervise and monitor the juvenile's activities
14 at all times. This subdivision shall not apply to a juvenile
15 charged with a felony as an adult in county or district court if he
16 or she is sixteen years of age or older;

17 ~~(d)~~ (iv) If a juvenile is under sixteen years of age or
18 is a juvenile as described in subdivision (3) of section 43-247, he
19 or she shall not be placed within a secure area of a jail or other
20 facility intended or used for the detention of adults;

21 ~~(e)~~ (v) If, within the time limits specified in
22 subdivision ~~(3)(a)~~ or ~~(3)(b)~~ (1)(c)(i) or (1)(c)(ii) of this
23 section, a felony charge is filed against the juvenile as an adult
24 in county or district court, he or she may be securely held in a
25 jail or other facility intended or used for the detention of adults
26 beyond the specified time limits;

27 ~~(f)~~ (vi) A status offender or nonoffender taken into

1 temporary custody shall not be held in a secure area of a jail
2 or other facility intended or used for the detention of adults. A
3 Until January 1, 2013, a status offender accused of violating a
4 valid court order may be securely detained in a juvenile detention
5 facility longer than twenty-four hours if he or she is afforded
6 a detention hearing before a court within twenty-four hours,
7 excluding nonjudicial days, and if, prior to a dispositional
8 commitment to secure placement, a public agency, other than a court
9 or law enforcement agency, is afforded an opportunity to review the
10 juvenile's behavior and possible alternatives to secure placement
11 and has submitted a written report to the court; and

12 ~~(g)~~ (vii) A juvenile described in subdivision (1) or (2)
13 of section 43-247, except for a status offender, may be held in a
14 secure area of a jail or other facility intended or used for the
15 detention of adults for up to six hours before and six hours after
16 any court appearance.†

17 ~~(4)~~ (2) When a juvenile is taken into temporary custody
18 pursuant to subdivision ~~(3)~~ (2) of section 43-248, the peace
19 officer shall deliver the custody of such juvenile to the
20 Department of Health and Human Services which shall make a
21 temporary placement of the juvenile in the least restrictive
22 environment consistent with the best interests of the juvenile as
23 determined by the department. The department shall supervise such
24 placement and, if necessary, consent to any necessary emergency
25 medical, psychological, or psychiatric treatment for such juvenile.
26 The department shall have no other authority with regard to such
27 temporary custody until or unless there is an order by the court

1 placing the juvenile in the custody of the department. If the peace
2 officer delivers temporary custody of the juvenile pursuant to
3 this ~~subdivision~~, subsection, the peace officer shall make a full
4 written report to the county attorney within twenty-four hours of
5 taking such juvenile into temporary custody. If a court order of
6 temporary custody is not issued within forty-eight hours of taking
7 the juvenile into custody, the temporary custody by the department
8 shall terminate and the juvenile shall be returned to the custody
9 of his or her parent, guardian, custodian, or relative. ~~+~~

10 ~~(5)~~ (3) If the peace officer takes the juvenile into
11 temporary custody pursuant to subdivision ~~(4)~~ (3) of section
12 43-248, the peace officer may place the juvenile at a mental health
13 facility for evaluation and emergency treatment or may deliver the
14 juvenile to the Department of Health and Human Services as provided
15 in ~~subdivision (4)~~ subsection (2) of this section. At the time
16 of the admission or turning the juvenile over to the department,
17 the peace officer responsible for taking the juvenile into custody
18 shall execute a written certificate as prescribed by the Department
19 of Health and Human Services which will indicate that the peace
20 officer believes the juvenile to be mentally ill and dangerous,
21 a summary of the subject's behavior supporting such allegations,
22 and that the harm described in section 71-908 is likely to occur
23 before proceedings before a juvenile court may be invoked to
24 obtain custody of the juvenile. A copy of the certificate shall be
25 forwarded to the county attorney. The peace officer shall notify
26 the juvenile's parents, guardian, custodian, or relative of the
27 juvenile's placement. ~~+~~ ~~ex~~

1 (4) When a juvenile is taken into temporary custody
2 pursuant to subdivision (6) of section 43-248, the peace officer
3 shall deliver the juvenile to the enrolled school of such juvenile.

4 ~~(6) Beginning July 1, 2010,~~ a (5) A juvenile taken into
5 custody pursuant to a legal warrant of arrest shall be delivered
6 to the probation officer who shall determine the need for detention
7 of the juvenile as provided in section 43-260.01. If detention is
8 not required, the juvenile may be released without bond if such
9 release is in the best interests of the juvenile, the safety of the
10 community is not at risk, and the court that issued the warrant is
11 notified that the juvenile has been taken into custody.

12 (6) In determining the appropriate temporary placement of
13 a juvenile under this section, the peace officer shall select the
14 placement which is least restrictive of the juvenile's freedom so
15 long as such placement is compatible with the best interests of the
16 juvenile and the safety of the community.

17 Sec. 15. Section 43-253, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 43-253 (1) Upon delivery to the probation officer of a
20 juvenile who has been taken into temporary custody under ~~sections~~
21 section 29-401, 43-248, or and 43-250, the probation officer shall
22 immediately investigate the situation of the juvenile and the
23 nature and circumstances of the events surrounding his or her being
24 taken into custody. Such investigation may be by informal means
25 when appropriate.

26 (2) The probation officer's decision to release the
27 juvenile from custody or place the juvenile in secure or nonsecure

1 detention shall be based upon the results of the standardized
2 juvenile detention screening instrument described in section
3 43-260.01.

4 (3) No juvenile who has been taken into temporary custody
5 under subdivision ~~(3)~~ (1)(c) of section 43-250 shall be detained
6 in any secure detention facility for longer than twenty-four hours,
7 excluding nonjudicial days, after having been taken into custody
8 unless such juvenile has appeared personally before a court of
9 competent jurisdiction for a hearing to determine if continued
10 detention is necessary. If continued secure detention is ordered,
11 such detention shall be in a juvenile detention facility, except
12 that a juvenile charged with a felony as an adult in county or
13 district court may be held in an adult jail as set forth in
14 subdivision ~~(3)(e)~~ (1)(c)(v) of section 43-250.

15 (4) When the probation officer deems it to be in the best
16 interests of the juvenile, the probation officer shall immediately
17 release such juvenile to the custody of his or her parent. If
18 the juvenile has both a custodial and a noncustodial parent and
19 the probation officer deems that release of the juvenile to the
20 custodial parent is not in the best interests of the juvenile,
21 the probation officer shall, if it is deemed to be in the best
22 interests of the juvenile, attempt to contact the noncustodial
23 parent, if any, of the juvenile and to release the juvenile to such
24 noncustodial parent. If such release is not possible or not deemed
25 to be in the best interests of the juvenile, the probation officer
26 may release the juvenile to the custody of a legal guardian, a
27 responsible relative, or another responsible person.

