

LEGISLATIVE BILL 620

Approved by the Governor April 15, 1974

Introduced by Barnett, 26

AN ACT to amend sections 29-1816, 29-2204, 43-201, 43-205, 43-206.02, 43-209, 43-215, and 43-218, Reissue Revised Statutes of Nebraska, 1943, sections 43-202, 43-206, 43-206.03, and 43-208, Revised Statutes Supplement, 1972, sections 43-210 and 43-210.01, Revised Statutes Supplement, 1973, and section 4, Legislative Bill 733, Eighty-third Legislature, Second Session, 1974, relating to courts; to redefine terms; to provide constructions; to provide for juvenile court jurisdictions and procedures; to harmonize with other legislation; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 43-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-201. As used in sections 43-201 to 43-220, unless the context otherwise requires:

(1) This act shall be construed as referring exclusively to sections 43-201 to 43-220 and sections 3 and 4 of this act;

~~(2) Dependent child shall mean any child under the age of eighteen years, who is homeless or destitute, or without proper support through no fault of his parent, guardian, or custodian;~~

~~(3) Neglected child shall mean any child under the age of eighteen years (a) who is abandoned by his parent, guardian, or custodian; (b) who lacks proper parental care by reason of the fault or habits of his parent, guardian, or custodian; (c) whose parent, guardian, or custodian neglects or refuses to provide proper or necessary subsistence, education, or other care necessary for the health, morals, or well-being of such child; (d) whose parent, guardian, or custodian neglects or refuses to provide special care made necessary by the mental condition of the child; or (e) who is in a situation or engages in an occupation dangerous to life or limb or injurious to the health or morals of such child;~~

~~(4) Relinquent child shall mean any child under the age of eighteen years who has violated any law of the state or any city or village ordinance;~~

~~(5) A child in need of special supervision shall mean any child under the age of eighteen years -- (a) who, by reason of being wayward or habitually disobedient, is uncontrolled by his parent, guardian, or custodian; -- (b) who is habitually truant from school or home; or -- (c) who departs himself so as to injure or endanger seriously the morals or health of himself or others; and~~

(6) (2) Parent shall mean one or both parents;  
and

(3) Parties shall mean the child as described in section 43-202, his parents, guardian or custodian.

Sec. 2. Acknowledging the responsibility of the juvenile court to act to preserve the public peace and security, this act shall be construed to effectuate the following:

(1) To assure the rights of all children to care and protection and to development of their capacities for a healthy personality, physical well-being and useful citizenship and to protect the public interest;

(2) To provide for the intervention of the juvenile court in the interest of any child who is within the provisions of this act, with due regard to parental rights and capacities and the availability of nonjudicial resources;

(3) To remove children who are within the provisions of this act from the criminal justice system whenever possible and to reduce the possibility of their committing future law violations through the provision of social and rehabilitative services to such children and their families;

(4) To achieve the foregoing purposes in the child's own home whenever possible, separating the child from his parents only when necessary for his welfare or in the interest of public safety and, when temporary separation is necessary, to consider the developmental needs of the individual child in all placements and to assure every reasonable effort possible to reunite the child with his family; and

(5) To provide a simple judicial procedure through which these purposes and goals are accomplished and enforced and in which the parties are assured a fair

bearing and their constitutional and other legal rights recognized and enforced.

Sec. 3. That section 43-202, Revised Statutes Supplement, 1972, be amended to read as follows:

43-202. The district courts of the several counties in this state, and the judges thereof in vacation, shall have original jurisdiction in all cases coming within the terms of this act and concurrent jurisdiction under sections 63-226 to 63-228, the county court in each county, except as provided in subdivisions (3)(b) and (3)(c) of this section, shall have concurrent exclusive original jurisdiction with the district court except in counties which have established a separate juvenile court as to the following:

(1) Any child under the age of eighteen years, who is homeless or destitute, or without proper support through no fault of his parent, guardian, or custodian;

