

AMENDMENTS TO LB464

Introduced by Krist

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

3           Section 1. Section 14-607, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           14-607 It shall be the duty of ~~policemen~~ police officers  
6 to make a daily report to the chief of police of the time of  
7 lighting and extinguishing of all public lights and lamps upon  
8 their beats, and also any lamps that may be broken or out of  
9 repair. They shall also report to the same office any defect in any  
10 sidewalk, street, alley, or other public highway or the existence  
11 of ice or dangerous obstructions on the walks or streets, or  
12 break in any sewer, or disagreeable odors emanating from inlets  
13 to sewers, or any violation of the health laws or ordinances  
14 of the city. Suitable blanks for making such reports shall be  
15 furnished to the chief of police by the city electrician and  
16 health commissioner. Such reports shall be by the chief of police  
17 transmitted to the proper officers of the city. In case of any  
18 violation of laws or ordinances the ~~policeman~~ police officer making  
19 report shall report the facts to the ~~city prosecutor.~~ appropriate  
20 prosecuting authority. They shall also perform such other duties as  
21 may be required by ordinance.

22           Sec. 2. Section 24-517, Revised Statutes Cumulative  
23 Supplement, 2012, is amended to read:

1                   24-517 Each county court shall have the following  
2 jurisdiction:

3                   (1) Exclusive original jurisdiction of all matters  
4 relating to decedents' estates, including the probate of wills and  
5 the construction thereof, except as provided in subsection (c) of  
6 section 30-2464 and section 30-2486;

7                   (2) Exclusive original jurisdiction in all matters  
8 relating to the guardianship of a person, except if a separate  
9 juvenile court already has jurisdiction over a child in need of  
10 a guardian, concurrent original jurisdiction with the separate  
11 juvenile court in such guardianship;

12                   (3) Exclusive original jurisdiction of all matters  
13 relating to conservatorship of any person, including (a) original  
14 jurisdiction to consent to and authorize a voluntary selection,  
15 partition, and setoff of a ward's interest in real estate owned  
16 in common with others and to exercise any right of the ward in  
17 connection therewith which the ward could exercise if competent and  
18 (b) original jurisdiction to license the sale of such real estate  
19 for cash or on such terms of credit as shall seem best calculated  
20 to produce the highest price subject only to the requirements set  
21 forth in section 30-3201;

22                   (4) Concurrent jurisdiction with the district court to  
23 involuntarily partition a ward's interest in real estate owned in  
24 common with others;

25                   (5) Concurrent original jurisdiction with the district  
26 court in all civil actions of any type when the amount in  
27 controversy is forty-five thousand dollars or less through June 30,

1 2005, and as set by the Supreme Court pursuant to subdivision (b)  
2 of this subdivision on and after July 1, 2005.

3 (a) When the pleadings or discovery proceedings in a  
4 civil action indicate that the amount in controversy is greater  
5 than the jurisdictional amount of subdivision (5) of this section,  
6 the county court shall, upon the request of any party, certify  
7 the proceedings to the district court as provided in section  
8 25-2706. An award of the county court which is greater than the  
9 jurisdictional amount of subdivision (5) of this section is not  
10 void or unenforceable because it is greater than such amount,  
11 however, if an award of the county court is greater than the  
12 jurisdictional amount, the county court shall tax as additional  
13 costs the difference between the filing fee in district court and  
14 the filing fee in county court.

15 (b) The Supreme Court shall adjust the jurisdictional  
16 amount for the county court every fifth year commencing July  
17 1, 2005. The adjusted jurisdictional amount shall be equal to  
18 the then current jurisdictional amount adjusted by the average  
19 percentage change in the unadjusted Consumer Price Index for  
20 All Urban Consumers published by the Federal Bureau of Labor  
21 Statistics for the five-year period preceding the adjustment  
22 date. The jurisdictional amount shall be rounded to the nearest  
23 one-thousand-dollar amount;

24 (6) Concurrent original jurisdiction with the district  
25 court in any criminal matter classified as a misdemeanor or for  
26 any infraction. The district court shall have concurrent original  
27 jurisdiction in any criminal matter classified as a misdemeanor

1 that arises from the same incident as a charged felony;

2 (7) Concurrent original jurisdiction with the district  
3 court in domestic relations matters as defined in section 25-2740  
4 and with the district court and separate juvenile court in  
5 paternity or custody determinations as provided in section 25-2740;

6 (8) Concurrent original jurisdiction with the district  
7 court in matters arising under the Nebraska Uniform Trust Code;

8 (9) Exclusive original jurisdiction in any action based  
9 on violation of a city or village ordinance, except with respect to  
10 violations committed by persons under eighteen years of age;

11 (10) ~~Exclusive original jurisdiction in juvenile matters~~  
12 The jurisdiction of a juvenile court as provided in the Nebraska  
13 Juvenile Code when sitting as a juvenile court in counties which  
14 have not established separate juvenile courts;

15 (11) Exclusive original jurisdiction in matters of  
16 adoption, except if a separate juvenile court already has  
17 jurisdiction over the child to be adopted, concurrent original  
18 jurisdiction with the separate juvenile court; and

19 (12) All other jurisdiction heretofore provided and not  
20 specifically repealed by Laws 1972, Legislative Bill 1032, and such  
21 other jurisdiction as hereafter provided by law.

22 Sec. 3. Section 24-1007, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 24-1007 (1) The State Court Administrator shall compile  
25 uniform and accurate statistics which will assist in the evaluation  
26 of judicial workloads. The judicial workload statistics shall  
27 be based on caseload numbers weighted by category of case. The

1 judicial workload statistics shall be compiled annually for each  
2 district, county, and separate juvenile court judicial district in  
3 the state.

4 (2) The State Court Administrator shall develop and  
5 provide an annual report to the Legislature and the Governor  
6 on juveniles in Nebraska's justice system. The report to the  
7 Legislature shall be provided electronically. For purposes of this  
8 section, juvenile has the same meaning as in section 43-245.  
9 The report shall include, but not be limited to, geographic and  
10 demographic information on the following:

11 (a) Juveniles prosecuted in juvenile court under  
12 subdivision (1), (2), (3)(b), or (4) of section 43-247, including  
13 the total number of filings and adjudications;

14 (b) Juveniles prosecuted in adult criminal court for  
15 felonies, misdemeanors, and traffic offenses. The information shall  
16 include juveniles sentenced to terms in adult jails and prisons and  
17 juveniles placed on adult probation;

18 (c) The number of motions to transfer and the number of  
19 cases transferred to adult court from juvenile court and from adult  
20 criminal court to juvenile court;

21 (d) Juveniles placed on juvenile probation, the number of  
22 juveniles on probation in out-of-home care, the number of juveniles  
23 completing probation, the number of motions to revoke probation and  
24 probation revocations, and the average length of time on probation;

25 (e) Juveniles with and without access to counsel in  
26 juvenile and adult court, both appointed and retained; and

27 (f) Rates of recidivism.

1           Sec. 4. Section 29-1816, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

3           29-1816 ~~(1)~~ The accused shall be arraigned by reading to  
4 him or her the indictment or information, unless the reading is  
5 waived by the accused when the nature of the charge is made known  
6 to him or her. The accused shall then be asked whether he or she  
7 is guilty or not guilty of the offense charged. If the accused  
8 appears in person and by counsel and goes to trial before a jury  
9 regularly impaneled and sworn, he or she shall be deemed to have  
10 waived arraignment and a plea of not guilty shall be deemed to have  
11 been made.

12           ~~(2)(a)~~ At the time of the arraignment the court shall  
13 advise the accused, if he or she was less than eighteen years of  
14 age at the time of the commitment of the alleged crime, that he or  
15 she may move the county or district court at any time not later  
16 than thirty days after arraignment, unless otherwise permitted by  
17 the court for good cause shown, to waive jurisdiction in such case  
18 to the juvenile court for further proceedings under the Nebraska  
19 Juvenile Code. The court shall schedule a hearing on such motion  
20 within fifteen days. The customary rules of evidence shall not  
21 be followed at such hearing. The county attorney or city attorney  
22 shall present the evidence and reasons why such case should be  
23 retained, the accused shall present the evidence and reasons why  
24 the case should be transferred, and both sides shall consider the  
25 criteria set forth in section 43-276. After considering all the  
26 evidence and reasons presented by both parties, pursuant to section  
27 43-276, the case shall be transferred unless a sound basis exists

1 ~~for retaining the case.~~

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

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

17 (1) (a) The accused may be arraigned in county court or  
18 district court:

19 (i) If the accused was eighteen years of age or older  
20 when the alleged offense was committed;

21 (ii) If the accused was younger than eighteen years of  
22 age and was fourteen years of age or older when an alleged offense  
23 punishable as a Class I, IA, IB, IC, ID, II, or III felony was  
24 committed; or

25 (iii) If the alleged offense is a traffic offense as  
26 defined in section 43-245.

27 (b) Arraignment in county court or district court shall

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

9 (2) At the time of the arraignment the county court or  
10 district court shall advise the accused, if the accused was younger  
11 than eighteen years of age at the time the alleged offense was  
12 committed, that the accused may move the county court or district  
13 court at any time not later than thirty days after arraignment,  
14 unless otherwise permitted by the court for good cause shown, to  
15 wave jurisdiction in such case to the juvenile court for further  
16 proceedings under the Nebraska Juvenile Code. This subsection does  
17 not apply if the case was transferred to county court or district  
18 court from juvenile court.

19 (3) For motions to transfer a case from the county court  
20 or district court to juvenile court:

21 (a) The county court or district court shall schedule a  
22 hearing on such motion within fifteen days. The customary rules of  
23 evidence shall not be followed at such hearing. The accused shall  
24 be represented by an attorney. The criteria set forth in section  
25 43-276 shall be considered at such hearing. After considering all  
26 the evidence and reasons presented by both parties, the case shall  
27 be transferred to juvenile court unless a sound basis exists for

1 retaining the case in county court or district court; and

2 (b) The county court or district court shall set forth  
3 findings for the reason for its decision. If the county court or  
4 district court determines that the accused should be transferred  
5 to the juvenile court, the complete file in the county court or  
6 district court shall be transferred to the juvenile court and  
7 the complaint, indictment, or information may be used in place  
8 of a petition therein. The county court or district court making  
9 a transfer shall order the accused to be taken forthwith to the  
10 juvenile court and designate where the juvenile shall be kept  
11 pending determination by the juvenile court. The juvenile court  
12 shall then proceed as provided in the Nebraska Juvenile Code.

13 (4) When the accused was younger than eighteen years of  
14 age when an alleged offense was committed, the county attorney or  
15 city attorney shall proceed under section 43-274.

16 Sec. 5. (1) The Department of Health and Human Services,  
17 as the single state agency administering the Title IV-E state  
18 plan, shall enter into an agreement with the Office of Probation  
19 Administration to act as a surrogate of the Department of Health  
20 and Human Services to administer the Title IV-E state plan for  
21 children that the office has placement and care of, in accordance  
22 with 42 U.S.C. 672(a)(2)(B)(ii), to obtain federal reimbursement  
23 for allowable maintenance, administrative, and training expenses in  
24 accordance with Title IV-E of the Social Security Act, Public Law  
25 96-272, Public Law 105-89, and Public Law 110-351.

26 (2) The office has placement and care responsibility  
27 for juveniles in out-of-home or foster care placements who are

1 juveniles described in subdivision (1), (2), (3)(b), or (4) of  
2 section 43-247. Placement and care constitutes accountability for  
3 the day-to-day care and protection of the juvenile. A major  
4 responsibility in placement and care is the development of an  
5 individual case plan for the juvenile, including periodic review of  
6 the appropriateness and suitability of the plan and the foster care  
7 placement, to ensure that proper care and services are provided  
8 to facilitate return to the juvenile's own home or to make an  
9 alternative placement. The case plan activities include such items  
10 as assessing family strength and needs, identifying and using  
11 community resources, and the periodic review and determination of  
12 continued appropriateness of placement. The court shall provide  
13 copies of evaluation reports and evaluations of the juvenile to the  
14 juvenile's attorney and the county attorney or city attorney prior  
15 to any hearing in which the report or evaluation will be relied  
16 upon. Placement and care does not include rights retained by the  
17 legal custodian, including, but not limited to, provision of and  
18 decisions regarding education, morality, religion, discipline, and  
19 medical care.

20           Sec. 6. Section 29-2269, Revised Statutes Cumulative  
21 Supplement, 2012, is amended to read:

22           29-2269 Sections 29-2246 to 29-2269 and section 5 of this  
23 act shall be known and may be cited as the Nebraska Probation  
24 Administration Act.