1 (5) The court may admit such juvenile to bail by bond in
2 such amount and on such conditions and security as the court, in
3 its sole discretion, shall determine, or the court may proceed as
4 provided in section 43-254. In no case shall the court or probation
5 officer release such juvenile if it appears that further detention
6 or placement of such juvenile is a matter of immediate and urgent
7 necessity for the protection of such juvenile or the person or
8 property of another or if it appears that such juvenile is likely
9 to flee the jurisdiction of the court.

10 Sec. 16. Section 43-254, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 43-254 Pending the adjudication of any case, if it
13 appears that the need for placement or further detention exists,
14 the juvenile may be (1) placed or detained a reasonable period of
15 time on order of the court in the temporary custody of either the
16 person having charge of the juvenile or some other suitable person,
17 (2) kept in some suitable place provided by the city or county
18 authorities, (3) placed in any proper and accredited charitable
19 institution, (4) placed in a state institution, except any adult
20 correctional facility, when proper facilities are available and the
21 only local facility is a city or county jail, at the expense of
22 the committing county on a per diem basis as determined from time
23 to time by the head of the particular institution, or (5) placed
24 in the temporary care and custody of the Department of Health and
25 Human Services when it does not appear that there is any need for
26 secure detention. The court may assess the cost of such placement
27 or detention in whole or in part to the parent of the juvenile as

1 provided in section 43-290.

2 If a juvenile has been removed from his or her parent,
3 guardian, or custodian pursuant to subdivision ~~(3)~~ (2) of section
4 43-248, the court may enter an order continuing detention or
5 placement upon a written determination that continuation of the
6 juvenile in his or her home would be contrary to the health,
7 safety, or welfare of such juvenile and that reasonable efforts
8 were made to preserve and reunify the family if required under
9 subsections (1) through (4) of section 43-283.01.

10 Sec. 17. Section 43-254.01, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 43-254.01 (1) Any time a juvenile is temporarily placed
13 at a mental health facility pursuant to ~~subdivision (5)~~ subsection
14 (3) of section 43-250 or by a court as a juvenile who is mentally
15 ill and dangerous, a mental health professional as defined in
16 section 71-906 shall evaluate the mental condition of the juvenile
17 as soon as reasonably possible but not later than thirty-six hours
18 after the juvenile's admission, unless the juvenile was evaluated
19 by a mental health professional immediately prior to the juvenile
20 being placed in temporary custody and the temporary custody is
21 based upon the conclusions of that evaluation. The mental health
22 professional who performed the evaluation prior to the temporary
23 custody or immediately after the temporary custody shall, without
24 delay, convey the results of his or her evaluation to the county
25 attorney.

26 (2) If it is the judgment of the mental health
27 professional that the juvenile is not mentally ill and dangerous or

1 that the harm described in section 71-908 is not likely to occur
2 before the matter may be heard by a juvenile court, the mental
3 health professional shall immediately notify the county attorney
4 of that conclusion and the county attorney shall either proceed
5 to hearing before the court within twenty-four hours or order the
6 immediate release of the juvenile from temporary custody. Such
7 release shall not prevent the county attorney from proceeding on
8 the petition if he or she so chooses.

9 (3) A juvenile taken into temporary protective custody
10 under ~~subdivision (5)~~ subsection (3) of section 43-250 shall
11 have the opportunity to proceed to adjudication hearing within
12 seven days unless the matter is continued. Continuances shall be
13 liberally granted at the request of the juvenile, his or her
14 guardian ad litem, attorney, parents, or guardian. Continuances
15 may be granted to permit the juvenile an opportunity to obtain
16 voluntary treatment.

17 Sec. 18. Section 43-256, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 43-256 When the court enters an order continuing
20 placement or detention pursuant to section 43-253, upon request
21 of the juvenile, or his or her parent, guardian, or attorney,
22 the court shall hold a hearing within forty-eight hours, at which
23 hearing the burden of proof shall be upon the state to show
24 probable cause that such juvenile is within the jurisdiction of the
25 court. Strict rules of evidence shall not apply at the probable
26 cause hearing. The juvenile shall be released if probable cause is
27 not shown. At the option of the court, it may hold the adjudication

1 hearing provided in section 43-279 as soon as possible instead
2 of the probable cause hearing if held within a reasonable period
3 of time. This section and section 43-255 shall not apply to a
4 juvenile (1) who has escaped from a commitment or (2) who has been
5 taken into custody for his or her own protection as provided in
6 subdivision ~~(3)~~ (2) of section 43-248 in which case the juvenile
7 shall be held on order of the court with jurisdiction for a
8 reasonable period of time.

9 Sec. 19. Section 43-258, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 43-258 (1) Pending the adjudication of any case under the
12 Nebraska Juvenile Code, the court may order the juvenile examined
13 by a physician, surgeon, psychiatrist, duly authorized community
14 mental health service program, or psychologist to aid the court
15 in determining (a) a material allegation in the petition relating
16 to the juvenile's physical or mental condition, (b) the juvenile's
17 competence to participate in the proceedings, (c) the juvenile's
18 responsibility for his or her acts, or (d) whether or not to
19 provide emergency medical treatment.

20 (2) Pending the adjudication of any case under the
21 Nebraska Juvenile Code and after a showing of probable cause that
22 the juvenile is within the court's jurisdiction, for the purposes
23 of subsection (1) of this section, the court may order such
24 juvenile to be placed in one of the facilities or institutions
25 of the State of Nebraska. Such juvenile shall not be placed
26 in an adult correctional facility, the secure youth confinement
27 facility operated by the Department of Correctional Services, or

1 a youth rehabilitation and treatment center. Any placement for
2 evaluation may be made on a residential or nonresidential basis for
3 a period not to exceed thirty days except as provided by section
4 43-415. The head of any facility or institution shall make a
5 complete evaluation of the juvenile, including any authorized area
6 of inquiry requested by the court. Any temporary placement of a
7 juvenile made under this section shall be in the least restrictive
8 environment consistent with the best interests of the juvenile and
9 the safety of the community.

10 (3) Upon completion of the evaluation, the juvenile
11 shall be returned to the court together with a written report
12 of the results of the evaluation. Such report shall include an
13 assessment of the basic needs of the juvenile and recommendations
14 for continuous and long-term care and shall be made to effectuate
15 the purposes in subdivision (1) of section 43-246. The juvenile
16 shall appear before the court for a hearing on the report of the
17 evaluation results within ten days after the court receives the
18 evaluation.