(2) Any child under the age of eighteen years (a) who is abandoned by his parent, guardian, or custodian; (b) who lacks proper parental care by reason of the fault or habits of his parent, guardian, or custodian; (c) whose parent, guardian, or custodian neglects, is unable, or refuses to provide proper or necessary subsistence, education, or other care necessary for the health, morals, or well-being of such child; (d) whose parent, guardian, or custodian neglects or refuses to provide special care made necessary by the mental condition of the child; or (e) who is in a situation or engages in an occupation dangerous to life or limb or injurious to the health or morals of such child;

(3) (a) Any child under the age of sixteen years at the time he has violated any law of the state which would constitute a misdemeanor or traffic infraction if committed by a person eighteen years of age or over or any city or village ordinance amounting to a misdemeanor, or providing as a penalty any fine or jail sentence if committed by a person eighteen years of age or more, except parking violations; (b) concurrent jurisdiction with the district court as to any child under the age of eighteen years at the time he has violated any law of the state constituting a felony; and (c) concurrent jurisdiction with the county or municipal court as to any child sixteen or seventeen years of age at the time he has (i) violated a state law constituting a misdemeanor, (ii) committed a traffic infraction, or (iii) violated any city or village ordinance providing as a penalty a fine or jail sentence, except parking violations;

(4) Any child under the age of eighteen years (a) who, by reason of being wayward or habitually disobedient, is uncontrolled by his parent, guardian, or custodian; (b) who is habitually truant from school or home; or (c) who deportes himself so as to injure or endanger seriously the morals or health of himself or others;

(5) The parent, guardian, or custodian who has custody of any such child described in this section; and

(6) Proceedings for termination of parental rights as provided in this act.

Sec. 4. In cases coming within subdivision (3)(b) or (3)(c) of section 43-202, the county attorney shall, in making the determination whether to file a criminal charge or a juvenile court petition, consider among other matters: (1) The type of treatment such minor would most likely be amenable to; (2) whether there is evidence that the alleged offense included violence or was committed in an aggressive and premeditated manner; (3) the motivation for the commission of the offense; (4) the age of the minor and the ages and circumstances of any others involved in the offense; (5) the previous history of the minor, including whether he had been convicted of any previous offenses or adjudicated in juvenile court and, if so, whether such offenses were crimes against the person or relating to property, and any other previous history of antisocial behavior, if any, including any patterns of physical violence; (6) the sophistication and maturity of the child as determined by consideration of his home, school activities, emotional attitude and desire to be treated as an adult, pattern of living, and whether he has had previous contact with law enforcement agencies and courts and the nature thereof; (7) whether there are facilities particularly available to the juvenile court for the treatment and rehabilitation of the minor; and (8) whether the best interest of the minor and the security of the public may require that the minor continue in custody or under supervision for a period extending beyond his minority and, if so, the available alternatives best suited to this purpose.

The county attorney shall attach an affidavit with his complaint or petition, as the case may be, setting forth his decision and that he has considered such criteria.

Sec. 5. At any time before trial or entering a plea, a child sixteen or seventeen years of age at the time of the commission of the alleged act charged in

municipal court or in county court not sitting as a juvenile court may move the court in which the charge is pending to waive jurisdiction to the juvenile court for further proceedings under Chapter 43, article 2. In deciding the motion the court shall consider, among other matters, the matters required to be considered by the county attorney pursuant to section 4 of this act when determining the type of case to file.

The court shall set forth findings for the reason for its decision, which shall not be a final order for the purpose of enabling an appeal. If the court determines that the child should be transferred to the juvenile court, the complete file in the court shall be transferred to the juvenile court and the complaint may be used in place of a petition therein. The court making a transfer shall order the minor to be taken forthwith to the juvenile court and designate where the minor shall be kept pending determination by the juvenile court. The juvenile court shall then proceed as provided in Chapter 43, article 2.

Sec. 6. That section 29-1816, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-1816. The accused shall be arraigned by reading to him the indictment or information, unless the reading shall be waived by the accused where the nature of the charge is made known to him, and he shall then be asked whether he is guilty or not guilty of the offense charged. If the accused appears in person and by counsel and goes to trial before a jury regularly impaneled and sworn, he shall be deemed to have waived arraignment and a plea of not guilty shall be deemed to have been made.

At the time of the arraignment or at any time not later than fifteen days before trial, the defendant, if he were less than eighteen years of age at the time of the commitment of the alleged crime, may move the district court to waive jurisdiction in such case to the county court or the separate juvenile court, as the case may be, for further proceedings under Chapter 43, article 2. The court shall schedule a hearing on such motion within fifteen days.