25           Sec. 7. Section 43-245, Revised Statutes Supplement,  
26 2013, is amended to read:

27           43-245 For purposes of the Nebraska Juvenile Code, unless

1 the context otherwise requires:

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

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

6 (3) Civil citation means a noncriminal notice which  
7 cannot result in a criminal record and is described in section  
8 43-248.02;

9 (4) Cost or costs means (a) the sum or equivalent  
10 expended, paid, or charged for goods or services, or expenses  
11 incurred, or (b) the contracted or negotiated price;

12 (5) Criminal street gang means a group of three or more  
13 people with a common identifying name, sign, or symbol whose group  
14 identity or purposes include engaging in illegal activities;

15 (6) Criminal street gang member means a person who  
16 willingly or voluntarily becomes and remains a member of a criminal  
17 street gang;

18 (7) Custodian means a nonparental caretaker having  
19 physical custody of the juvenile and includes an appointee  
20 described in section 43-294;

21 (8) Guardian means a person, other than a parent, who  
22 has qualified by law as the guardian of a juvenile pursuant to  
23 testamentary or court appointment, but excludes a person who is  
24 merely a guardian ad litem;

25 (9) Juvenile means any person under the age of eighteen;

26 (10) Juvenile court means the separate juvenile court  
27 where it has been established pursuant to sections 43-2,111 to

1 43-2,127 and the county court sitting as a juvenile court in all  
2 other counties. Nothing in the Nebraska Juvenile Code shall be  
3 construed to deprive the district courts of their habeas corpus,  
4 common-law, or chancery jurisdiction or the county courts and  
5 district courts of jurisdiction of domestic relations matters as  
6 defined in section 25-2740;

7 (11) Juvenile detention facility has the same meaning as  
8 in section 83-4,125;

9 (12) Legal custody has the same meaning as in section  
10 43-2922;

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

18 (14) Mental health facility means a treatment facility  
19 as defined in section 71-914 or a government, private, or state  
20 hospital which treats mental illness;

21 (15) Nonoffender means a juvenile who is subject to the  
22 jurisdiction of the juvenile court for reasons other than legally  
23 prohibited conduct, including, but not limited to, juveniles  
24 described in subdivision (3)(a) of section 43-247;

25 (16) Nonsecure detention means detention characterized by  
26 the absence of restrictive hardware, construction, and procedure.  
27 Nonsecure detention services may include a range of placement and

1 supervision options, such as home detention, electronic monitoring,  
2 day reporting, drug court, tracking and monitoring supervision,  
3 staff secure and temporary holdover facilities, and group homes;

4 (17) Parent means one or both parents or stepparents when  
5 the stepparent is married to a parent who has physical custody of  
6 the juvenile as of the filing of the petition;

7 (18) Parties means the juvenile as described in section  
8 43-247 and his or her parent, guardian, or custodian;

9 (19) Physical custody has the same meaning as in section  
10 43-2922;

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

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

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

21 (23) Staff secure juvenile facility means a juvenile  
22 residential facility operated by a political subdivision (a) which  
23 does not include construction designed to physically restrict  
24 the movements and activities of juveniles who are in custody in  
25 the facility, (b) in which physical restriction of movement or  
26 activity of juveniles is provided solely through staff, (c) which  
27 may establish reasonable rules restricting ingress to and egress

1 from the facility, and (d) in which the movements and activities  
2 of individual juvenile residents may, for treatment purposes, be  
3 restricted or subject to control through the use of intensive staff  
4 supervision. Staff secure juvenile facility does not include any  
5 institution operated by the department; has the same meaning as in  
6 section 83-4,125;

7 (24) Status offender means a juvenile who has been  
8 charged with or adjudicated for conduct which would not be a crime  
9 if committed by an adult, including, but not limited to, juveniles  
10 charged under subdivision (3)(b) of section 43-247 and sections  
11 53-180.01 and 53-180.02; and

12 (25) Traffic offense means any nonfelonious act in  
13 violation of a law or ordinance regulating vehicular or pedestrian  
14 travel, whether designated a misdemeanor or a traffic infraction.

15 Sec. 8. Section 43-247, Revised Statutes Supplement,  
16 2013, is amended to read:

17 43-247 Except as provided in section 43-247.02, the  
18 juvenile court shall have exclusive original jurisdiction as to any  
19 juvenile defined in subdivision (1) of this section who is under  
20 the age of sixteen, as to any juvenile defined in subdivision (3)  
21 of this section, and as to the parties and proceedings provided  
22 in subdivisions (5), (6), and (7) of this section. As used in  
23 this section, all references to the juvenile's age shall be the  
24 age at the time the act which occasioned the juvenile court  
25 action occurred. The juvenile court shall have concurrent original  
26 jurisdiction with the district court as to any juvenile defined  
27 in subdivision (2) of this section. The juvenile court shall

1 have concurrent original jurisdiction with the district court and  
2 county court as to any juvenile defined in subdivision (1) of  
3 this section who is age sixteen or seventeen, any juvenile defined  
4 in subdivision (4) of this section, and any proceeding under  
5 subdivision (6) or (10) of this section. The juvenile court shall  
6 have concurrent original jurisdiction with the county court as  
7 to any proceeding under subdivision (8) or (9) of this section.  
8 Notwithstanding any disposition entered by the juvenile court  
9 under the Nebraska Juvenile Code, the juvenile court's jurisdiction  
10 over any individual adjudged to be within the provisions of this  
11 section shall continue until the individual reaches the age of  
12 majority or the court otherwise discharges the individual from its  
13 jurisdiction.

14           The juvenile court in each county as herein provided  
15 shall have jurisdiction of:

16           (1) Any juvenile who has committed an act other than  
17 a traffic offense which would constitute a misdemeanor or an  
18 infraction under the laws of this state, or violation of a city or  
19 village ordinance;

20           (2) Any juvenile who has committed an act which would  
21 constitute a felony under the laws of this state;

22           (3) Any juvenile (a) who is homeless or destitute, or  
23 without proper support through no fault of his or her parent,  
24 guardian, or custodian; who is abandoned by his or her parent,  
25 guardian, or custodian; who lacks proper parental care by reason of  
26 the fault or habits of his or her parent, guardian, or custodian;  
27 whose parent, guardian, or custodian neglects or refuses to provide

1 proper or necessary subsistence, education, or other care necessary  
2 for the health, morals, or well-being of such juvenile; whose  
3 parent, guardian, or custodian is unable to provide or neglects  
4 or refuses to provide special care made necessary by the mental  
5 condition of the juvenile; or who is in a situation or engages in  
6 an occupation, including prostitution, dangerous to life or limb or  
7 injurious to the health or morals of such juvenile, (b) who, by  
8 reason of being wayward or habitually disobedient, is uncontrolled  
9 by his or her parent, guardian, or custodian; who deports himself  
10 or herself so as to injure or endanger seriously the morals or  
11 health of himself, herself, or others; or who is habitually truant  
12 from home or school, or (c) who is mentally ill and dangerous as  
13 defined in section 71-908;

14 (4) Any juvenile who has committed an act which would  
15 constitute a traffic offense as defined in section 43-245;

16 (5) The parent, guardian, or custodian of any juvenile  
17 described in this section;

18 (6) The proceedings for termination of parental rights;

19 (7) Any juvenile who has been voluntarily relinquished,  
20 pursuant to section 43-106.01, to the Department of Health and  
21 Human Services or any child placement agency licensed by the  
22 Department of Health and Human Services;

23 (8) Any juvenile who was a ward of the juvenile court at  
24 the inception of his or her guardianship and whose guardianship has  
25 been disrupted or terminated;

26 (9) The adoption or guardianship proceedings for a child  
27 over which the juvenile court already has jurisdiction under

1 another provision of the Nebraska Juvenile Code; and

2 (10) The paternity or custody determination for a child  
3 over which the juvenile court already has jurisdiction.

4 Notwithstanding the provisions of the Nebraska Juvenile  
5 Code, the determination of jurisdiction over any Indian child as  
6 defined in section 43-1503 shall be subject to the Nebraska Indian  
7 Child Welfare Act; and the district court shall have exclusive  
8 jurisdiction in proceedings brought pursuant to section 71-510.

9 Sec. 9. The juvenile court shall have:

10 (1) Exclusive original jurisdiction as to:

11 (a) Any juvenile described in subdivision (3) of section  
12 43-247;

13 (b) Any juvenile who is under sixteen years of age at the  
14 time the alleged offense was committed and the offense falls under  
15 subdivision (1) of section 43-247;

16 (c) A party or proceeding described in subdivision (5) or  
17 (7) of section 43-247; and

18 (d) Any juvenile under fourteen years of age at the  
19 time the alleged offense was committed and the offense falls under  
20 subdivision (2) of section 43-247;

21 (2) Exclusive original jurisdiction as to:

22 (a) Any juvenile who is alleged to have committed an  
23 offense under subdivision (1) of section 43-247 who was sixteen  
24 years of age or older at the time the alleged offense was  
25 committed; and

26 (b) Any juvenile fourteen years of age or older at the  
27 time the alleged offense was committed and the offense falls under

1 subdivision (2) of section 43-247 except offenses enumerated in  
2 subdivision (1)(a)(ii) of section 29-1816.

3 Proceedings initiated under this subdivision (2) may be  
4 transferred as provided in section 43-274; and

5 (3) Concurrent original jurisdiction with the county  
6 court or district court as to:

7 (a) Any juvenile described in subdivision (4) of section  
8 43-247;

9 (b) Any proceeding under subdivision (6), (8), (9), or  
10 (10) of section 43-247; and

11 (c) Any juvenile described in subdivision (1)(a)(ii) of  
12 section 29-1816.

13 Proceedings initiated under this subdivision (3) may be  
14 transferred as provided in section 43-274.

15 Sec. 10. Section 43-247.01, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 ~~43-247.01~~ (1) Pending the adjudication of any case,  
18 the court may provide the parties the opportunity to address  
19 issues involving the child's care and placement, services to  
20 the family, and other concerns through facilitated conferencing.  
21 Facilitated conferencing may include prehearing conferences and  
22 family group conferences. All discussions taking place during  
23 such facilitated conferences, including plea negotiations, shall  
24 be considered confidential and privileged communications, except  
25 communications required by mandatory reporting under section 28-711  
26 for new allegations of child abuse or neglect which were not  
27 previously known or reported.

1           (2) For purposes of this section:

2           (a) Prehearing conference means a facilitated meeting  
3 prior to appearing in court and held to gain the cooperation  
4 of the parties, to offer services and treatment, and to develop  
5 a problem-solving atmosphere in the best interests of children  
6 involved in the juvenile court system; and

7           (b) Family group conference means a facilitated  
8 collaborative process in which families work with extended family  
9 members and others to make decisions and develop plans for the best  
10 interests of children who are under the jurisdiction of the court.

11           Sec. 11. Section 43-255, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13           43-255 Whenever a juvenile is detained or placed  
14 under section 43-250 or 43-253, the juvenile shall be released  
15 unconditionally within forty-eight hours after the detention or  
16 placement order or the setting of bond, excluding nonjudicial  
17 days, unless within such period of time (1) a ~~petition~~ motion has  
18 been filed alleging that such juvenile has violated an order of  
19 the juvenile court, (2) a juvenile court petition has been filed  
20 pursuant to section 43-274, or (3) a criminal complaint has been  
21 filed in a court of competent jurisdiction.

22           Sec. 12. Section 43-258, Revised Statutes Supplement,  
23 2013, is amended to read:

24           43-258 (1) Pending the adjudication of any case under the  
25 Nebraska Juvenile Code, the court may order the juvenile examined  
26 by a physician, surgeon, psychiatrist, duly authorized community  
27 mental health service program, or psychologist to aid the court

1 in determining (a) a material allegation in the petition relating  
2 to the juvenile's physical or mental condition, (b) the juvenile's  
3 competence to participate in the proceedings, (c) the juvenile's  
4 responsibility for his or her acts, or (d) whether or not to  
5 provide emergency medical treatment.

6 (2) (a) Pending the adjudication of any case under the  
7 Nebraska Juvenile Code and after a showing of probable cause that  
8 the juvenile is within the court's jurisdiction, for the purposes  
9 of subsection (1) of this section, the court may order such  
10 juvenile to be placed with the Department of Health and Human  
11 Services for evaluation, except that on and after October 1, 2013,  
12 no juvenile alleged to be a juvenile as described in subdivision  
13 (1), (2), (3) (b), or (4) of section 43-247 shall be placed with  
14 the Department of Health and Human Services. If a juvenile is  
15 placed with the Department of Health and Human Services under  
16 this subdivision, the department shall make arrangements for an  
17 appropriate evaluation. The department shall determine whether the  
18 evaluation will be made on a residential or nonresidential basis.  
19 Placement with the department for the purposes of this section  
20 shall be for a period not to exceed thirty days. If necessary  
21 to complete the evaluation, the court may order an extension not  
22 to exceed an additional thirty days. Any temporary placement of a  
23 juvenile made under this section shall be in the least restrictive  
24 environment consistent with the best interests of the juvenile and  
25 the safety of the community.

26 (b) Beginning October 1, 2013, pending the adjudication  
27 of any case in which a juvenile is alleged to be a juvenile as

1 described in subdivision (1), (2), (3)(b), or (4) of section 43-247  
2 and after a showing of probable cause that the juvenile is within  
3 the court's jurisdiction, for the purposes of subsection (1) of  
4 this section, the court may order an evaluation to be arranged  
5 by the Office of Probation Administration. ~~The Office of Probation~~  
6 ~~Administration shall provide and pay for any evaluation ordered~~  
7 ~~by the court under this subdivision if the office determines~~  
8 ~~that there are no parental funds or private or public insurance~~  
9 ~~available to pay for such evaluation.~~ Any temporary placement of a  
10 juvenile made under this section shall be in the least restrictive  
11 environment consistent with the best interests of the juvenile and  
12 the safety of the community.

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

22 (4) During any period of detention or evaluation prior to  
23 adjudication, costs incurred on behalf of a juvenile shall be paid  
24 as provided in section 20 of this act.+

25 (5) The court shall provide copies of the evaluation  
26 report and any evaluations of the juvenile to the juvenile's  
27 attorney and the county attorney or city attorney prior to any

1 hearing in which the report or evaluation will be relied upon.