19 (4) In order to encourage the use of the procedure
20 provided in this section, all costs incurred during the period the
21 juvenile is being evaluated at a state facility or program funded
22 by the Office of Juvenile Services shall be the responsibility of
23 the state unless otherwise ordered by the court pursuant to section
24 43-290. The county in which the case is pending shall be liable
25 only for the cost of delivering the juvenile to the facility or
26 institution and the cost of returning him or her to the court for
27 disposition.

1 Sec. 20. Section 43-272.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-272.01 (1) A guardian ad litem as provided for in
4 subsections (2) and (3) of section 43-272 shall be appointed
5 when a child is removed from his or her surroundings pursuant to
6 subdivision ~~(3) or (4)~~ (2) or (3) of section 43-248, ~~subdivision~~
7 ~~(4)~~ subsection (2) of section 43-250, or section 43-251. If removal
8 has not occurred, a guardian ad litem shall be appointed at the
9 commencement of all cases brought under subdivision (3)(a) or (8)
10 of section 43-247 and section 28-707.

11 (2) In the course of discharging duties as guardian ad
12 litem, the person so appointed shall consider, but not be limited
13 to, the criteria provided in this subsection. The guardian ad
14 litem:

15 (a) Is appointed to stand in lieu of a parent for a
16 protected juvenile who is the subject of a juvenile court petition,
17 shall be present at all hearings before the court in such matter
18 unless expressly excused by the court, and may enter into such
19 stipulations and agreements concerning adjudication and disposition
20 deemed by him or her to be in the juvenile's best interests;

21 (b) Is not appointed to defend the parents or other
22 custodian of the protected juvenile but shall defend the legal
23 and social interests of such juvenile. Social interests shall
24 be defined generally as the usual and reasonable expectations of
25 society for the appropriate parental custody and protection and
26 quality of life for juveniles without regard to the socioeconomic
27 status of the parents or other custodians of the juvenile;

1 (c) May at any time after the filing of the petition
2 move the court of jurisdiction to provide medical or psychological
3 treatment or evaluation as set out in section 43-258. The guardian
4 ad litem shall have access to all reports resulting from any
5 examination ordered under section 43-258, and such reports shall be
6 used for evaluating the status of the protected juvenile;

7 (d) Shall make every reasonable effort to become
8 familiar with the needs of the protected juvenile which (i) shall
9 include consultation with the juvenile within two weeks after the
10 appointment and once every six months thereafter and inquiry of
11 the most current caseworker, foster parent, or other custodian
12 and (ii) may include inquiry of others directly involved with
13 the juvenile or who may have information or knowledge about the
14 circumstances which brought the juvenile court action or related
15 cases and the development of the juvenile, including biological
16 parents, physicians, psychologists, teachers, and clergy members;

17 (e) May present evidence and witnesses and cross-examine
18 witnesses at all evidentiary hearings. In any proceeding under this
19 section relating to a child of school age, certified copies of
20 school records relating to attendance and academic progress of such
21 child are admissible in evidence;

22 (f) Shall be responsible for making recommendations to
23 the court regarding the temporary and permanent placement of the
24 protected juvenile and shall submit a written report to the court
25 at every dispositional or review hearing, or in the alternative,
26 the court may provide the guardian ad litem with a checklist
27 that shall be completed and presented to the court at every

1 dispositional or review hearing;

2 (g) Shall consider such other information as is warranted
3 by the nature and circumstances of a particular case; and

4 (h) May file a petition in the juvenile court on behalf
5 of the juvenile, including a supplemental petition as provided in
6 section 43-291.

7 (3) Nothing in this section shall operate to limit the
8 discretion of the juvenile court in protecting the best interests
9 of a juvenile who is the subject of a juvenile court petition.

10 (4) For purposes of subdivision (2)(d) of this section,
11 the court may order the expense of such consultation, if any, to be
12 paid by the county in which the juvenile court action is brought
13 or the court may, after notice and hearing, assess the cost of
14 such consultation, if any, in whole or in part to the parents of
15 the juvenile. The ability of the parents to pay and the amount
16 of the payment shall be determined by the court by appropriate
17 examination.

18 Sec. 21. Section 43-278, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 43-278 Except as provided in sections 43-254.01 and
21 43-277.01, all cases filed under subdivision (3) of section 43-247
22 shall have an adjudication hearing not more than ninety days after
23 a petition is filed. Upon a showing of good cause, the court may
24 continue the case beyond the ninety-day period. The court shall
25 also review every case filed under such subdivision which has
26 been adjudicated or transferred to it for disposition not less
27 than once every six months. All communications, notices, orders,

1 authorizations, and requests authorized or required in the Nebraska
2 Juvenile Code; all nonevidentiary hearings; and any evidentiary
3 hearings approved by the court and by stipulation of all parties
4 may be heard by the court telephonically or by videoconferencing
5 in a manner that ensures the preservation of an accurate record.
6 ~~with the exception of any adjudication hearing, disposition~~
7 ~~hearing, or hearing to terminate parental rights, may be made by~~
8 ~~telephone when other means of communication are impractical as~~
9 ~~determined by the court. All of the orders generated by way of~~
10 ~~a telephonic or videoconference hearing shall be recorded as if~~
11 ~~the judge were conducting a hearing on the record. Telephonic and~~
12 ~~videoconference hearings allowed under this section shall not be in~~
13 ~~conflict with section 24-734.~~

14 Sec. 22. Section 43-285, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 43-285 (1) When the court awards a juvenile to the care
17 of the Department of Health and Human Services, an association,
18 or an individual in accordance with the Nebraska Juvenile Code,
19 the juvenile shall, unless otherwise ordered, become a ward and
20 be subject to the guardianship of the department, association,
21 or individual to whose care he or she is committed. Any such
22 association and the department shall have authority, by and
23 with the assent of the court, to determine the care, placement,
24 medical services, psychiatric services, training, and expenditures
25 on behalf of each juvenile committed to it. Such guardianship shall
26 not include the guardianship of any estate of the juvenile.

