

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1157

Introduced by McKinney, 11.

Read first time January 11, 2024

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend
2 sections 43-290 and 43-290.01, Reissue Revised Statutes of Nebraska,
3 and section 43-2,129, Revised Statutes Cumulative Supplement, 2022;
4 to require hearings regarding juveniles in certain counties detained
5 at juvenile detention facilities; to require payment of certain
6 costs by the Office of Probation Administration; to harmonize
7 provisions; and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) This section only applies to a county containing a
2 city of the metropolitan class.

3 (2)(a) If at any time a juvenile has spent fourteen days in a
4 juvenile detention facility as a result of a probation violation or lack
5 of placement in the community, the juvenile shall within twenty-four
6 hours, excluding nonjudicial days, personally appear before the court for
7 a hearing. At such hearing the county attorney or a probation officer
8 shall explain why the juvenile remains in the juvenile detention
9 facility.

10 (b) A new such hearing shall be held again within twenty-four hours,
11 excluding nonjudicial days, if the juvenile has again spent fourteen days
12 in a juvenile detention facility as a result of a probation violation or
13 lack of placement in the community.

14 (3) The Office of Probation Administration shall be responsible for
15 paying any costs of placement or detention of a juvenile at a juvenile
16 detention facility for any period of such placement or detention beyond
17 fourteen days that results from a probation violation or lack of
18 placement in the community.

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

21 43-290 (1) It is the purpose of this section to promote parental
22 responsibility and to provide for the most equitable use and availability
23 of public money.

24 (2) Pursuant to a petition filed by a county attorney or city
25 attorney having knowledge of a juvenile in his or her jurisdiction who
26 appears to be a juvenile described in subdivision (1), (2), (3), or (4)
27 of section 43-247, whenever the care or custody of a juvenile is given by
28 the court to someone other than his or her parent, which shall include
29 placement with a state agency, or when a juvenile is given medical,
30 psychological, or psychiatric study or treatment under order of the
31 court, the court shall make a determination of support to be paid by a

1 parent for the juvenile at the same proceeding at which placement, study,
2 or treatment is determined or at a separate proceeding. Such proceeding,
3 which may occur prior to, at the same time as, or subsequent to
4 adjudication, shall be in the nature of a disposition hearing.

5 (3) At such proceeding, after summons to the parent of the time and
6 place of hearing served as provided in sections 43-262 to 43-267, the
7 court may order and decree that the parent shall pay, in such manner as
8 the court may direct, a reasonable sum that will cover in whole or part
9 the support, study, and treatment of the juvenile, which amount ordered
10 paid shall be the extent of the liability of the parent. The court in
11 making such order shall give due regard to the cost of the support,
12 study, and treatment of the juvenile, the ability of the parent to pay,
13 and the availability of money for the support of the juvenile from
14 previous judicial decrees, social security benefits, veterans benefits,
15 or other sources. Support thus received by the court shall be transmitted
16 to the person, agency, or institution having financial responsibility for
17 such support, study, or treatment and, if a state agency or institution,
18 remitted by such state agency or institution quarterly to the Director of
19 Administrative Services for credit to the proper fund.

20 (4) Whenever medical, psychological, or psychiatric study or
21 treatment is ordered by the court, whether or not the juvenile is placed
22 with someone other than his or her parent, or if such study or treatment
23 is otherwise provided as determined necessary by the custodian of the
24 juvenile, the court shall inquire as to the availability of insured or
25 uninsured health care coverage or service plans which include the
26 juvenile. The court may order the parent to pay over any plan benefit
27 sums received on coverage for the juvenile. The payment of any deductible
28 under the health care benefit plan covering the juvenile shall be the
29 responsibility of the parent. If the parent willfully fails or refuses to
30 pay the sum ordered or to pay over any health care plan benefit sums
31 received, the court may proceed against him or her as for contempt,

1 either on the court's own motion or on the motion of the county attorney
2 or authorized attorney as provided in section 43-512, or execution shall
3 issue at the request of any person, agency, or institution treating or
4 maintaining such juvenile. The court may afterwards, because of a change
5 in the circumstances of the parties, revise or alter the order of payment
6 for support, study, or treatment.

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

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

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

21 (8) The court shall not assess any costs described in this section
22 against a juvenile's parent that are the responsibility of the Office of
23 Probation Administration under section 1 of this act.

24 Sec. 3. Section 43-290.01, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 43-290.01 (1) Payment of costs for juveniles described in or alleged
27 to be described in subdivision (1), (2), (3)(b), or (4) of section
28 43-247, except as ordered by the court pursuant to section 43-290, shall
29 be paid by:

30 (a) The county for the period of time prior to adjudication, except
31 as provided in subdivision (1)(b) of this section. Such costs paid for by

1 the county include, but are not limited to, the costs of detention,
2 services, detention alternatives, treatment, voluntary services, and
3 transportation;

4 (b) The Office of Probation Administration for:

5 (i) The period of time after adjudication until termination of court
6 jurisdiction, including, but not limited to, the costs of evaluations,
7 detention, services, placement that is not detention, detention
8 alternatives, treatment, voluntary services, and transportation, other
9 than transportation paid under subdivision (1)(c) of this section;

10 (ii) The time period prior to adjudication for a juvenile who is on
11 probation and is alleged to have committed a new violation or is a
12 juvenile who is subject to a motion to revoke probation;~~and~~

13 (iii) Preadjudication evaluations and preadjudication placements
14 that are not detention; and

15 (iv) Costs described in subsection (3) of section 1 of this act; and

16 (c) The Office of Juvenile Services for any period of time from when
17 the court commits the juvenile to the Office of Juvenile Services until
18 the juvenile is discharged by the Office of Juvenile Services, including,
19 but not limited to, the costs of evaluations, placement, services,
20 detention including detention costs prior to placement, and
21 transportation to and from the youth rehabilitation and treatment center.

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

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

29 (b) Payment of costs for juveniles with a court adjudication or
30 disposition under section 43-284: Upon a determination by the court that
31 there are no parental, private, or other funds available for the care,

1 custody, education, and maintenance of the juvenile, the court may order
2 a reasonable sum for the care, custody, education, and maintenance of the
3 juvenile to be paid out of a fund appropriated annually by the county
4 where the petition is filed until suitable provisions are made for the
5 juvenile without such payment. The amount to be paid by a county for
6 education shall not exceed the average cost for education of a public
7 school student in the county in which the juvenile is placed and shall be
8 paid only for education in kindergarten through grade twelve; and

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

10 (3) Payment of costs of medical expenses of juveniles under the
11 Nebraska Juvenile Code shall be as provided in section 43-290.

12 Sec. 4. Section 43-2,129, Revised Statutes Cumulative Supplement,
13 2022, is amended to read:

14 43-2,129 Sections 43-245 to 43-2,129 and section 1 of this act shall
15 be known and may be cited as the Nebraska Juvenile Code.

16 Sec. 5. Original sections 43-290 and 43-290.01, Reissue Revised
17 Statutes of Nebraska, and section 43-2,129, Revised Statutes Cumulative
18 Supplement, 2022, are repealed.