2           ~~(a) Except as provided in subdivision (4)(b) of this~~  
3 ~~section, the county in which the case is pending is responsible for~~  
4 ~~all detention costs incurred before and after an evaluation period~~  
5 ~~prior to adjudication, the cost of delivering the juvenile to the~~  
6 ~~location of the evaluation, and the cost of returning the juvenile~~  
7 ~~to the court for further proceedings, and~~

8           ~~(b) The Department of Health and Human Services is~~  
9 ~~responsible for (i) the costs incurred during an evaluation when~~  
10 ~~the juvenile has been placed with the department unless otherwise~~  
11 ~~ordered by the court pursuant to section 43-290 and (ii) the~~  
12 ~~preevaluation detention costs for any days over the first ten days~~  
13 ~~from the date the court places the juvenile with the department~~  
14 ~~for evaluation, except that on and after October 1, 2013, the~~  
15 ~~department shall not be responsible for any such costs in any case~~  
16 ~~in which a juvenile is alleged to be a juvenile as described in~~  
17 ~~subdivision (1), (2), (3)(b), or (4) of section 43-247.~~

18           ~~(5) The Department of Health and Human Services is~~  
19 ~~not responsible for preadjudication costs except as provided in~~  
20 ~~subdivision (4)(b) of this section.~~

21           Sec. 13. (1)(a) A juvenile court petition and all  
22 subsequent proceedings shall be entitled In the Interest of  
23 ....., a Juvenile, inserting the juvenile's  
24 name in the blank. The written petition shall specify which  
25 subdivision of section 43-247 is alleged, state the juvenile's  
26 month and year of birth, set forth the facts verified by affidavit,  
27 and request the juvenile court to determine whether support will be

1 ordered pursuant to section 43-290. An allegation under subdivision  
2 (1), (2), or (4) of section 43-247 is to be made with the same  
3 specificity as a criminal complaint. It is sufficient if the  
4 affidavit is based upon information and belief.

5 (b) A juvenile court petition is filed with the clerk of  
6 the court having jurisdiction over the matter. If such court is a  
7 separate juvenile court, the petition is filed with the clerk of  
8 the district court. If such court is a county court sitting as a  
9 juvenile court, the petition is filed with the clerk of the county  
10 court.

11 (2) In all cases involving violation of a city or village  
12 ordinance, the city attorney or village prosecutor may file a  
13 petition in juvenile court. If such a petition is filed, for  
14 purposes of such proceeding, references in the Nebraska Juvenile  
15 Code to county attorney are construed to include a city attorney or  
16 village prosecutor.

17 Sec. 14. Section 43-264, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 43-264 If the petition filed under section 43-274 a  
20 juvenile court petition is filed that alleges that the juvenile is  
21 a juvenile as described in subdivision (1), (2), ~~or~~ (3)(b), or (4)  
22 of section 43-247, a summons with a copy of the petition attached  
23 shall be served as provided in section 43-263 on such juvenile and  
24 his or her parent, guardian, or custodian requiring the juvenile  
25 and such parent, guardian, or custodian to appear personally at  
26 the time and place stated. When so ordered by the court, personal  
27 service shall be obtained upon such juvenile notwithstanding any

1 other provisions of the Nebraska Juvenile Code.

2           Sec. 15. Section 43-274, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           43-274 ~~(1)~~ The county attorney, having knowledge of a  
5 juvenile in his or her county who appears to be a juvenile  
6 described in subdivision ~~(1)~~, ~~(2)~~, ~~(3)~~, or ~~(4)~~ of section 43-247,  
7 may file with the clerk of the court having jurisdiction in  
8 the matter a petition in writing specifying which subdivision of  
9 section 43-247 is alleged, setting forth the facts verified by  
10 affidavit, and requesting the court to determine whether support  
11 will be ordered pursuant to section 43-290. Allegations under  
12 subdivisions ~~(1)~~, ~~(2)~~, and ~~(4)~~ of section 43-247 shall be made  
13 with the same specificity as a criminal complaint. It shall be  
14 sufficient if the affidavit is based upon information and belief.  
15 Such petition and all subsequent proceedings shall be entitled In  
16 the Interest of ....., a Juvenile Under Eighteen Years of  
17 Age, inserting the juvenile's name in the blank.

18           ~~(2)~~ In all cases involving violation of a city or village  
19 ordinance, the city attorney or village prosecutor may file a  
20 petition in juvenile court. If such a petition is filed, for  
21 purposes of such proceeding, references in the Nebraska Juvenile  
22 Code to county attorney shall be construed to include a city  
23 attorney or village prosecutor.

24           (1) The county attorney or city attorney, having  
25 knowledge of a juvenile within his or her jurisdiction who appears  
26 to be a juvenile described in subdivision (1), (2), (3)(b), or (4)  
27 of section 43-247 and taking into consideration the criteria in

1 section 43-276, may proceed as provided in this section.

2 ~~(3)~~ (2) The county attorney or city attorney may  
3 offer pretrial diversion to the juvenile in accordance with  
4 a juvenile pretrial diversion program established pursuant to  
5 sections 43-260.02 to 43-260.07.

6 ~~(4)(a)~~ (3)(a) If a juvenile appears to be a juvenile  
7 described in subdivision (1), (2), (3)(b), or (4) of section 43-247  
8 because of a nonviolent act or acts, the county attorney or city  
9 attorney may offer mediation to the juvenile and the victim of  
10 the juvenile's act. If both the juvenile and the victim agree to  
11 mediation, the juvenile, his or her parent, guardian, or custodian,  
12 and the victim shall sign a mediation consent form and select a  
13 mediator or approved center from the roster made available pursuant  
14 to section 25-2908. The county attorney or city attorney shall  
15 refer the juvenile and the victim to such mediator or approved  
16 center. The mediation sessions shall occur within thirty days after  
17 the date the mediation referral is made unless an extension is  
18 approved by the county attorney or city attorney. The juvenile or  
19 his or her parent, guardian, or custodian shall pay the mediation  
20 fees. The fee shall be determined by the mediator in private  
21 practice or by the approved center. A juvenile shall not be denied  
22 services at an approved center because of an inability to pay.

23 (b) Terms of the mediation agreement shall specify  
24 monitoring, completion, and reporting requirements. The county  
25 attorney or city attorney, the court, or the probation office shall  
26 be notified by the designated monitor if the juvenile does not  
27 complete the agreement within the agreement's specified time.

1 (c) Terms of the agreement may include one or more of the  
2 following:

3 (i) Participation by the juvenile in certain community  
4 service programs;

5 (ii) Payment of restitution by the juvenile to the  
6 victim;

7 (iii) Reconciliation between the juvenile and the victim;  
8 and

9 (iv) Any other areas of agreement.

10 (d) If no mediation agreement is reached, the mediator  
11 or approved center will report that fact to the county attorney  
12 or city attorney within forty-eight hours of the final mediation  
13 session excluding nonjudicial days.

14 (e) If a mediation agreement is reached and the agreement  
15 does not violate public policy, the agreement shall be approved  
16 by the county attorney or city attorney. If the agreement is not  
17 approved and the victim agrees to return to mediation (i) the  
18 juvenile may be referred back to mediation with suggestions for  
19 changes needed in the agreement to meet approval or (ii) the county  
20 attorney or city attorney may proceed with the filing of a criminal  
21 charge or juvenile court petition. If the juvenile agrees to return  
22 to mediation but the victim does not agree to return to mediation,  
23 the county attorney or city attorney may consider the juvenile's  
24 willingness to return to mediation when determining whether or not  
25 to file a criminal charge or a juvenile court petition.

26 (f) If the juvenile meets the terms of an approved  
27 mediation agreement, the county attorney or city attorney shall

1 not file a criminal charge or juvenile court petition against  
2 the juvenile for the acts for which the juvenile was referred to  
3 mediation.

4 (4) The county attorney or city attorney shall file the  
5 petition in the court with jurisdiction as outlined in section 9 of  
6 this act.

7 (5) When a transfer from juvenile court to county court  
8 or district court is authorized because there is concurrent  
9 jurisdiction, the county attorney or city attorney may move to  
10 transfer the proceedings. Such motion shall be filed with the  
11 juvenile court petition unless otherwise permitted for good cause  
12 shown. The juvenile court shall schedule a hearing on such motion  
13 within fifteen days after the motion is filed. The county attorney  
14 or city attorney has the burden by a preponderance of the evidence  
15 to show why such proceeding should be transferred. The juvenile  
16 shall be represented by counsel at the hearing and may present  
17 the evidence as to why the proceeding should be retained. After  
18 considering all the evidence and reasons presented by both parties,  
19 the juvenile court shall retain the proceeding unless the court  
20 determines that a preponderance of the evidence shows that the  
21 proceeding should be transferred to the county court or district  
22 court. The court shall make a decision on the motion within thirty  
23 days after the hearing. The juvenile court shall set forth findings  
24 for the reason for its decision. If the proceeding is transferred  
25 from juvenile court to the county court or district court, the  
26 county attorney or city attorney shall file a criminal information  
27 in the county court or district court, as appropriate, and the

1 accused shall be arraigned as provided for a person eighteen years  
2 of age or older in subdivision (1) (b) of section 29-1816.

3           Sec. 16. Section 43-276, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:

5           43-276 ~~In cases coming within subdivision (1) of section~~  
6 ~~43-247, when there is concurrent jurisdiction, or subdivision~~  
7 ~~(2) or (4) of section 43-247, when the juvenile is under the~~  
8 ~~age of sixteen years, the The county attorney shall, or city~~  
9 ~~attorney, in making the determination whether to file a criminal~~  
10 ~~charge, file a juvenile court petition, offer juvenile pretrial~~  
11 ~~diversion, or offer mediation, or transfer a case to or from~~  
12 ~~juvenile court, and the juvenile court, county court, or district~~  
13 ~~court in making the determination whether to transfer a case, shall~~  
14 ~~consider: (1) The type of treatment such juvenile would most likely~~  
15 ~~be amenable to; (2) whether there is evidence that the alleged~~  
16 ~~offense included violence; or was committed in an aggressive and~~  
17 ~~premeditated manner; (3) the motivation for the commission of the~~  
18 ~~offense; (4) the age of the juvenile and the ages and circumstances~~  
19 ~~of any others involved in the offense; (5) the previous history~~  
20 ~~of the juvenile, including whether he or she had been convicted~~  
21 ~~of any previous offenses or adjudicated in juvenile court; (6)~~  
22 ~~the best interests of the juvenile; (7) consideration of public~~  
23 ~~safety; (8) consideration of the juvenile's ability to appreciate~~  
24 ~~the nature and seriousness of his or her conduct; (9) and,~~  
25 ~~if so, whether such offenses were crimes against the person or~~  
26 ~~relating to property, and other previous history of antisocial~~  
27 ~~behavior, if any, including any patterns of physical violence;~~

1 ~~(6) the sophistication and maturity of the juvenile as determined~~  
2 ~~by consideration of his or her home, school activities, emotional~~  
3 ~~attitude and desire to be treated as an adult, pattern of living,~~  
4 ~~and whether he or she has had previous contact with law enforcement~~  
5 ~~agencies and courts and the nature thereof; (7) whether there~~  
6 ~~are facilities particularly available to the juvenile court for~~  
7 ~~treatment and rehabilitation of the juvenile; (8) whether the best~~  
8 ~~interests of the juvenile and the security of the public may~~  
9 ~~require that the juvenile continue in secure detention or under~~  
10 ~~supervision for a period extending beyond his or her minority and,~~  
11 ~~if so, the available alternatives best suited to this purpose;~~  
12 ~~(9) (10) whether the victim agrees to participate in mediation;~~  
13 ~~(10) (11) whether there is a juvenile pretrial diversion program~~  
14 ~~established pursuant to sections 43-260.02 to 43-260.07; (11) (12)~~  
15 ~~whether the juvenile has been convicted of or has acknowledged~~  
16 ~~unauthorized use or possession of a firearm; (12) (13) whether a~~  
17 ~~juvenile court order has been issued for the juvenile pursuant to~~  
18 ~~section 43-2,106.03; (13) (14) whether the juvenile is a criminal~~  
19 ~~street gang member; (14) whether the juvenile has been previously~~  
20 ~~committed to a youth rehabilitation and treatment center; and (15)~~  
21 ~~such other matters as the county attorney deems relevant to his or~~  
22 ~~her decision. as the parties deem relevant to aid in the decision.~~

23           Sec. 17. Section 43-281, Revised Statutes Supplement,  
24 2013, is amended to read:

25           43-281 (1) Following an adjudication of jurisdiction and  
26 prior to final disposition, the court may place the juvenile with  
27 the Office of Juvenile Services or the Department of Health and

1 Human Services for evaluation, except that on and after October 1,  
2 2013, no juvenile adjudicated under subdivision (1), (2), (3) (b),  
3 or (4) of section 43-247 shall be placed with the office or the  
4 department. The office or department shall arrange and pay for  
5 an appropriate evaluation if the office or department determines  
6 that there are no parental funds or private or public insurance  
7 available to pay for such evaluation, except that on and after  
8 October 1, 2013, the office and the department shall not be  
9 responsible for such evaluations of any juvenile adjudicated under  
10 subdivision (1), (2), (3) (b), or (4) of section 43-247.