27 (2) Following an adjudication hearing at which a juvenile

1 is adjudged to be under subdivision (3) of section 43-247, the
2 court may order the department to prepare and file with the
3 court a proposed plan for the care, placement, services, and
4 permanency which are to be provided to such juvenile and his
5 or her family. The health and safety of the juvenile shall be
6 the paramount concern in the proposed plan. The department shall
7 include in the plan for a juvenile who is sixteen years of
8 age or older and subject to the guardianship of the department
9 a written proposal describing programs and services designed to
10 assist the juvenile in acquiring independent living skills. If
11 any other party, including, but not limited to, the guardian
12 ad litem, parents, county attorney, or custodian, proves by a
13 preponderance of the evidence that the department's plan is not
14 in the juvenile's best interests, the court shall disapprove the
15 department's plan. The court may modify the plan, order that an
16 alternative plan be developed, or implement another plan that is
17 in the juvenile's best interests. In its order the court shall
18 include a finding regarding the appropriateness of the programs and
19 services described in the proposal designed to assist the juvenile
20 in acquiring independent living skills. Rules of evidence shall not
21 apply at the dispositional hearing when the court considers the
22 plan that has been presented. ~~The department or any other party~~
23 ~~may request a review of the court's order concerning the plan by a~~
24 ~~juvenile review panel as provided in section 43-287.04.~~

25 (3) Within thirty days after an order awarding a juvenile
26 to the care of the department, an association, or an individual
27 and until the juvenile reaches the age of majority, the department,

1 association, or individual shall file with the court a report
2 stating the location of the juvenile's placement and the needs of
3 the juvenile in order to effectuate the purposes of subdivision
4 (1) of section 43-246. The department, association, or individual
5 shall file a report with the court once every six months or at
6 shorter intervals if ordered by the court or deemed appropriate
7 by the department, association, or individual. The department,
8 association, or individual shall file a report and notice of
9 placement change with the court and shall send copies of the
10 notice to all interested parties at least seven days before the
11 placement of the juvenile is changed from what the court originally
12 considered to be a suitable family home or institution to some
13 other custodial situation in order to effectuate the purposes of
14 subdivision (1) of section 43-246. The court, on its own motion
15 or upon the filing of an objection to the change by an interested
16 party, may order a hearing to review such a change in placement
17 and may order that the change be stayed until the completion of
18 the hearing. Nothing in this section shall prevent the court on
19 an ex parte basis from approving an immediate change in placement
20 upon good cause shown. The department may make an immediate change
21 in placement without court approval only if the juvenile is in a
22 harmful or dangerous situation or when the foster parents request
23 that the juvenile be removed from their home. Approval of the court
24 shall be sought within twenty-four hours after making the change in
25 placement or as soon thereafter as possible. ~~The department or any~~
26 ~~other party may request a review of the change in placement by a~~
27 ~~juvenile review panel in the manner set out in section 43-287.04.~~

1 The department shall provide the juvenile's guardian ad litem with
2 a copy of any report filed with the court by the department
3 pursuant to this subsection.

4 (4) The court shall also hold a permanency hearing if
5 required under section 43-1312.

6 (5) When the court awards a juvenile to the care of the
7 department, an association, or an individual, then the department,
8 association, or individual shall have standing as a party to file
9 any pleading or motion, to be heard by the court with regard to
10 such filings, and to be granted any review or relief requested in
11 such filings consistent with the Nebraska Juvenile Code.

12 (6) Whenever a juvenile is in a foster care placement as
13 defined in section 43-1301, the State Foster Care Review Board may
14 participate in proceedings concerning the juvenile as provided in
15 section 43-1313 and notice shall be given as provided in section
16 43-1314.

17 (7) Any written findings or recommendations of the State
18 Foster Care Review Board or any designated local foster care
19 review board with regard to a juvenile in a foster care placement
20 submitted to a court having jurisdiction over such juvenile shall
21 be admissible in any proceeding concerning such juvenile if such
22 findings or recommendations have been provided to all other parties
23 of record.

24 (8) Any member of the State Foster Care Review Board,
25 any of its agents or employees, or any member of any local foster
26 care review board participating in an investigation or making any
27 report pursuant to the Foster Care Review Act or participating in a

1 judicial proceeding pursuant to this section shall be immune from
2 any civil liability that would otherwise be incurred except for
3 false statements negligently made.

4 Sec. 23. (1) When a juvenile is adjudged to be a juvenile
5 described in subdivision (1), (2), or (3)(b) of section 43-247, the
6 juvenile court may:

7 (a) If such juvenile has one or more licenses or permits
8 issued under the Motor Vehicle Operator's License Act, impound any
9 such licenses or permits for thirty days; or

10 (b) If such juvenile does not have a permit or license
11 issued under the Motor Vehicle Operator's License Act, prohibit
12 such juvenile from obtaining any permit or any license pursuant to
13 the act for which such juvenile would otherwise be eligible until
14 thirty days after the date of such order.

15 (2) A copy of an abstract of the juvenile court's
16 adjudication shall be transmitted to the Director of Motor Vehicles
17 pursuant to sections 60-497.01 to 60-497.04 if a license or permit
18 is impounded under subsection (1) of this section. If a juvenile
19 whose operator's license or permit has been impounded by a juvenile
20 court operates a motor vehicle during any period that he or she
21 is subject to the court order not to operate any motor vehicle or
22 after a period of impoundment but before return of the license or
23 permit, such violation shall be handled in the juvenile court and
24 not as a violation of section 60-4,108.

25 (3) When a juvenile is adjudged to be a juvenile
26 described in subdivision (3)(a) of section 43-247 for excessive
27 absenteeism from school, the juvenile court may issue the parents

1 or guardians of such juvenile a fine not to exceed five hundred
2 dollars for each offense or order such parents or guardians
3 to complete specified hours of community service. For community
4 service ordered under this subsection, the juvenile court may
5 require that all or part of the service be performed for a public
6 school district or nonpublic school if the court finds that service
7 in the school is appropriate under the circumstances.

8 Sec. 24. Section 43-2,106.01, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 43-2,106.01 (1) Any final order or judgment entered by a
11 juvenile court may be appealed to the Court of Appeals in the same
12 manner as an appeal from district court to the Court of Appeals.
13 The appellate court shall conduct its review ~~within the same time~~
14 ~~and in the same manner prescribed by law for review of an order~~
15 ~~or judgment of the district court, except as provided in sections~~
16 ~~43-287.01 to 43-287.06 and except that when appeal is taken from~~
17 ~~a finding by the juvenile court terminating parental rights, the~~
18 ~~cause shall be advanced for argument before the appellate court~~
19 ~~and the appellate court shall, in order to expedite the preferred~~
20 ~~disposition of the case and the juvenile, in an expedited manner~~
21 and shall render the judgment and write its opinion, if any, as
22 speedily as possible.

- 23 (2) An appeal may be taken by:
- 24 (a) The juvenile;
 - 25 (b) The guardian ad litem;
 - 26 (c) The juvenile's parent, custodian, or guardian. For
- 27 purposes of this subdivision, custodian or guardian shall include,

1 but not be limited to, the Department of Health and Human Services,
2 an association, or an individual to whose care the juvenile has
3 been awarded pursuant to the Nebraska Juvenile Code; or

4 (d) The county attorney or petitioner, except that in
5 any case determining delinquency issues in which the juvenile has
6 been placed legally in jeopardy, an appeal of such issues may only
7 be taken by exception proceedings pursuant to sections 29-2317 to
8 29-2319.