11 (2) On and after October 1, 2013, following an  
12 adjudication of jurisdiction under subdivision (1), (2), (3) (b),  
13 or (4) of section 43-247 and prior to final disposition, the  
14 court may order an evaluation to be arranged by the Office of  
15 Probation Administration. ~~The Office of Probation Administration~~  
16 ~~shall arrange and pay for the evaluation ordered by the court if~~  
17 ~~the office determines that there are no parental funds or private~~  
18 ~~or public insurance available to pay for such evaluation. Any~~  
19 ~~evaluation ordered under this subsection shall~~ For a juvenile in  
20 detention, the court shall order that such evaluation be completed  
21 and the juvenile shall be returned to the court within twenty-one  
22 days after the evaluation. For a juvenile who is not in detention,  
23 the evaluation shall be completed and the juvenile returned to the  
24 court within thirty days. ~~is ordered.~~ The physician, psychologist,  
25 licensed mental health practitioner, licensed drug and alcohol  
26 counselor, or other provider responsible for completing the  
27 evaluation shall have up to ten days to complete the evaluation

1 after receiving the referral authorizing the evaluation.

2 (3) A juvenile pending evaluation ordered under  
3 subsection (1) or (2) of this section shall not reside in a  
4 detention facility at the time of the evaluation or while waiting  
5 for the completed evaluation to be returned to the court unless  
6 detention 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 (4) The court shall provide copies of predisposition  
11 reports and evaluations of the juvenile to the juvenile's attorney  
12 and the county attorney or city attorney prior to any hearing in  
13 which the report or evaluation will be relied upon.

14 Sec. 18. Section 43-285, Revised Statutes Supplement,  
15 2013, 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. Any such association  
26 and the department shall be responsible for applying for any health  
27 insurance available to the juvenile, including, but not limited

1 to, medical assistance under the Medical Assistance Act. Such  
2 guardianship shall not include the guardianship of any estate of  
3 the juvenile.

4 (2)(a) This subdivision applies until October 1, 2013.  
5 Following an adjudication hearing at which a juvenile is adjudged  
6 to be under subdivision (3) of section 43-247, the court may  
7 order the department to prepare and file with the court a proposed  
8 plan for the care, placement, services, and permanency which are  
9 to be provided to such juvenile and his or her family. The  
10 plan shall include a statement regarding the eligibility of the  
11 juvenile for any health insurance, including, but not limited to,  
12 medical assistance under the Medical Assistance Act. The health  
13 and safety of the juvenile shall be the paramount concern in the  
14 proposed plan. When the plan includes the provision of services  
15 in order that the juvenile can remain in his or her home and  
16 such services are to prevent out-of-home placement, the plan shall  
17 be prepared and shall clearly state that the services described  
18 in the plan are to prevent placement and that, absent preventive  
19 services, foster care is the planned arrangement for the child. The  
20 department shall include in the plan for a juvenile who is sixteen  
21 years of age or older and subject to the guardianship of the  
22 department a written independent living transition proposal which  
23 meets the requirements of section 43-1311.03 and, for eligible  
24 juveniles, the Young Adult Voluntary Services and Support Act.  
25 The court may approve the plan, modify the plan, order that an  
26 alternative plan be developed, or implement another plan that is  
27 in the juvenile's best interests. In its order the court shall

1 include a finding regarding the appropriateness of the programs and  
2 services described in the proposal designed to assist the juvenile  
3 in acquiring independent living skills. Rules of evidence shall not  
4 apply at the dispositional hearing when the court considers the  
5 plan that has been presented.

6 (b) This subdivision applies beginning October 1, 2013.  
7 Following an adjudication hearing at which a juvenile is adjudged  
8 to be under subdivision (3)(a) or (c) of section 43-247, the court  
9 may order the department to prepare and file with the court a  
10 proposed plan for the care, placement, services, and permanency  
11 which are to be provided to such juvenile and his or her family.  
12 The health and safety of the juvenile shall be the paramount  
13 concern in the proposed plan. The department shall include in the  
14 plan for a juvenile who is sixteen years of age or older and  
15 subject to the guardianship of the department a written independent  
16 living transition proposal which meets the requirements of section  
17 43-1311.03 and, for eligible juveniles, the Young Adult Voluntary  
18 Services and Support Act. The juvenile court shall provide a  
19 copy of the plan to all interested parties before the hearing.

20 The court may approve the plan, modify the plan, order that an  
21 alternative plan be developed, or implement another plan that is  
22 in the juvenile's best interests. In its order the court shall  
23 include a finding regarding the appropriateness of the programs and  
24 services described in the proposal designed to assist the juvenile  
25 in acquiring independent living skills. Rules of evidence shall not  
26 apply at the dispositional hearing when the court considers the  
27 plan that has been presented.

1           (3) Within thirty days after an order awarding a juvenile  
2 to the care of the department, an association, or an individual  
3 and until the juvenile reaches the age of majority, the department,  
4 association, or individual shall file with the court a report  
5 stating the location of the juvenile's placement and the needs of  
6 the juvenile in order to effectuate the purposes of subdivision  
7 (1) of section 43-246. The department, association, or individual  
8 shall file a report with the court once every six months or at  
9 shorter intervals if ordered by the court or deemed appropriate by  
10 the department, association, or individual. Every six months, the  
11 report shall provide an updated statement regarding the eligibility  
12 of the juvenile for health insurance, including, but not limited  
13 to, medical assistance under the Medical Assistance Act. The  
14 department, association, or individual shall file a report and  
15 notice of placement change with the court and shall send copies of  
16 the notice to all interested parties at least seven days before the  
17 placement of the juvenile is changed from what the court originally  
18 considered to be a suitable family home or institution to some  
19 other custodial situation in order to effectuate the purposes of  
20 subdivision (1) of section 43-246. The court, on its own motion  
21 or upon the filing of an objection to the change by an interested  
22 party, may order a hearing to review such a change in placement  
23 and may order that the change be stayed until the completion of  
24 the hearing. Nothing in this section shall prevent the court on  
25 an ex parte basis from approving an immediate change in placement  
26 upon good cause shown. The department may make an immediate change  
27 in placement without court approval only if the juvenile is in a

1 harmful or dangerous situation or when the foster parents request  
2 that the juvenile be removed from their home. Approval of the court  
3 shall be sought within twenty-four hours after making the change in  
4 placement or as soon thereafter as possible. The department shall  
5 provide the juvenile's guardian ad litem with a copy of any report  
6 filed with the court by the department pursuant to this subsection.

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

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

15 (6) Whenever a juvenile is in a foster care placement  
16 as defined in section 43-1301, the Foster Care Review Office or  
17 the designated local foster care review board may participate in  
18 proceedings concerning the juvenile as provided in section 43-1313  
19 and notice shall be given as provided in section 43-1314.

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

26 (8) The executive director and any agent or employee of  
27 the Foster Care Review Office or any member of any local foster

1 care review board participating in an investigation or making any  
2 report pursuant to the Foster Care Review Act or participating in a  
3 judicial proceeding pursuant to this section shall be immune from  
4 any civil liability that would otherwise be incurred except for  
5 false statements negligently made.

6 Sec. 19. Section 43-286, Revised Statutes Supplement,  
7 2013, is amended to read:

8 43-286 (1) When any juvenile is adjudicated to be a  
9 juvenile described in subdivision (1), (2), or (4) of section  
10 43-247:

11 (a) (i) This subdivision applies until October 1, 2013.  
12 The court may continue the dispositional portion of the hearing,  
13 from time to time upon such terms and conditions as the court may  
14 prescribe, including an order of restitution of any property stolen  
15 or damaged or an order requiring the juvenile to participate in  
16 community service programs, if such order is in the interest of  
17 the juvenile's reformation or rehabilitation, and, subject to the  
18 further order of the court, may:

19 (A) Place the juvenile on probation subject to the  
20 supervision of a probation officer;

21 (B) Permit the juvenile to remain in his or her own home  
22 or be placed in a suitable family home, subject to the supervision  
23 of the probation officer; or

24 (C) Cause the juvenile to be placed in a suitable family  
25 home or institution, subject to the supervision of the probation  
26 officer. If the court has committed the juvenile to the care  
27 and custody of the Department of Health and Human Services, the

1 department shall pay the costs of the suitable family home or  
2 institution which are not otherwise paid by the juvenile's parents.

3 Under subdivision (1)(a)(i) of this section, upon a  
4 determination by the court that there are no parental, private, or  
5 other public funds available for the care, custody, and maintenance  
6 of a juvenile, the court may order a reasonable sum for the care,  
7 custody, and maintenance of the juvenile to be paid out of a  
8 fund which shall be appropriated annually by the county where the  
9 petition is filed until a suitable provision may be made for the  
10 juvenile without such payment.

11 (ii) This subdivision applies beginning October 1, 2013.  
12 The court may continue the dispositional portion of the hearing,  
13 from time to time upon such terms and conditions as the court may  
14 prescribe, including an order of restitution of any property stolen  
15 or damaged or an order requiring the juvenile to participate in  
16 community service programs, if such order is in the interest of  
17 the juvenile's reformation or rehabilitation, and, subject to the  
18 further order of the court, may:

19 (A) Place the juvenile on probation subject to the  
20 supervision of a probation officer; or

21 (B) Permit the juvenile to remain in his or her own home  
22 or be placed in a suitable family home or institution, subject to  
23 the supervision of the probation officer.

24 If the court has placed a juvenile under the supervision  
25 of a probation officer, the Office of Probation Administration  
26 shall pay the costs of the suitable family home or institution  
27 which are not otherwise paid by the juvenile's parents.

1           Under subdivision ~~(1)(a)(ii)~~ of this section, upon a  
2 determination by the court that there are no parental, private, or  
3 other public funds available for the care, custody, and maintenance  
4 of a juvenile, the court may order a reasonable sum for the care,  
5 custody, and maintenance of the juvenile to be paid out of a  
6 fund which shall be appropriated annually by the county where the  
7 petition is filed until a suitable provision may be made for the  
8 juvenile without such payment;

9           (b) (i) This subdivision applies to all juveniles  
10 committed to the Office of Juvenile Services prior to July 1,  
11 2013. The court may commit such juvenile to the Office of Juvenile  
12 Services, but a juvenile under the age of fourteen years shall not  
13 be placed at the Youth Rehabilitation and Treatment Center-Geneva  
14 or the Youth Rehabilitation and Treatment Center-Kearney unless  
15 he or she has violated the terms of probation or has committed  
16 an additional offense and the court finds that the interests of  
17 the juvenile and the welfare of the community demand his or her  
18 commitment. This minimum age provision shall not apply if the act  
19 in question is murder or manslaughter.

20           (ii) This subdivision applies to all juveniles committed  
21 to the Office of Juvenile Services for placement at a youth  
22 rehabilitation and treatment center on or after July 1, 2013.

23           When it is alleged that the juvenile has exhausted all  
24 levels of probation supervision and options for community-based  
25 supervision and section 43-251.01 has been satisfied, a motion for  
26 commitment to a youth rehabilitation and treatment center may be  
27 filed and proceedings held as follows:

1           (A) The motion shall set forth specific factual  
2 allegations that support the motion and a copy of such motion shall  
3 be served on all persons required to be served by sections 43-262  
4 to 43-267; and

5           (B) The juvenile shall be entitled to a hearing before  
6 the court to determine the validity of the allegations. At such  
7 hearing the burden is upon the state by a preponderance of the  
8 evidence to show that:

9           (I) All levels of probation supervision have been  
10 exhausted;

11           (II) All options for community-based services have been  
12 exhausted; and

13           (III) Placement at a youth rehabilitation and treatment  
14 center is a matter of immediate and urgent necessity for the  
15 protection of the juvenile or the person or property of another or  
16 if it appears that such juvenile is likely to flee the jurisdiction  
17 of the court.

18           Unless prohibited by section 43-251.01, After the  
19 hearing, the court may commit such juvenile to the Office of  
20 Juvenile Services for placement at a youth rehabilitation and  
21 treatment center as a condition of an order of intensive supervised  
22 probation. if all levels of probation supervision and options for  
23 community-based services have been exhausted and placement of such  
24 juvenile is a matter of immediate and urgent necessity for the  
25 protection of such juvenile or the person or property of another or  
26 if it appears that such juvenile is likely to flee the jurisdiction  
27 of the court. Upon commitment by the court to the Office of

1 Juvenile Services, the court shall immediately notify the Office of  
2 Juvenile Services of the commitment. Intensive supervised probation  
3 for purposes of this subdivision means that the Office of Juvenile  
4 Services shall be responsible for the care and custody of the  
5 juvenile until the ~~Office of Juvenile Services~~ court discharges the  
6 juvenile from commitment to the Office of Juvenile Services. ~~Upon~~  
7 ~~discharge of the juvenile,~~ the court shall hold a review hearing  
8 on the conditions of probation and enter any order allowed under  
9 subdivision ~~(1)(a)~~ of this section.

10 The Office of Juvenile Services shall notify those  
11 required to be served by sections 43-262 to 43-267, all interested  
12 parties, and the committing court of the pending release of a  
13 juvenile from the youth rehabilitation and treatment center sixty  
14 days prior to release and again in every case not less than  
15 thirty days prior to release. Upon notice of pending release by  
16 the Office of Juvenile Services, the court shall set a continued  
17 disposition hearing in anticipation of reentry. The Office of  
18 Juvenile Services shall work in collaboration with the Office of  
19 Probation Administration in developing an individualized reentry  
20 plans plan for the juvenile as created provided in section 43-425.  
21 and shall notify the committing court at least sixty days prior to  
22 discharge. The Office of Juvenile Services shall pay the cost of  
23 the care and custody of the juvenile from the time of commitment  
24 until discharge from the Office of Juvenile Services, ~~or~~ The Office  
25 of Juvenile Services shall provide a copy of the individualized  
26 reentry plan to the juvenile, the juvenile's attorney, and the  
27 county attorney or city attorney prior to the continued disposition

1 hearing. At the continued disposition hearing, the court shall  
2 review and approve or modify the individualized reentry plan, place  
3 the juvenile under probation supervision, discharge the Office of  
4 Juvenile Services of the care and custody of the juvenile, and  
5 enter any other order allowed by law. No hearing is required if  
6 all interested parties stipulate to the individualized reentry plan  
7 by signed motion. In such a case, the court shall approve the  
8 conditions of probation, approve the individualized reentry plan,  
9 place the juvenile under probation supervision, and discharge the  
10 Office of Juvenile Services of care and custody of the juvenile.

11 The Office of Juvenile Services is responsible for  
12 transportation of the juvenile to and from the youth rehabilitation  
13 and treatment center. The Office of Juvenile Services may contract  
14 for such services. A plan for a juvenile's transport to return  
15 to the community shall be a part of the individual reentry plan.  
16 The Office of Juvenile Services may approve family to provide such  
17 transport when specified in the individualized reentry plan.

18 Release from the youth rehabilitation and treatment  
19 center by the Office of Juvenile Services shall not constitute  
20 a discharge of the juvenile from the Office of Juvenile Services.

21 (c) Beginning July 1, 2013, and until October 1, 2013,  
22 the court may commit such juvenile to the Office of Juvenile  
23 Services for community supervision.

24 (2) When any juvenile is found by the court to be a  
25 juvenile described in subdivision (3)(b) of section 43-247, the  
26 court may enter such order as it is empowered to enter under  
27 subdivision (1)(a) of this section or until October 1, 2013, enter

1 an order committing or placing the juvenile to the care and custody  
2 of the Department of Health and Human Services.

3 (3) When any juvenile is adjudicated to be a juvenile  
4 described in subdivision (1), (2), (3)(b), or (4) of section 43-247  
5 because of a nonviolent act or acts and the juvenile has not  
6 previously been adjudicated to be such a juvenile because of a  
7 violent act or acts, the court may, with the agreement of the  
8 victim, order the juvenile to attend juvenile offender and victim  
9 mediation with a mediator or at an approved center selected from  
10 the roster made available pursuant to section 25-2908.

11 (4) When a juvenile is placed on probation and a  
12 probation officer has reasonable cause to believe that such  
13 juvenile has committed or is about to commit a substance abuse  
14 violation, a noncriminal violation, or a violation of a condition  
15 of his or her probation, the probation officer shall take  
16 appropriate measures as provided in section 43-286.01.

17 (5)(a) When a juvenile is placed on probation or under  
18 the supervision of the court and it is alleged that the juvenile is  
19 again a juvenile described in subdivision (1), (2), (3)(b), or (4)  
20 of section 43-247, a petition may be filed and the same procedure  
21 followed and rights given at a hearing on the original petition. If  
22 an adjudication is made that the allegations of the petition are  
23 true, the court may make any disposition authorized by this section  
24 for such adjudications.

25 (b) When a juvenile is placed on probation or under  
26 the supervision of the court for conduct under subdivision (1),  
27 (2), (3)(b), or (4) of section 43-247 and it is alleged that the

1 juvenile has violated a term of probation or supervision or that  
2 the juvenile has violated an order of the court, a motion to revoke  
3 probation or supervision or to change the disposition may be filed  
4 and proceedings held as follows:

5 (i) The motion shall set forth specific factual  
6 allegations of the alleged violations and a copy of such motion  
7 shall be served on all persons required to be served by sections  
8 43-262 to 43-267;

9 (ii) The juvenile shall be entitled to a hearing before  
10 the court to determine the validity of the allegations. At such  
11 hearing the juvenile shall be entitled to those rights relating  
12 to counsel provided by section 43-272 and those rights relating  
13 to detention provided by sections 43-254 to 43-256. The juvenile  
14 shall also be entitled to speak and present documents, witnesses,  
15 or other evidence on his or her own behalf. He or she may confront  
16 persons who have given adverse information concerning the alleged  
17 violations, may cross-examine such persons, and may show that he  
18 or she did not violate the conditions of his or her probation  
19 or supervision or an order of the court or, if he or she did,  
20 that mitigating circumstances suggest that the violation does not  
21 warrant revocation of probation or supervision or a change of  
22 disposition. The hearing shall be held within a reasonable time  
23 after the juvenile is taken into custody;

24 (iii) The hearing shall be conducted in an informal  
25 manner and shall be flexible enough to consider evidence, including  
26 letters, affidavits, and other material, that would not be  
27 admissible in an adversarial criminal trial;

1           (iv) The juvenile shall be given a preliminary hearing  
2 in all cases when the juvenile is confined, detained, or otherwise  
3 significantly deprived of his or her liberty as a result of his  
4 or her alleged violation of probation, supervision, or court order.  
5 Such preliminary hearing shall be held before an impartial person  
6 other than his or her probation officer or any person directly  
7 involved with the case. If, as a result of such preliminary  
8 hearing, probable cause is found to exist, the juvenile shall be  
9 entitled to a hearing before the court in accordance with this  
10 subsection;

11           (v) If the juvenile is found by the court to have  
12 violated the terms of his or her probation or supervision or an  
13 order of the court, the court may modify the terms and conditions  
14 of the probation, supervision, or other court order, extend the  
15 period of probation, supervision, or other court order, or enter  
16 any order of disposition that could have been made at the time the  
17 original order was entered; and

18           (vi) In cases when the court revokes probation,  
19 supervision, or other court order, it shall enter a written  
20 statement as to the evidence relied on and the reasons for  
21 revocation.

22           (5) Costs incurred on behalf of a juvenile under this  
23 section shall be paid as provided in section 20 of this act.

24           (6) When any juvenile is adjudicated to be a juvenile  
25 described in subdivision (4) of section 43-247, the juvenile court  
26 shall within thirty days of adjudication transmit to the Director  
27 of Motor Vehicles an abstract of the court record of adjudication.

1           Sec. 20. (1) Payment of costs involved in the  
2 adjudication and disposition of juveniles alleged to be or  
3 described in subdivision (1), (2), (3)(b), or (4) of section  
4 43-247, except as ordered by the court pursuant to section 43-290,  
5 shall be paid by:

6           (a) The county for the period of time prior to  
7 adjudication, except as provided in subdivision (1)(b) of this  
8 section. Such costs paid for by the county include, but are  
9 not limited to, the costs of detention, services, detention  
10 alternatives, treatment, voluntary services, and transportation;

11           (b) The Office of Probation Administration for:

12           (i) The period of time after adjudication until  
13 termination of court jurisdiction, including, but not limited to,  
14 the costs of evaluations, detention, services, placement that  
15 is not detention, detention alternatives, treatment, voluntary  
16 services, and transportation, other than transportation paid under  
17 subdivision (1)(c) of this section;

18           (ii) The time period prior to adjudication for a juvenile  
19 who is on probation and is alleged to have committed a new  
20 violation or is a juvenile who is subject to a motion to revoke  
21 probation; and

22           (iii) Preadjudication evaluations and preadjudication  
23 placements that are not detention; and

24           (c) The Office of Juvenile Services of the Department of  
25 Health and Human Services for any period of time from when the  
26 court commits the juvenile to the Office of Juvenile Services until  
27 the continued disposition hearing at which the Office of Juvenile

1 Services is discharged by the court, including, but not limited to,  
2 the costs of evaluations, placement, services, detention including  
3 detention costs prior to placement, and transportation to and from  
4 the youth rehabilitation and treatment center.

5 (2) For payment of costs involved in the adjudication and  
6 disposition of juveniles, other than those described in subsection  
7 (1) or (3) of this section:

8 (a) The Department of Health and Human Services shall  
9 pay the costs incurred during an evaluation or placement with the  
10 department that is ordered by the court except as otherwise ordered  
11 by the court pursuant to section 43-290;

12 (b) Payment of costs for juveniles with a court  
13 adjudication or disposition under section 43-284: Upon a  
14 determination by the court that there are no parental, private,  
15 or other funds available for the care, custody, education, and  
16 maintenance of the juvenile, the court may order a reasonable sum  
17 for the care, custody, education, and maintenance of the juvenile  
18 to be paid out of a fund appropriated annually by the county where  
19 the petition is filed until suitable provisions are made for the  
20 juvenile without such payment. The amount to be paid by a county  
21 for education shall not exceed the average cost for education of a  
22 public school student in the county in which the juvenile is placed  
23 and shall be paid only for education in kindergarten through grade  
24 twelve; and

25 (c) Other costs shall be as provided in section 43-290.

26 (3) Payment of costs of medical expenses of juveniles  
27 under the Nebraska Juvenile Code shall be as provided in section

1 43-290.

2           Sec. 21. Section 43-290, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           43-290 It is the purpose of this section to promote  
5 parental responsibility and to provide for the most equitable use  
6 and availability of public money.

7           Pursuant to ~~the~~ a petition filed by ~~the~~ a county  
8 attorney in accordance with ~~section 43-274,~~ or city attorney having  
9 knowledge of a juvenile in his or her jurisdiction who appears to  
10 be a juvenile described in subdivision (1), (2), (3), or (4) of  
11 section 43-247, whenever the care or custody of a juvenile is given  
12 by the court to someone other than his or her parent, which shall  
13 include placement with a state agency, or when a juvenile is given  
14 medical, psychological, or psychiatric study or treatment under  
15 order of the court, the court shall make a determination of support  
16 to be paid by a parent for the juvenile at the same proceeding at  
17 which placement, study, or treatment is determined or at a separate  
18 proceeding. Such proceeding, which may occur prior to, at the same  
19 time as, or subsequent to adjudication, shall be in the nature of a  
20 disposition hearing.

21           At such proceeding, after summons to the parent of the  
22 time and place of hearing served as provided in sections 43-262  
23 to 43-267, the court may order and decree that the parent shall  
24 pay, in such manner as the court may direct, a reasonable sum that  
25 will cover in whole or part the support, study, and treatment of  
26 the juvenile, which amount ordered paid shall be the extent of the  
27 liability of the parent. The court in making such order shall give

1 due regard to the cost of the support, study, and treatment of the  
2 juvenile, the ability of the parent to pay, and the availability  
3 of money for the support of the juvenile from previous judicial  
4 decrees, social security benefits, veterans benefits, or other  
5 sources. Support thus received by the court shall be transmitted to  
6 the person, agency, or institution having financial responsibility  
7 for such support, study, or treatment and, if a state agency or  
8 institution, remitted by such state agency or institution quarterly  
9 to the Director of Administrative Services for credit to the proper  
10 fund.

11           Whenever medical, psychological, or psychiatric study or  
12 treatment is ordered by the court, whether or not the juvenile  
13 is placed with someone other than his or her parent, or if such  
14 study or treatment is otherwise provided as determined necessary  
15 by the custodian of the juvenile, the court shall inquire as to  
16 the availability of insured or uninsured health care coverage or  
17 service plans which include the juvenile. The court may order the  
18 parent to pay over any plan benefit sums received on coverage for  
19 the juvenile. The payment of any deductible under the health care  
20 benefit plan covering the juvenile shall be the responsibility of  
21 the parent. If the parent willfully fails or refuses to pay the sum  
22 ordered or to pay over any health care plan benefit sums received,  
23 the court may proceed against him or her as for contempt, either  
24 on the court's own motion or on the motion of the county attorney  
25 or authorized attorney as provided in section 43-512, or execution  
26 shall issue at the request of any person, agency, or institution  
27 treating or maintaining such juvenile. The court may afterwards,

1 because of a change in the circumstances of the parties, revise or  
2 alter the order of payment for support, study, or treatment.

3 If the juvenile has been committed to the care and  
4 custody of the Department of Health and Human Services, the  
5 department shall pay the costs for the support, study, or treatment  
6 of the juvenile which are not otherwise paid by the juvenile's  
7 parent.

8 If no provision is otherwise made by law for the support  
9 or payment for the study or treatment of the juvenile, compensation  
10 for the support, study, or treatment shall be paid, when approved  
11 by an order of the court, out of a fund which shall be appropriated  
12 by the county in which the petition is filed.

13 The juvenile court shall retain jurisdiction over a  
14 parent ordered to pay support for the purpose of enforcing such  
15 support order for so long as such support remains unpaid but not to  
16 exceed ten years from the nineteenth birthday of the youngest child  
17 for whom support was ordered.

18 Sec. 22. (1) Following an adjudication, whenever any  
19 juvenile is placed on juvenile probation subject to the supervision  
20 of probation officer, the Office of Probation Administration is  
21 deemed to have placement and care responsibility for the juvenile.