9 (3) In all appeals from the county court sitting as
10 a juvenile court, the judgment of the appellate court shall
11 be certified without cost to the juvenile court for further
12 proceedings consistent with the determination of the appellate
13 court.

14 Sec. 25. Sections 25 to 29 of this act apply only
15 to persons who were under the age of eighteen years when the
16 offense took place and the county attorney or city attorney offered
17 juvenile pretrial diversion or mediation to the juvenile under
18 the Nebraska Juvenile Code or filed a juvenile court petition
19 describing the juvenile as a juvenile described in subdivision (1),
20 (2), (3)(b), or (4) of section 43-247 or the county attorney or
21 city attorney filed a criminal complaint in county court against
22 such juvenile for a misdemeanor or infraction, other than for a
23 traffic offense that may be waived, under the laws of this state or
24 a city or village ordinance.

25 Sec. 26. For a juvenile described in section 25 of this
26 act, the county attorney or city attorney shall, in addition to the
27 filings or actions described in such section, provide the juvenile

1 with written notice that:

2 (1) States in plain language that the juvenile may
3 petition the court to seal the record when the juvenile has
4 satisfactorily completed the diversion, mediation, probation,
5 supervision, or other treatment or rehabilitation program provided
6 to the juvenile under the Nebraska Juvenile Code or has
7 satisfactorily completed the diversion or sentence ordered by a
8 county court; and

9 (2) Explains in plain language what sealing the record
10 means.

11 Sec. 27. (1) Notwithstanding subsection (2) of this
12 section, if the juvenile was taken into custody or arrested but
13 no juvenile petition or criminal complaint was filed against the
14 juvenile with respect to the arrest or custody, the county attorney
15 or city attorney shall notify the appropriate public office or
16 agency responsible for the arrest or custody that no criminal
17 charge or juvenile court petition was filed.

18 (2) If the county attorney or city attorney has offered
19 and the juvenile has agreed to pretrial diversion or mediation,
20 the county attorney or city attorney shall notify the appropriate
21 public office or agency responsible for the arrest or custody that
22 the juvenile has satisfactorily completed the resulting diversion
23 or mediation.

24 (3) Upon receiving notice under subsection (1) or (2)
25 of this section, the public office or agency shall immediately
26 seal all original records housed at that public office or agency
27 pertaining to the citation, arrest, record of custody, complaint,

1 disposition, diversion, or mediation.

2 (4) If a juvenile described in section 25 of this act has
3 satisfactorily completed such juvenile's probation, supervision,
4 or other treatment or rehabilitation program provided under
5 the Nebraska Juvenile Code or has satisfactorily completed such
6 juvenile's diversion or sentence in county court and the juvenile
7 has attained at least the age of seventeen years, the court
8 shall initiate proceedings to seal the record pertaining to such
9 disposition, adjudication, or diversion or sentence of the county
10 court.

11 (5) At any time after a juvenile described in section 25
12 of this act has satisfactorily completed probation, supervision,
13 or other treatment or rehabilitation program under the code or has
14 satisfactorily completed diversion or sentence of the county court,
15 the court may, upon the motion of the juvenile or the court's own
16 motion, initiate proceedings to seal the record pertaining to such
17 disposition, dismissal following pretrial diversion under section
18 43-260.04, or disposition under section 43-286 or any county court
19 records pertaining to such county court diversion or sentence.

20 Sec. 28. (1) The county attorney or city attorney
21 involved in the case that is the subject of the proceeding to
22 seal the record shall be promptly notified of the proceedings, and
23 the Department of Health and Human Services shall also be promptly
24 notified of the proceedings if the juvenile whose record is the
25 subject of the proceeding to seal the record is a ward of the state
26 or if the department was a party in the case.

27 (2) A party notified under subsection (1) of this section

1 may file a response with the court within thirty days after
2 receiving such notice.

3 (3) If a party notified under subsection (1) of this
4 section does not file a response with the court or files a response
5 that indicates there is no objection to the sealing of the record,
6 the court may order the record of the juvenile under consideration
7 be sealed without conducting a hearing on the motion. If the court
8 decides in its discretion to conduct a hearing on the motion, the
9 court shall conduct the hearing within thirty days after making
10 that decision and shall give notice, by regular mail, of the date,
11 time, and location of the hearing to the parties receiving notice
12 under subsection (1) of this section and to the juvenile who is the
13 subject of the record under consideration.

14 (4) If a party receiving notice under subsection (1) of
15 this section files a response with the court objecting to the
16 sealing of the record, the court shall conduct a hearing on the
17 motion within thirty days after the court receives the response.
18 The court shall give notice, by regular mail, of the date, time,
19 and location of the hearing to the parties receiving notice under
20 subsection (1) of this section and to the juvenile who is the
21 subject of the record under consideration.

22 (5) After conducting a hearing in accordance with this
23 section, the court may order the record of the juvenile that is the
24 subject of the motion to be sealed if it finds that the juvenile
25 has been rehabilitated to a satisfactory degree. In determining
26 whether the juvenile has been rehabilitated to a satisfactory
27 degree, the court may consider all of the following:

1 (a) The age of the juvenile;

2 (b) The nature of the offense and the role of the
3 juvenile in the offense;

4 (c) The behavior of the juvenile after the adjudication
5 and the juvenile's response to treatment and rehabilitation
6 programs;

7 (d) The education and employment history of the juvenile;
8 and

9 (e) Any other circumstances that may relate to the
10 rehabilitation of the juvenile who is the subject of the record
11 under consideration.

12 (6) If, after conducting the hearing in accordance with
13 this section, the juvenile is not found to be satisfactorily
14 rehabilitated such that the record is not ordered to be sealed, a
15 juvenile who is a person described in section 25 of this act may
16 not move the court to seal the record for a period of one year,
17 unless waived by the court.

18 (7) The juvenile court or county court shall provide
19 verbal notice to a juvenile whose record is sealed, if that
20 juvenile is present in the court at the time the court issues a
21 sealing order, and explain what sealing a record means.

22 (8) The juvenile court or county court shall provide
23 written notice to a juvenile whose record is sealed under this
24 section by regular mail to the juvenile's last-known address, if
25 that juvenile is not present in the court at the time the court
26 issues a sealing order, that explains what sealing a record means.