22 (2) The court shall order the initial placement and level  
23 of care for the juvenile placed on juvenile probation. Prior to  
24 determining the placement and level of care for a juvenile, the  
25 court may solicit a recommendation from the Office of Probation  
26 Administration. The status of each juvenile placed out-of-home  
27 shall be reviewed periodically, but not less than once every

1 six months by the court in person, by video, or telephonically.  
2 Periodic reviews shall assess the juvenile's safety, the continued  
3 necessity and appropriateness of placement, ensure case plan  
4 compliance, and monitor the juvenile's progress. The court shall  
5 determine whether an out-of-home placement made by office is in  
6 the best interests of the juvenile. The office shall provide all  
7 interested parties with a copy of any report filed with the court  
8 by the office pursuant to this subsection.

9       (3) The Office of Probation Administration may transition  
10 a juvenile to a less restrictive placement or to placement, which  
11 has the same level of restriction as the current placement. In  
12 order to make a placement change under this section, the office  
13 shall file a notice of placement change with the court and shall  
14 send copies of the notice to all interested parties at least seven  
15 days before the change of placement. The court, on its own motion,  
16 or upon the filing of an objection to the change by an interested  
17 party, may order a hearing to review such a change in placement,  
18 and may order that the change be stayed pending the outcome of the  
19 hearing on the objection.

20       (4) The Office of Probation Administration may make an  
21 immediate change in placement without court approval only if the  
22 juvenile is in a harmful or dangerous situation. Approval of the  
23 court shall be sought within twenty-four hours after making the  
24 change in placement or as soon thereafter as possible. The office  
25 shall provide all interested parties with a copy of any report  
26 filed with the court by the office pursuant to this subsection.

27       (5) Nothing in this section prevents the court on an ex

1 parte basis from approving an immediate change in placement upon  
2 good cause shown.

3           Sec. 23. Section 43-295, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           43-295 (1) Except when the juvenile has been legally  
6 adopted, the jurisdiction of the juvenile court shall continue  
7 over any juvenile brought before the court or committed under the  
8 Nebraska Juvenile Code and the court shall have power to order a  
9 change in the custody or care of any such juvenile if at any time  
10 it is made to appear to the court that it would be for the best  
11 interests of the juvenile to make such change.

12           (2) The juvenile court may retain jurisdiction over a  
13 juvenile adjudicated under the Nebraska Juvenile Code and may  
14 continue the dispositional phase of the adjudication until such  
15 juvenile becomes twenty-one years of age if the court finds the  
16 continuation to be in the best interests of such juvenile and the  
17 juvenile has given his or her informed consent to the continuation.

18           Sec. 24. Section 43-2,106.03, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           43-2,106.03 Any time after the disposition of a juvenile  
21 described in subdivision (1), (2), (3)(b), or (4) of section  
22 43-247, upon the motion of any party or the court on its own  
23 motion, a hearing may be held regarding the amenability of the  
24 juvenile to the rehabilitative services that can be provided under  
25 the Nebraska Juvenile Code. The court may enter an order, based  
26 upon evidence presented at the hearing, finding that a juvenile  
27 is not amenable to rehabilitative services that can be provided

1 under the Nebraska Juvenile Code. The reasons for such a finding  
2 shall be stated in the order. Such an order shall be considered by  
3 the county attorney in making a future determination under section  
4 43-276 regarding such juvenile and by the court when considering  
5 a future transfer motion under section 29-1816 or 43-274 or any  
6 future charge or petition regarding such juvenile.

7 Sec. 25. Section 43-2,108, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 43-2,108 (1) The juvenile court judge shall keep a minute  
10 book in which he or she shall enter minutes of all proceedings of  
11 the court in each case, including appearances, findings, orders,  
12 decrees, and judgments, and any evidence which he or she feels it  
13 is necessary and proper to record. Juvenile court legal records  
14 shall be deposited in files and shall include the petition,  
15 summons, notice, certificates or receipts of mailing, minutes of  
16 the court, findings, orders, decrees, judgments, and motions.

17 (2) Except as provided in ~~subsection (3)~~ subsections (3)  
18 and (4) of this section, the medical, psychological, psychiatric,  
19 and social welfare reports and the records of juvenile probation  
20 officers as they relate to individual proceedings in the juvenile  
21 court shall not be open to inspection, without order of the court.  
22 Such records shall be made available to a district court of this  
23 state or the District Court of the United States on the order  
24 of a judge thereof for the confidential use of such judge or his  
25 or her probation officer as to matters pending before such court  
26 but shall not be made available to parties or their counsel; and  
27 such district court records shall be made available to a county

1 court or separate juvenile court upon request of the county judge  
2 or separate juvenile judge for the confidential use of such judge  
3 and his or her probation officer as to matters pending before such  
4 court, but shall not be made available by such judge to the parties  
5 or their counsel.

6 (3) As used in this subsection, confidential record  
7 information shall mean all docket records, other than the  
8 pleadings, orders, decrees, and judgments; case files and records;  
9 reports and records of probation officers; and information supplied  
10 to the court of jurisdiction in such cases by any individual or any  
11 public or private institution, agency, facility, or clinic, which  
12 is compiled by, produced by, and in the possession of any court.  
13 In all cases under subdivision (3)(a) of section 43-247, access  
14 to all confidential record information in such cases shall be  
15 granted only as follows: (a) The court of jurisdiction may, subject  
16 to applicable federal and state regulations, disseminate such  
17 confidential record information to any individual, or public or  
18 private agency, institution, facility, or clinic which is providing  
19 services directly to the juvenile and such juvenile's parents or  
20 guardian and his or her immediate family who are the subject  
21 of such record information; (b) the court of jurisdiction may  
22 disseminate such confidential record information, with the consent  
23 of persons who are subjects of such information, or by order of  
24 such court after showing of good cause, to any law enforcement  
25 agency upon such agency's specific request for such agency's  
26 exclusive use in the investigation of any protective service case  
27 or investigation of allegations under subdivision (3)(a) of section

1 43-247, regarding the juvenile or such juvenile's immediate family,  
2 who are the subject of such investigation; and (c) the court of  
3 jurisdiction may disseminate such confidential record information  
4 to any court, which has jurisdiction of the juvenile who is the  
5 subject of such information upon such court's request.

6 (4) The court shall provide copies of predispositional  
7 reports and evaluations of the juvenile to the juvenile's attorney  
8 and the county attorney or city attorney prior to any hearing in  
9 which the report or evaluation will be relied upon.

10 ~~(4)~~ (5) Nothing in subsection (3) of this section shall  
11 be construed to restrict the dissemination of confidential record  
12 information between any individual or public or private agency,  
13 institute, facility, or clinic, except any such confidential record  
14 information disseminated by the court of jurisdiction pursuant to  
15 this section shall be for the exclusive and private use of those to  
16 whom it was released and shall not be disseminated further without  
17 order of such court.

18 ~~(5)(a)~~ (6)(a) Any records concerning a juvenile court  
19 petition filed pursuant to subdivision (3)(c) of section 43-247  
20 shall remain confidential except as may be provided otherwise by  
21 law. Such records shall be accessible to (i) the juvenile except as  
22 provided in subdivision (b) of this subsection, (ii) the juvenile's  
23 counsel, (iii) the juvenile's parent or guardian, and (iv) persons  
24 authorized by an order of a judge or court.

25 (b) Upon application by the county attorney or by the  
26 director of the facility where the juvenile is placed and upon  
27 a showing of good cause therefor, a judge of the juvenile court

1 having jurisdiction over the juvenile or of the county where the  
2 facility is located may order that the records shall not be made  
3 available to the juvenile if, in the judgment of the court, the  
4 availability of such records to the juvenile will adversely affect  
5 the juvenile's mental state and the treatment thereof.

6 Sec. 26. Section 43-2,129, Revised Statutes Supplement,  
7 2013, is amended to read:

8 43-2,129 Sections 43-245 to 43-2,129 and sections 9, 10,  
9 13, 20, and 22 of this act shall be known and may be cited as the  
10 Nebraska Juvenile Code.

11 Sec. 27. Section 43-407, Revised Statutes Supplement,  
12 2013, is amended to read:

13 43-407 (1) This subsection applies to all juveniles  
14 committed to the Office of Juvenile Services for placement at a  
15 youth rehabilitation and treatment center prior to July 1, 2013.  
16 The Office of Juvenile Services shall design and make available  
17 programs and treatment services through the Youth Rehabilitation  
18 and Treatment Center-Kearney and Youth Rehabilitation and Treatment  
19 Center-Geneva. The programs and treatment services shall be based  
20 upon the individual or family evaluation process and treatment  
21 plan. The treatment plan shall be developed within fourteen days  
22 after admission. If a juvenile placed at the Youth Rehabilitation  
23 and Treatment Center-Kearney or Youth Rehabilitation and Treatment  
24 Center-Geneva is assessed as needing inpatient or subacute  
25 substance abuse or behavioral health residential treatment, the  
26 juvenile may be transferred to a program or facility if the  
27 treatment and security needs of the juvenile can be met. The

1 assessment process shall include involvement of both private and  
2 public sector behavioral health providers. The selection of the  
3 treatment venue for each juvenile shall include individualized  
4 case planning and incorporate the goals of the juvenile justice  
5 system pursuant to section 43-402. Juveniles committed to the Youth  
6 Rehabilitation and Treatment Center-Kearney or Youth Rehabilitation  
7 and Treatment Center-Geneva who are transferred to alternative  
8 settings for treatment remain committed to the Department of Health  
9 and Human Services and the Office of Juvenile Services until  
10 discharged from such custody. Programs and treatment services shall  
11 address:

12 (a) Behavioral impairments, severe emotional  
13 disturbances, sex offender behaviors, and other mental health or  
14 psychiatric disorders;

15 (b) Drug and alcohol addiction;

16 (c) Health and medical needs;

17 (d) Education, special education, and related services;

18 (e) Individual, group, and family counseling services  
19 as appropriate with any treatment plan related to subdivisions  
20 (a) through (d) of this subsection. Services shall also be made  
21 available for juveniles who have been physically or sexually  
22 abused;

23 (f) A case management and coordination process, designed  
24 to assure appropriate reintegration of the juvenile to his or  
25 her family, school, and community. This process shall follow  
26 individualized planning which shall begin at intake and evaluation.  
27 Structured programming shall be scheduled for all juveniles.

1 This programming shall include a strong academic program as  
2 well as classes in health education, living skills, vocational  
3 training, behavior management and modification, money management,  
4 family and parent responsibilities, substance abuse awareness,  
5 physical education, job skills training, and job placement  
6 assistance. Participation shall be required of all juveniles if  
7 such programming is determined to be age and developmentally  
8 appropriate. The goal of such structured programming shall be to  
9 provide the academic and life skills necessary for a juvenile to  
10 successfully return to his or her home and community upon release;  
11 and

12 (g) The design and delivery of treatment programs through  
13 the youth rehabilitation and treatment centers as well as any  
14 licensing or certification requirements, and the office shall  
15 follow the requirements as stated within Title XIX and Title IV-E  
16 of the federal Social Security Act, as such act existed on May 25,  
17 2007, the Special Education Act, or other funding guidelines as  
18 appropriate. It is the intent of the Legislature that these funding  
19 sources shall be utilized to support service needs of eligible  
20 juveniles.

21 (2) This subsection applies to all juveniles committed  
22 to the Office of Juvenile Services for placement at a youth  
23 rehabilitation and treatment center on or after July 1, 2013.  
24 The Office of Juvenile Services shall design and make available  
25 programs and treatment services through the Youth Rehabilitation  
26 and Treatment Center-Kearney and Youth Rehabilitation and Treatment  
27 Center-Geneva. The programs and treatment services shall be based

1 upon the individual or family evaluation process and treatment  
2 plan. The treatment plan shall be developed within fourteen days  
3 after admission. If a juvenile placed at the Youth Rehabilitation  
4 and Treatment Center-Kearney or Youth Rehabilitation and Treatment  
5 Center-Geneva is assessed as needing inpatient or subacute  
6 substance abuse or behavioral health residential treatment, the  
7 Office of Juvenile Services may arrange for such treatment to be  
8 provided at the Hastings Regional Center or may transition the  
9 juvenile to another inpatient or subacute residential treatment  
10 facility in the State of Nebraska. Except in a case requiring  
11 emergency admission to an inpatient facility, the juvenile shall  
12 not be discharged ~~by~~ from the custody of the Office of Juvenile  
13 Services ~~until~~ by the court unless there is a stipulated motion  
14 for such discharge before the court or the juvenile has been is  
15 returned to the court for a ~~review~~ continued disposition hearing  
16 of his or her conditions of probation and the juvenile has been  
17 transitioned to the clinically appropriate level of care. Programs  
18 and treatment services shall address:

19 (a) Behavioral impairments, severe emotional  
20 disturbances, sex offender behaviors, and other mental health or  
21 psychiatric disorders;

22 (b) Drug and alcohol addiction;

23 (c) Health and medical needs;

24 (d) Education, special education, and related services;

25 (e) Individual, group, and family counseling services

26 as appropriate with any treatment plan related to subdivisions

27 (a) through (d) of this subsection. Services shall also be made

1 available for juveniles who have been physically or sexually  
2 abused;

3 (f) A case management and coordination process, designed  
4 to assure appropriate reintegration of the juvenile to his or  
5 her family, school, and community. This process shall follow  
6 individualized planning which shall begin at intake and evaluation.  
7 Structured programming shall be scheduled for all juveniles.  
8 This programming shall include a strong academic program as  
9 well as classes in health education, living skills, vocational  
10 training, behavior management and modification, money management,  
11 family and parent responsibilities, substance abuse awareness,  
12 physical education, job skills training, and job placement  
13 assistance. Participation shall be required of all juveniles if  
14 such programming is determined to be age and developmentally  
15 appropriate. The goal of such structured programming shall be to  
16 provide the academic and life skills necessary for a juvenile to  
17 successfully return to his or her home and community upon release;  
18 and

19 (g) The design and delivery of treatment programs through  
20 the youth rehabilitation and treatment centers as well as any  
21 licensing or certification requirements, and the office shall  
22 follow the requirements as stated within Title XIX and Title IV-E  
23 of the federal Social Security Act, as such act existed on January  
24 1, 2013, the Special Education Act, or other funding guidelines as  
25 appropriate. It is the intent of the Legislature that these funding  
26 sources shall be utilized to support service needs of eligible  
27 juveniles.

1           (3) (a) The Office of Juvenile Services shall begin  
2 implementing evidence-based practices, policies, and procedures  
3 by January 15, 2016, as determined by the office. Thereafter, on  
4 November 1 of each year, the office shall submit to the Governor,  
5 the Legislature, and the Chief Justice of the Supreme Court, a  
6 comprehensive report on its efforts to implement evidence-based  
7 practices. The report to the Legislature shall be by electronic  
8 transmission. The report may be attached to preexisting reporting  
9 duties. The report shall include at a minimum:

10           (i) The percentage of juveniles being supervised in  
11 accordance with evidence-based practices;

12           (ii) The percentage of state funds expended by each  
13 respective department for programs that are evidence-based, and a  
14 list of all programs which are evidence-based;

15           (iii) Specification of supervision policies, procedures,  
16 programs, and practices that were created, modified, or eliminated;  
17 and

18           (iv) Recommendations of the office for any additional  
19 collaboration with other state, regional, or local public agencies,  
20 private entities, or faith-based and community organizations.

21           (b) Each report and executive summary shall be available  
22 to the general public on the web site of the office.

23           (c) The Executive Board of the Legislative Council may  
24 request the Consortium for Crime and Justice Research and Juvenile  
25 Justice Institute at the University of Nebraska at Omaha to review,  
26 study, and make policy recommendations on the reports assigned by  
27 the executive board.

1           Sec. 28. Section 43-413, Revised Statutes Supplement,  
2 2013, is amended to read:

3           43-413 (1) This section applies to all juveniles placed  
4 with the Office of Juvenile Services for evaluation prior to  
5 October 1, 2013. A court may, pursuant to section 43-281, place a  
6 juvenile with the Office of Juvenile Services or the Department of  
7 Health and Human Services for an evaluation to aid the court in the  
8 disposition.

9           (2) A juvenile convicted as an adult shall be placed with  
10 the Office of Juvenile Services for evaluation prior to sentencing  
11 as provided by subsection (3) of section 29-2204.

12           (3) All juveniles shall be evaluated prior to commitment  
13 to the Office of Juvenile Services unless the court finds that  
14 (a) there has been a substantially equivalent evaluation within  
15 the last twelve months that makes reevaluation unnecessary or (b)  
16 an addendum to a previous evaluation rather than a reevaluation  
17 would be appropriate. The court shall not commit such juvenile  
18 to the temporary custody of the Office of Juvenile Services prior  
19 to disposition. The office may place a juvenile in residential or  
20 nonresidential community-based evaluation services for purposes of  
21 evaluation to assist the court in determining the initial level of  
22 treatment for the juvenile.

23           (4) During any period of detention or evaluation prior to  
24 adjudication, costs incurred on behalf of a juvenile shall be paid  
25 as provided in section 20 of this act. ~~disposition.~~

26           ~~(a) Except as provided in subdivision (4)(b) of this~~  
27 ~~section, the county in which the case is pending is responsible~~

1 for all detention costs incurred before and after an evaluation  
2 period prior to disposition, the cost of delivering the juvenile  
3 to the facility or institution for an evaluation, and the cost of  
4 returning the juvenile to the court for disposition, and

5 (b) The state is responsible for (i) the costs incurred  
6 during an evaluation unless otherwise ordered by the court pursuant  
7 to section 43-290 and (ii) the preevaluation detention costs for  
8 any days over the first ten days from the date the evaluation is  
9 ordered by the court.

10 (5) The Office of Juvenile Services and the Department of  
11 Health and Human Services are not responsible for predisposition  
12 costs except as provided in subdivision (4)(b) of this section.

13 Sec. 29. Section 43-425, Revised Statutes Supplement,  
14 2013, is amended to read:

15 43-425 (1) The Community and Family Reentry Process  
16 is hereby created. This process is created in order to reduce  
17 recidivism and promote safe and effective reentry for the juvenile  
18 and his or her family to the community from the juvenile justice  
19 system. This process applies to all juveniles committed to the  
20 Office of Juvenile Services for placement at a youth rehabilitation  
21 and treatment center on or after July 1, 2013.

22 (2) While a juvenile is committed to a youth  
23 rehabilitation and treatment center, family team meetings shall  
24 be conducted in person or via videoconferencing at least once  
25 per month with the juvenile's support system to discuss the  
26 juvenile's transition back to the community. A juvenile's support  
27 system should be made up of any of the following: The juvenile

1 himself or herself, any immediate family members or guardians,  
2 informal and formal supports, the juvenile's guardian ad litem  
3 appointed by the court, the juvenile's probation officer, Office  
4 of Juvenile Services personnel employed by the facility, and any  
5 additional personnel as appropriate. Once developed, individualized  
6 reentry plans should be discussed at the family team meetings  
7 with the juvenile and other members of the juvenile's support  
8 system and shall include discussions on the juvenile's placement  
9 after leaving the facility. The probation officer and the Office  
10 of Juvenile Services personnel should discuss progress and needs  
11 of the juvenile and should help the juvenile follow his or her  
12 individual reentry plan to help with his or her transition back  
13 to the community.

14 (3) Within sixty days prior to ~~discharge~~ release from a  
15 youth rehabilitation and treatment center, or as soon as possible  
16 if the juvenile's remaining time at the youth rehabilitation and  
17 treatment center is less than sixty days, an evidence-based risk  
18 screening and needs assessment should be conducted on the juvenile  
19 in order to determine the juvenile's risk of reoffending and the  
20 juvenile's individual needs upon reentering the community.

21 (4) Individualized reentry plans shall be developed  
22 with input from the juvenile and his or her support system in  
23 conjunction with a risk assessment process. Individualized reentry  
24 plans shall be finalized thirty days prior to the juvenile leaving  
25 the youth rehabilitation and treatment center or as soon as  
26 possible if the juvenile's remaining time at the center is less  
27 than thirty days. Individualized reentry plans should include

1 specifics about the juvenile's placement upon return to the  
2 community, an education transition plan, a treatment plan with any  
3 necessary appointments being set prior to the juvenile leaving the  
4 center, and any other formal and informal supports for the juvenile  
5 and his or her family. The district probation officer and Office of  
6 Juvenile Services personnel shall review the individualized reentry  
7 plan and the expected outcomes as a result of the plan with the  
8 juvenile and his or her support system within thirty days prior to  
9 the juvenile's discharge from the center.

10 (5) The probation officer shall have contact with the  
11 juvenile and the juvenile's support system within forty-eight hours  
12 after the juvenile returns to the community and continue to assist  
13 the juvenile and the juvenile's support system in implementing  
14 and following the individualized reentry plan and monitoring the  
15 juvenile's risk through ongoing assessment updates.

16 (6) The Office of Probation Administration shall  
17 establish an evidence-based reentry process that utilizes risk  
18 assessment to determine the juvenile's supervision level upon  
19 return to the community. They shall establish supervision  
20 strategies based on risk levels of the juvenile and supervise  
21 accordingly, with ongoing reassessment to assist in determining  
22 eligibility for release from probation. The Office of Probation  
23 Administration shall develop a formal matrix of graduated sanctions  
24 to be utilized prior to requesting the county attorney to file  
25 for probation revocation. The Office of Probation Administration  
26 shall provide training to its workers on risk-based supervision  
27 strategies, motivational interviewing, family engagement,

1 community-based resources, and other evidence-based reentry  
2 strategies.

3 Sec. 30. Section 43-2404.02, Revised Statutes Supplement,  
4 2013, is amended to read:

5 43-2404.02 (1) There is created a separate and distinct  
6 budgetary program within the commission to be known as the  
7 Community-based Juvenile Services Aid Program. Funding acquired  
8 from participation in the federal act, state General Funds, and  
9 funding acquired from other sources which may be used for purposes  
10 consistent with the Juvenile Services Act and the federal act  
11 shall be used to aid in the establishment and provision of  
12 community-based services for juveniles who come in contact with the  
13 juvenile justice system.

14 (2) The annual General Fund appropriation to the  
15 Community-based Juvenile Services Aid Program shall be apportioned  
16 as aid in accordance with a formula established in rules and  
17 regulations adopted and promulgated by the commission. The formula  
18 shall be based on the total number of residents per county and  
19 federally recognized or state-recognized Indian tribe who are  
20 twelve years of age through eighteen years of age and other  
21 relevant factors as determined by the commission. The commission  
22 may require a local match of up to forty percent from the  
23 county, multiple counties, federally recognized or state-recognized  
24 Indian tribe or tribes, or any combination of the three which  
25 is receiving aid under such program. Any local expenditures for  
26 community-based programs for juveniles may be applied toward such  
27 match requirement.

1           ~~(3)~~ Funds provided under the Community-based Juvenile  
2 Services Aid Program shall be used exclusively to assist the  
3 aid recipient in the implementation and operation of programs  
4 or the provision of services identified in the aid recipient's  
5 comprehensive juvenile services plan, including programs for local  
6 planning and service coordination, screening, assessment, and  
7 evaluation, diversion, alternatives to detention, family support  
8 services, treatment services, reentry services, truancy prevention  
9 and intervention programs, and other services that will positively  
10 impact juveniles and families in the juvenile justice system.  
11 In distributing funds provided under the Community-based Juvenile  
12 Services Aid Program, aid recipients shall prioritize programs  
13 and services that will divert juveniles from the juvenile justice  
14 system, reduce the population of juveniles in juvenile detention  
15 and secure confinement, and assist in transitioning juveniles  
16 from out-of-home placements. No funds appropriated or distributed  
17 under the Community-based Juvenile Services Aid Program shall  
18 be used for construction of secure detention facilities, secure  
19 youth treatment facilities, or secure youth confinement facilities.  
20 Aid received under this section shall not be used for capital  
21 construction or the lease or acquisition of facilities except  
22 for additional probation offices associated with carrying out the  
23 expanded probation duties in Laws 2013, LB561, and shall not be  
24 used to replace existing funding for programs or services. Any  
25 funds not distributed to counties under this subsection shall be  
26 retained by the commission to be distributed on a competitive  
27 basis under the Community-based Juvenile Services Aid Program for a

1 ~~county, multiple counties, federally recognized or state-recognized~~  
2 ~~Indian tribes, or any combination of the three demonstrating~~  
3 ~~additional need in the funding areas identified in this subsection.~~

4 (3) (a) In distributing funds provided under the  
5 Community-based Juvenile Services Aid Program, aid recipients shall  
6 prioritize programs and services that will divert juveniles from  
7 the juvenile justice system, reduce the population of juveniles  
8 in juvenile detention and secure confinement, and assist in  
9 transitioning juveniles from out-of-home placements.

10 (b) Funds received under the Community-based Juvenile  
11 Services Aid Program shall be used exclusively to assist the  
12 aid recipient in the implementation and operation of programs  
13 or the provision of services identified in the aid recipient's  
14 comprehensive juvenile services plan, including programs for local  
15 planning and service coordination; screening, assessment, and  
16 evaluation; diversion; alternatives to detention; family support  
17 services; treatment services; truancy prevention and intervention  
18 programs; pilot projects approved by the Nebraska Commission on  
19 Law Enforcement and Criminal Justice; payment of transportation  
20 costs to and from placements, evaluations, or services; personnel  
21 when the personnel are aligned with evidence-based treatment  
22 principles, programs, or practices; contracting with other state  
23 agencies or private organizations that provide evidence-based  
24 treatment or programs; preexisting programs that are aligned with  
25 evidence-based practices or best practices; and other services  
26 that will positively impact juveniles and families in the juvenile  
27 justice system.

1           (c) Funds received under the Community-based Juvenile  
2 Services Aid Program shall not be used for the following:  
3 Construction of secure detention facilities, secure youth  
4 treatment facilities, or secure youth confinement facilities;  
5 capital construction or the lease or acquisition of facilities;  
6 for programs, services, treatments, evaluations, or other  
7 preadjudication services that are not based on or grounded in  
8 evidence-based practices, principles, and research, except that the  
9 commission may approve pilot projects that authorize the use such  
10 aid; or office equipment, office supplies, or office space.

11           (d) Any aid not distributed to counties under this  
12 subsection shall be retained by the commission to be distributed on  
13 a competitive basis under the Community-based Juvenile Services Aid  
14 Program for a county, multiple counties, federally recognized or  
15 state-recognized Indian tribe or tribes, or any combination of the  
16 three demonstrating additional need in the funding areas identified  
17 in this subsection.