27 Sec. 29. (1) If the court orders the records of a

1 juvenile sealed pursuant to section 28 of this act, the juvenile
2 who is the subject of the order properly may, and the court, county
3 attorneys, city attorneys, and institutions, persons, or agencies
4 shall, reply that no record exists with respect to the juvenile
5 upon any public inquiry in the matter, and the court shall do all
6 of the following:

7 (a) Order that any information or other data concerning
8 any proceedings relating to the arrest, taking into custody,
9 petition, complaint, indictment, information, trial, hearing,
10 adjudication, correctional supervision, dismissal, or disposition
11 be deemed never to have occurred; and

12 (b) Send notice of the order to seal the record to any
13 law enforcement agencies and county attorneys or city attorneys and
14 institutions, persons, or agencies, including treatment providers,
15 therapists, or other service providers, referenced in the court
16 record and order that all original records of the case be sealed.

17 (2) Except as provided in subsection (3) of this section,
18 an order to seal the record applies to every public office or
19 agency that has a record relating to the case, regardless of
20 whether it receives notice of the hearing on the sealing of the
21 record or a copy of the order. Upon the written request of a person
22 whose record has been sealed and the presentation of a copy of such
23 order, a public office or agency shall seal all original records
24 relating to the case.

25 (3) A sealed record is still accessible to law
26 enforcement officers, county attorneys, city attorneys, and the
27 sentencing judge in the investigation of crimes and in the

1 prosecution and sentencing of criminal defendants. Inspection of
2 records that have been ordered sealed under section 28 of this act
3 may be made only by the following persons or for the following
4 purposes:

5 (a) By the court or by any person allowed to inspect such
6 records by an order of the court for good cause shown;

7 (b) By the Nebraska Probation System for purposes of
8 juvenile intake services, for presentence and other probation
9 investigations, and for the direct supervision of persons placed on
10 probation;

11 (c) By the Department of Health and Human Services for
12 purposes of juvenile intake services, the preparation of case plans
13 and reports, the preparation of evaluations, or the supervision and
14 protection of persons placed with the department or for licensing
15 or certification purposes under sections 71-1901 to 71-1906.01 or
16 the Child Care Licensing Act;

17 (d) Upon application, by the juvenile who is the subject
18 of the sealed record and by the person that is named in that
19 application;

20 (e) At the request of a party in a civil action that is
21 based on a case the record for which is the subject of a sealing
22 order issued under section 28 of this act, as needed for the civil
23 action. The party also may copy the record as needed for the civil
24 action. The sealed record shall be used solely in the civil action
25 and is otherwise confidential and subject to this section; or

26 (f) By persons engaged in bona fide research, with
27 the permission of the court, only if the research results

1 in no disclosure of a juvenile's identity and protects the
2 confidentiality of the record.

3 (4) No person shall knowingly release, disseminate, or
4 make available, for any purpose involving employment, bonding,
5 licensing, or education, to any person or to any department,
6 agency, or other instrumentality of the state or of any of
7 its political subdivisions, any information or other data
8 concerning any arrest, taking into custody, petition, complaint,
9 indictment, information, trial, hearing, adjudication, correctional
10 supervision, dismissal, or disposition, the record of which has
11 been sealed pursuant to section 28 of this act and the release,
12 dissemination, or making available of which is not expressly
13 permitted by this section or court order. Nothing in this section
14 shall prohibit a department from releasing, disseminating, or
15 making available information from sealed records in the performance
16 of its duties with respect to the supervision and protection of
17 persons placed with the department. Any person who violates this
18 section may be held in contempt of court.

19 (5) In any application for employment, license, or other
20 right or privilege, any appearance as a witness, or any other
21 inquiry, a person cannot be questioned with respect to any arrest
22 or taking into custody for which the record is sealed. If an
23 inquiry is made in violation of this subsection, the person may
24 respond as if the sealed arrest or taking into custody did not
25 occur, and the person is not subject to any adverse action because
26 of the arrest or taking into custody or the response. Applications
27 for employment shall contain specific language that states that the

1 applicant is not obligated to disclose a sealed juvenile record
2 or sentence. Employers shall not ask if an applicant has had
3 a juvenile record sealed. The Department of Labor shall develop
4 a link on the department's web site to inform employers that
5 employers cannot ask if an applicant had a juvenile record sealed
6 and that an application for employment shall contain specific
7 language that states that the applicant is not obligated to
8 disclose a sealed juvenile record of arrest, custody, complaint,
9 disposition, diversion, adjudication, or sentence.

10 Sec. 30. Section 43-2,129, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 43-2,129 Sections 43-245 to 43-2,129 and sections 9, 10,
13 23, 25, 26, 27, 28, and 29 of this act shall be known and may be
14 cited as the Nebraska Juvenile Code.

15 Sec. 31. Section 43-415, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 43-415 A juvenile placed for evaluation with the Office
18 of Juvenile Services shall be returned to the court upon the
19 completion of the evaluation or at the end of thirty days,
20 whichever comes first. When the office finds that an extension of
21 the thirty-day period is necessary to complete the evaluation, the
22 court may order an extension not to exceed an additional thirty
23 days. The court shall hold a hearing within ten days after the
24 evaluation is completed and returned to the court by the office.

25 Sec. 32. Section 43-2404.02, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 43-2404.02 (1) There is created a separate and distinct

1 budgetary program within the commission to be known as the County
2 Juvenile Services Aid Program. Funding acquired from participation
3 in the federal act, state General Funds, and funding acquired
4 from other sources which may be used for purposes consistent with
5 the Juvenile Services Act and the federal act shall be used to
6 aid counties in the establishment and provision of community-based
7 services for accused and adjudicated juvenile offenders and to
8 increase capacity for community-based services to juveniles.

9 (2) The annual General Fund appropriation to the County
10 Juvenile Services Aid Program shall be apportioned to the counties
11 as aid in accordance with a formula established in rules and
12 regulations adopted and promulgated by the commission. The formula
13 shall be based on the total number of residents per county who
14 are twelve years of age through eighteen years of age and other
15 relevant factors as determined by the commission. The commission
16 may require a local match of up to forty percent from counties
17 receiving aid under such program. Any local expenditures for
18 community-based programs for juveniles may be applied toward such
19 match requirement.

20 (3) Funds provided to counties under the County Juvenile
21 Services Aid Program shall be used exclusively to assist counties
22 in implementation and operation of programs or services identified
23 in their comprehensive juvenile services plan, including, but not
24 limited to, programs for assessment and evaluation, prevention of
25 delinquent behavior, diversion, shelter care, intensive juvenile
26 probation services, restitution, family support services, and
27 family group conferencing. In distributing funds provided under

1 the County Juvenile Services Aid Program, counties shall prioritize
2 programs and services that will reduce the juvenile detention
3 population. No funds appropriated or distributed under the County
4 Juvenile Services Aid Program shall be used for construction of
5 secure detention facilities, secure youth treatment facilities,
6 or secure youth confinement facilities. Aid received under this
7 section shall not be used for capital construction or the lease or
8 acquisition of facilities and shall not be used to replace existing
9 funding for programs or services. Any funds not distributed to
10 counties under this subsection shall be retained by the commission
11 to be distributed on a competitive basis under the County Juvenile
12 Services Aid Program.