18           (e) If a county, multiple counties, or a federally  
19 recognized or state-recognized Indian tribe or tribes is denied  
20 aid under this section or receives no aid under this section, the  
21 entity may request an appeal pursuant to the appeal process in  
22 rules and regulations adopted and promulgated by the commission.  
23 The commission shall establish appeal and hearing procedures by  
24 December 15, 2014. The commission shall make appeal and hearing  
25 procedures available on their web site.

26           (4) Any recipient of funding aid under the  
27 Community-based Juvenile Services Aid Program shall file an

1 annual report as required by rules and regulations adopted and  
2 promulgated by the commission. The report shall include, but not  
3 be limited to, the type of juvenile service, how the service met  
4 the goals of the comprehensive juvenile services plan, demographic  
5 information on the total number of juveniles served, program  
6 success rates, the total number of juveniles sent to secure  
7 juvenile detention or residential treatment and secure confinement,  
8 and a listing of the expenditures for detention, residential  
9 treatment, and nonresidential treatment.

10 (5) The commission shall report annually to the Governor  
11 and the Legislature on the distribution and use of funds for  
12 aid appropriated under the Community-based Juvenile Services Aid  
13 Program. The report shall include, but not be limited to, an  
14 aggregate report of the use of the Community-based Juvenile  
15 Services Aid Program funds, including the types of juvenile  
16 services and programs that were funded, demographic information  
17 on the total number of juveniles served, program success rates,  
18 the total number of juveniles sent to secure juvenile detention  
19 or residential treatment and secure confinement, and a listing  
20 of the expenditures of all counties and federally recognized  
21 or state-recognized Indian tribes for detention, residential  
22 treatment, and secure confinement. The report submitted to the  
23 Legislature shall be submitted electronically.

24 (6) The commission shall adopt and promulgate rules and  
25 regulations for the Community-based Juvenile Services Aid Program  
26 in consultation with the Director of the Community-based Juvenile  
27 Services Aid Program, the Director of Juvenile Diversion Programs,

1 the Office of Probation Administration, the Nebraska Association of  
2 County Officials, and the University of Nebraska at Omaha, Juvenile  
3 Justice Institute. The rules and regulations shall include, but not  
4 be limited to:

5 (a) The required elements of a comprehensive juvenile  
6 services plan and planning process;

7 (b) The Community-based Juvenile Services Aid Program  
8 formula, review process, match requirements, and fund distribution.  
9 The distribution process shall ensure a conflict of interest  
10 policy;

11 (c) A distribution process for funds retained under  
12 subsection (3) of this section;

13 (d) A plan for evaluating the effectiveness of plans and  
14 programs receiving funding;

15 (e) A reporting process for aid recipients; and

16 (f) A reporting process for the commission to the  
17 Governor and Legislature. The report shall be made electronically  
18 to the Governor and the Legislature.

19 Sec. 31. It is the intent of the Legislature to  
20 appropriate five million dollars to the Community-based Juvenile  
21 Services Aid Program.

22 Sec. 32. Section 43-4102, Revised Statutes Supplement,  
23 2013, is amended to read:

24 43-4102 (1) It is the intent of the Legislature that  
25 the Nebraska Juvenile Service Delivery Project, established as a  
26 pilot program under section 43-4101 within the Office of Probation  
27 Administration, be expanded statewide in a three-step, phase-in

1 process beginning July 1, 2013, with full implementation by  
2 July 1, 2014. The expansion of the project will result in the  
3 Office of Probation Administration taking over the duties of the  
4 Office of Juvenile Services with respect to its previous functions  
5 of community supervision and parole of juvenile law violators  
6 and of evaluations for such juveniles. The Office of Juvenile  
7 Services shall continue for the purpose of operating the youth  
8 rehabilitation and treatment centers and the care and custody of  
9 the juveniles placed at such centers. Expansion of the project  
10 shall be funded by the transfer of funds from the Department of  
11 Health and Human Services and the Office of Juvenile Services used  
12 to fully fund community-based services and juvenile parole to the  
13 Office of Probation Administration.

14 (2) There shall be established through the use of  
15 technology an information-sharing process to support and enhance  
16 the exchange of information between the Department of Health and  
17 Human Services, the Office of Probation Administration, and the  
18 Nebraska Commission on Law Enforcement and Criminal Justice. It  
19 is the intent of the Legislature to appropriate two hundred fifty  
20 thousand dollars from the General Fund to the Office of Probation  
21 Administration to facilitate the information-sharing process.

22 (3) It is the intent of the Legislature that detention  
23 costs for a juvenile shall be paid by the county containing the  
24 court which issued the order to detain in the following situations:

25 (a) A juvenile has no prior contact with the juvenile  
26 justice system and is placed in predisposition detention; or

27 (b) A juvenile is placed in predisposition detention for

1 a new violation of law while under the supervision of the Office of  
2 Probation Administration.

3 (4) It is the intent of the Legislature that detention  
4 costs for a juvenile shall be paid by the Office of Probation  
5 Administration in the following situations:

6 (a) A juvenile is placed in detention as the result of an  
7 alleged violation of probation; or

8 (b) A juvenile is placed in post-disposition detention  
9 under the supervision of the Office of Probation Administration  
10 while awaiting placement.

11 (5) For purposes of this section, detention means  
12 a secure juvenile detention facility or staff secure juvenile  
13 facility.

14 (3) Costs incurred on behalf of juveniles under the  
15 Nebraska Juvenile Service Delivery Project shall be paid as  
16 provided in section 20 of this act.

17 Sec. 33. Section 43-4203, Revised Statutes Supplement,  
18 2013, is amended to read:

19 43-4203 (1) The Nebraska Children's Commission shall work  
20 with administrators from each of the service areas designated  
21 pursuant to section 81-3116, the teams created pursuant to section  
22 28-728, local foster care review boards, child advocacy centers,  
23 the teams created pursuant to the Supreme Court's Through the Eyes  
24 of the Child Initiative, community stakeholders, and advocates for  
25 child welfare programs and services to establish networks in each  
26 of such service areas. Such networks shall permit collaboration  
27 to strengthen the continuum of services available to child welfare

1 agencies and to provide resources for children and juveniles  
2 outside the child protection system. Each service area shall  
3 develop its own unique strategies to be included in the statewide  
4 strategic plan. The Department of Health and Human Services shall  
5 assist in identifying the needs of each service area.

6 (2) (a) The commission shall create a committee to examine  
7 state policy regarding the prescription of psychotropic drugs for  
8 children who are wards of the state and the administration of such  
9 drugs to such children. Such committee shall review the policy and  
10 procedures for prescribing and administering such drugs and make  
11 recommendations to the commission for changes in such policy and  
12 procedures.

13 (b) The commission shall create a committee to examine  
14 the structure and responsibilities of the Office of Juvenile  
15 Services as they exist on April 12, 2012. Such committee shall  
16 review the role and effectiveness of the youth rehabilitation  
17 and treatment centers in the juvenile justice system and make  
18 recommendations to the commission on the future role of the  
19 youth rehabilitation and treatment centers in the juvenile justice  
20 continuum of care, including what populations they should serve  
21 and what treatment services should be provided at the centers  
22 in order to appropriately serve those populations. Such committee  
23 shall also review how mental and behavioral health services are  
24 provided to juveniles in secure residential placements and the need  
25 for such services throughout Nebraska and make recommendations to  
26 the commission relating to those systems of care in the juvenile  
27 justice system. The committee shall collaborate with the University

1 of Nebraska at Omaha, Juvenile Justice Institute, the University of  
2 Nebraska Medical Center, Center for Health Policy, the behavioral  
3 health regions as established in section 71-807, and state and  
4 national juvenile justice experts to develop recommendations.  
5 If the committee's recommendations include maintaining the Youth  
6 Rehabilitation and Treatment Center-Kearney, the recommendation  
7 shall include a plan to implement a rehabilitation and treatment  
8 model by upgrading the center's physical structure, staff, and  
9 staff training and the incorporation of evidence-based treatments  
10 and programs. The recommendations shall be delivered to the  
11 commission and electronically to the Judiciary Committee of the  
12 Legislature by December 1, 2013.

13 (c) The commission may organize committees as it  
14 deems necessary. Members of the committees may be members of  
15 the commission or may be appointed, with the approval of the  
16 majority of the commission, from individuals with knowledge of  
17 the committee's subject matter, professional expertise to assist  
18 the committee in completing its assigned responsibilities, and the  
19 ability to collaborate within the committee and with the commission  
20 to carry out the powers and duties of the commission.

21 (d) The Title IV-E Demonstration Project Committee  
22 created pursuant to section 43-4208 and the Foster Care  
23 Reimbursement Rate Committee created pursuant to section 43-4212  
24 are under the jurisdiction of the commission.

25 (3) The commission shall work with the office of the  
26 State Court Administrator, as appropriate, and entities which  
27 coordinate facilitated conferencing as described in section

1 ~~43-247.01.~~ 10 of this act. Facilitated conferencing shall be  
2 included in statewide strategic plan discussions by the commission.  
3 Facilitated conferencing shall continue to be utilized and  
4 maximized, as determined by the court of jurisdiction, during  
5 the development of the statewide strategic plan. Funding and  
6 contracting of facilitated conferencing entities shall continue to  
7 be provided by the Department of Health and Human Services to at  
8 least the same extent as such funding and contracting are being  
9 provided on April 12, 2012.

10 (4) The commission shall gather information and  
11 communicate with juvenile justice specialists of the Office of  
12 Probation Administration and county officials with respect to any  
13 county-operated practice model participating in the Crossover Youth  
14 Program of the Center for Juvenile Justice Reform at Georgetown  
15 University.

16 (5) The commission shall coordinate and gather  
17 information about the progress and outcomes of the Nebraska  
18 Juvenile Service Delivery Project established pursuant to section  
19 43-4101.

20 Sec. 34. Section 81-1427, Revised Statutes Supplement,  
21 2013, is amended to read:

22 81-1427 (1) There is established within the Nebraska  
23 Commission on Law Enforcement and Criminal Justice the position  
24 of Director of Juvenile Diversion Programs to be appointed by the  
25 executive director of the commission.

26 (2) The Director of Juvenile Diversion Programs shall be  
27 supervised by the executive director of the Nebraska Commission

1 on Law Enforcement and Criminal Justice. The director shall be  
2 responsible for fostering, promoting, researching, and assessing  
3 juvenile pretrial diversion programs and developing new programs  
4 in collaboration with cities and counties pursuant to sections  
5 43-260.02 to 43-260.07. The director shall:

6 (a) Provide technical assistance and guidance to juvenile  
7 pretrial diversion programs for implementing evidence-based  
8 strategies or standardized, replicable practices that have been  
9 researched and have demonstrated positive outcomes;

10 (b) Develop a core juvenile pretrial diversion program  
11 packet for utilization by counties without a juvenile pretrial  
12 diversion program or counties without a district probation officer  
13 acting under section 29-2258;

14 (c) Establish baseline program guidelines for juvenile  
15 pretrial diversion programs ~~grounded in best-practice~~ based on  
16 evidence-based practices, principles, programs, and research,  
17 develop data collection and evaluation protocols, oversee statewide  
18 data collection, and generate an annual report on juvenile pretrial  
19 diversion programs;

20 (d) Develop relationships and collaborate with juvenile  
21 justice stakeholders involved in juvenile pretrial diversion  
22 programs, provide education and training as necessary, and serve on  
23 boards and committees when approved by the commission;

24 (e) Facilitate consistent communication and  
25 information-sharing among juvenile pretrial diversion program  
26 directors;

27 (f) Assist juvenile pretrial diversion program directors,

1 county attorneys, district probation officers acting under section  
2 29-2258, and county boards in developing policies and practices  
3 that achieve the goals of quality juvenile pretrial diversion  
4 programs;

5 (g) Assist in comprehensive community planning efforts as  
6 they relate to development of juvenile pretrial diversion programs;

7 (h) Develop and coordinate a statewide working group  
8 as a subcommittee of the Nebraska Coalition for Juvenile Justice  
9 to assist in regular strategic planning related to supporting,  
10 funding, monitoring, and evaluating the effectiveness of plans and  
11 programs receiving funds from the Community-based Juvenile Services  
12 Aid Program; and

13 (i) Assist the Director of the Community-based Juvenile  
14 Services Aid Program created under section 43-2404.01 in the review  
15 of Community-based Juvenile Services Aid Program applications as  
16 provided in section 43-2404.02.

17 Sec. 35. Sections 3, 4, 8, 9, 15, 16, and 36 of this act  
18 become operative January 1, 2015. The other sections of this act  
19 become operative three calendar months after adjournment of this  
20 legislative session.

21 Sec. 36. Original sections 24-1007 and 43-274, Reissue  
22 Revised Statutes of Nebraska, sections 29-1816 and 43-276, Revised  
23 Statutes Cumulative Supplement, 2012, and section 43-247, Revised  
24 Statutes Supplement, 2013, are repealed.

25 Sec. 37 Original sections 14-607, 43-247.01, 43-255,  
26 43-264, 43-290, 43-295, 43-2,106.03, and 43-2,108, Reissue Revised  
27 Statutes of Nebraska, sections 24-517 and 29-2269, Revised Statutes

1 Cumulative Supplement, 2012, and sections 43-245, 43-258, 43-281,  
2 43-285, 43-286, 43-2,129, 43-407, 43-413, 43-425, 43-2404.02,  
3 43-4102, 43-4203, and 81-1427, Revised Statutes Supplement, 2013,  
4 are repealed.