13 (4) Any county receiving funding under the County
14 Juvenile Services Aid Program shall file an annual report as
15 required by rules and regulations adopted and promulgated by the
16 commission. The report shall include, but not be limited to,
17 information on the total number of juveniles served, the units of
18 service provided, a listing of the county's annual juvenile justice
19 budgeted and actual expenditures, and a listing of expenditures for
20 detention, residential treatment, and nonresidential treatment.

21 (5) The commission shall report annually to the Governor
22 and the Legislature on the distribution and use of funds
23 appropriated under the County Juvenile Services Aid Program.

24 (6) The commission shall adopt and promulgate rules and
25 regulations to implement this section.

26 Sec. 33. Section 60-4,108, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 60-4,108 (1) It shall be unlawful for any person to
2 operate a motor vehicle during any period that he or she is subject
3 to a court order not to operate any motor vehicle for any purpose
4 or during any period that his or her operator's license has been
5 revoked or impounded pursuant to conviction or convictions for
6 violation of any law or laws of this state, by an order of any
7 court, or by an administrative order of the director. Except as
8 otherwise provided by subsection (3) of this section or by other
9 law, any person so offending shall (a) for a first such offense, be
10 guilty of a Class II misdemeanor, and the court shall, as a part
11 of the judgment of conviction, order such person not to operate any
12 motor vehicle for any purpose for a period of one year from the
13 date ordered by the court and also order the operator's license
14 of such person to be revoked for a like period and (b) for each
15 subsequent such offense, be guilty of a Class II misdemeanor, and
16 the court shall, as a part of the judgment of conviction, order
17 such person not to operate any motor vehicle for any purpose for
18 a period of two years from the date ordered by the court and also
19 order the operator's license of such person to be revoked for a
20 like period. Such orders of the court shall be administered upon
21 sentencing, upon final judgment of any appeal or review, or upon
22 the date that any probation is revoked, whichever is later.

23 (2) It shall be unlawful for any person to operate a
24 motor vehicle (a) during any period that his or her operator's
25 license has been suspended, (b) after a period of revocation
26 but before issuance of a new license, or (c) after a period of
27 impoundment but before the return of the license. ~~Any~~ Except as

1 provided in subsection (3) of this section, any person so offending
2 shall be guilty of a Class III misdemeanor, and the court may, as
3 a part of the judgment of conviction, order such person not to
4 operate any motor vehicle for any purpose for a period of one year
5 from the date ordered by the court, except that if the person at
6 the time of sentencing shows proof of reinstatement of his or her
7 suspended operator's license, proof of issuance of a new license,
8 or proof of return of the impounded license, the person shall only
9 be fined in an amount not to exceed one hundred dollars. If the
10 court orders the person not to operate a motor vehicle for a period
11 of one year from the date ordered by the court, the court shall
12 also order the operator's license of such person to be revoked for
13 a like period. Such orders of the court shall be administered upon
14 sentencing, upon final judgment of any appeal or review, or upon
15 the date that any probation is revoked, whichever is later.

16 (3) If a juvenile whose operator's license or permit
17 has been impounded by a juvenile court operates a motor vehicle
18 during any period that he or she is subject to the court order
19 not to operate any motor vehicle or after a period of impoundment
20 but before return of the license or permit, such violation shall
21 be handled in the juvenile court and not as a violation of this
22 section.

23 Sec. 34. Section 79-209, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 79-209 In all school districts in this state, any
26 superintendent, principal, teacher, or member of the school board
27 who knows of any violation of section 79-201 on the part of any

1 child of school age, his or her parent, the person in actual or
2 legal control of such child, or any other person shall within
3 three days report such violation to the attendance officer of
4 the school, who shall investigate the case. When of his or her
5 personal knowledge, by report or complaint from any resident of the
6 district, or by report or complaint as provided in this section,
7 the attendance officer believes that any child is unlawfully absent
8 from school, the attendance officer shall immediately investigate.

9 All school districts shall have a written policy on
10 excessive absenteeism developed in collaboration with the county
11 attorney of the county in which the district is located. The policy
12 shall state the number of absences or the hourly equivalent upon
13 the occurrence of which the school shall render all services in
14 its power to compel such child to attend some public, private,
15 denominational, or parochial school, which the person having
16 control of the child shall designate, in an attempt to ~~remediate~~
17 ~~the child's truant behavior.~~ address the problem of excessive
18 absenteeism. The number of absences in the policy shall not exceed
19 five days per quarter or the hourly equivalent. School districts
20 may use excused and unexcused absences for purposes of the policy.
21 Such services shall include, but need not be limited to:

22 (1) One or more meetings between a school attendance
23 officer, school social worker or other person designated by the
24 school administration if such school does not have a school
25 social worker, the child's parent or guardian, and the child, if
26 necessary, to report and to attempt to solve the ~~truancy~~ problem,
27 ~~unless the officer or worker has documented the refusal of the~~

1 ~~parent or guardian to participate in such meetings;~~ of excessive
2 absenteeism;

3 (2) Educational counseling to determine whether
4 curriculum changes, including, but not limited to, enrolling the
5 child in an alternative education program that meets the specific
6 educational and behavioral needs of the child, would help solve the
7 ~~truancy~~ problem of excessive absenteeism;

8 (3) Educational evaluation, which may include a
9 psychological evaluation, to assist in determining the specific
10 condition, if any, contributing to the ~~truancy~~ problem of excessive
11 absenteeism, supplemented by specific efforts by the school to help
12 remedy any condition diagnosed; and

13 (4) Investigation of the ~~truancy~~ problem of excessive
14 absenteeism by the school social worker, or if such school does not
15 have a school social worker, by another person designated by the
16 administration, to identify conditions which may be contributing
17 to the ~~truancy~~ problem. If services for the child and his or
18 her family are determined to be needed, the school social worker
19 or other person performing the investigation shall meet with
20 the parent or guardian and the child to discuss any referral
21 to appropriate community agencies for economic services, family
22 or individual counseling, or other services required to remedy
23 the conditions that are contributing to the ~~truancy~~ problem of
24 excessive absenteeism.

25 If the child continues to be or becomes habitually
26 ~~truant~~, the attendance officer shall serve a written notice to
27 the person violating section 79-201, warning him or her to comply

1 ~~with its provisions. If within one week after the time such notice~~
2 ~~is given such person is still violating the section, is absent~~
3 ~~more than twenty days per year or the hourly equivalent, the~~
4 attendance officer shall file a report with the county attorney
5 of the county in which such person resides. All school districts
6 shall have a written policy describing notification of habitual
7 truancy to the county attorney. The number of absences in the
8 policy shall not exceed twenty days cumulative per year or the
9 hourly equivalent. School districts may use excused and unexcused
10 absences for purposes of the policy. The county attorney may
11 file a complaint against such person a person violating section
12 79-201 before the judge of the county court of the county in
13 which such person resides charging such person with violation of
14 section 79-201. If after such notice has been sent to any person
15 violating such section such person again violates the same section,
16 no written notice shall be required but a complaint may be filed
17 at once. or may file a petition under the Nebraska Juvenile
18 Code alleging the person violating section 79-201 is a juvenile
19 described in subdivision (3)(a) or (3)(b) of section 43-247.
20 Nothing in this section shall preclude a county attorney from
21 being involved at any stage in the process to address excessive
22 absenteeism.

23 Sec. 35. Section 79-527, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 79-527 (1) The superintendent or head administrator of a
26 public school district or a nonpublic school system shall annually
27 report to the Commissioner of Education in such detail and on

1 such date as required by the commissioner the number of students
2 who have dropped out of school, ~~or were for any reason suspended,~~
3 ~~expelled,~~ ~~or excluded from school during the year.~~ School districts
4 that are members of learning communities shall also provide the
5 learning community coordinating council with a copy of the report
6 to the commissioner on or before the date the report is due
7 to the commissioner. Each learning community coordinating council
8 shall annually report to the commissioner in such detail and on
9 such date as required by the commissioner the number of students
10 who have dropped out of school ~~or were for any reason suspended,~~
11 ~~expelled,~~ ~~or excluded from school during the year~~ for all of the
12 member school districts. The due date for reports from learning
13 communities shall be established by the commissioner to provide a
14 reasonable period of time for the learning community coordinating
15 councils to compile the information from the member school district
16 reports.

17 (2) The superintendent or head administrator of a public
18 school district or a nonpublic school system shall report on a
19 monthly basis to the Commissioner of Education as directed by the
20 commissioner regarding the number of and reason for any suspension,
21 expulsion, or excessive absenteeism of a student; referral of
22 a student to the office of the county attorney for excessive
23 absenteeism; or contacting of law enforcement officials by the
24 district or system relative to a student enrolled in the district
25 or system. The State Department of Education shall provide a
26 learning community coordinating council with a copy of such reports
27 from school districts that are members of the learning community

1 promptly after the reports are filed with the commissioner.

2 Sec. 36. (1) The Truancy Intervention Task Force is
3 created. The task force shall consist of:

4 (a) The probation administrator or his or her designee;

5 (b) The Commissioner of Education or his or her designee;

6 and

7 (c) The chief executive officer of the Department of
8 Health and Human Services or his or her designee.

9 (2) The task force shall study and evaluate the data
10 contained in the reports required by subsection (2) of section
11 79-527 and shall develop recommendations to reduce incidents of
12 excessive absenteeism. The task force may contact a school district
13 or a county attorney for additional information. The task force
14 shall report to the Legislature on or before July 1, 2011, and each
15 July 1 thereafter.

16 Sec. 37. The Revisor of Statutes shall assign section 36
17 of this act within Chapter 79, article 5.

18 Sec. 38. Original sections 24-313, 25-2701, 25-2728,
19 29-1816, 29-2258, 29-2269, 43-246, 43-248, 43-253, 43-254,
20 43-254.01, 43-256, 43-258, 43-272.01, 43-278, 43-285, 43-2,106.01,
21 43-2,129, 43-415, 43-2404.02, 60-4,108, 79-209, and 79-527, Reissue
22 Revised Statutes of Nebraska, sections 43-245 and 43-250, Revised
23 Statutes Supplement, 2009, and section 29-2262.07, Reissue Revised
24 Statutes of Nebraska, as amended by section 15, Legislative Bill
25 3, One Hundred First Legislature, First Special Session, 2009, are
26 repealed.

27 Sec. 39. The following sections are outright repealed:

1 Sections 43-287.01, 43-287.02, 43-287.03, 43-287.04, 43-287.05,
2 43-287.06, 43-2,102, 43-2,103, 43-2,104, and 43-2,105, Reissue
3 Revised Statutes of Nebraska.

4 2. On page 1, strike beginning with "children" in
5 line 1 through line 14 and insert "juvenile justice; to
6 amend sections 24-313, 25-2701, 25-2728, 29-1816, 29-2258,
7 29-2269, 43-246, 43-248, 43-253, 43-254, 43-254.01, 43-256,
8 43-258, 43-272.01, 43-278, 43-285, 43-2,106.01, 43-2,129, 43-415,
9 43-2404.02, 60-4,108, 79-209, and 79-527, Reissue Revised Statutes
10 of Nebraska, sections 43-245 and 43-250, Revised Statutes
11 Supplement, 2009, and section 29-2262.07, Reissue Revised Statutes
12 of Nebraska, as amended by section 15, Legislative Bill 3,
13 One Hundred First Legislature, First Special Session, 2009; to
14 eliminate juvenile review panels; to provide for sealing of
15 juvenile records, sanctions for probation violations or potential
16 violations, a transfer and distribution of funds, and a juvenile
17 offender civil citation pilot program; to change arraignment,
18 temporary custody, evaluation, detention, and placement provisions
19 regarding juveniles; to provide for telephonic and videoconference
20 communications and hearings under the Nebraska Juvenile Code; to
21 provide for the impoundment of or prohibit obtaining a juvenile's
22 operator's license or permit as prescribed; to provide for
23 sanctions on parents or guardians for excessive absenteeism;
24 to provide for expedited appeals from the juvenile court; to
25 change provisions relating to the County Juvenile Services Aid
26 Program, school truancy management and enforcement, and school
27 reporting provisions; to create and provide duties for the Truancy

1 Intervention Task Force; to change and eliminate provisions
2 relating to setting aside adjudications; to harmonize provisions;
3 to provide a duty for the Revisor of Statutes; to repeal the
4 original sections; and to outright repeal sections 43-287.01,
5 43-287.02, 43-287.03, 43-287.04, 43-287.05, 43-287.06, 43-2,102,
6 43-2,103, 43-2,104, and 43-2,105, Reissue Revised Statutes of
7 Nebraska.".

8 3. On page 2, strike lines 1 through 12.