In deciding such motion the court shall consider, among other matters, the matters set forth in section 4 of this act for consideration by the county attorney when determining the type of case to file.

The court shall set forth findings for the reason for its decision, which shall not be a final order for

the purpose of enabling an appeal. If the court determines that the child should be transferred to the juvenile court, the complete file in the district court shall be transferred to the juvenile court and the indictment or information may be used in place of a petition therein. The court making a transfer shall order the minor to be taken forthwith to the juvenile court and designate where the minor shall be kept pending determination by the juvenile court. The juvenile court shall then proceed as provided in Chapter 43, article 2.

Sec. 7. That section 29-2204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2204. (1) Except as provided in subsection (2) of this section, in all cases when any person shall be convicted of any offense by this code declared criminal, and made punishable by imprisonment in the Nebraska Penal and Correctional Complex, the court shall declare in its sentence for what period of time, within the respective periods prescribed by law, such convict shall be imprisoned at hard labor in the Nebraska Penal and Correctional Complex; and shall moreover determine and declare in its sentence whether any such convict shall be kept in solitary confinement in the cells of the Nebraska Penal and Correctional Complex, without labor, and if so, for what period of time.

(2) Whenever the defendant was under eighteen years of age at the time he committed the crime for which he was convicted, the court may in its discretion, instead of imposing the penalty provided for the crime, make such disposition of the defendant as the court deems proper under the provisions of Chapter 43, article 2, as to persons adjudicated in the juvenile courts.

Sec. 8. That section 43-205, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-205. The county attorney or any reputable person residing in the county, with the consent of the county attorney, having knowledge of a child in his county who appears to be neglected;---dependent; delinquent; or a child in need of special supervision; a child as described in subdivision (1), (2), (3), or (4) of section 43-202 may file with the clerk of the court having jurisdiction in the matter, a petition in writing, setting forth the facts verified by affidavit. It shall be sufficient if the affidavit is upon information and belief. Such petition and all subsequent proceedings shall be entitled In the Interest of

....., a Child Under Eighteen Years of Age, inserting the child's name in the blank.

When any child under eighteen years of age is alleged to have violated a city or village ordinance which if committed by a person over eighteen would amount to a misdemeanor, the city or village attorney may file a petition in the juvenile court having jurisdiction as provided in subdivision (3) of section 43-202.

Sec. 9. That section 4, Legislative Bill 733, Eighty-third Legislature, Second Session, 1974, be amended to read as follows:

Sec. 4. When a juvenile court proceeding has been instituted before a county court sitting as a juvenile court, the original jurisdiction of the county court shall continue until the final disposition thereof, and appeal may be had to the district court as in civil cases, but no such appeal shall stay the enforcement of any order entered in the county court. After appeal has been filed, the district court, upon application and hearing, may stay any order, judgment or decree on appeal if suitable arrangement is made for care and custody of the child. The county court shall continue to exercise supervision over the child until a hearing is had in the district court and the district court enters an order making other disposition. If the district court adjudges the child to be a child defined in section 43-201, the district court shall affirm the disposition made by the county court, unless it is shown by clear and convincing evidence that the disposition of the county court is not in the best interest of such child. Upon determination of the appeal, the district court shall remand the case to the county court for further proceedings consistent with the determination of the district court.

Sec. 10. That section 43-206, Revised Statutes Supplement, 1972, be amended to read as follows:

43-206. (1) Upon the filing of the petition, a summons with a copy of the petition attached shall issue requiring the person who has custody of the child or with whom the child may be to appear personally and, unless the court orders otherwise, to bring the child before the court, at the time and place stated.

(2) If the petition alleges that the minor is a ~~delinquent--child--or--a--child--in--need--of--special~~ supervision child as described in subdivision (3) or (4) of section 43-202, a summons, with a copy of the petition attached, shall also be served on said minor requiring him to appear personally at the time and place stated.

When so ordered by the court, personal service shall be obtained upon such minor notwithstanding any other provision of Chapter 43.

(3) If the person so summoned is other than a parent or guardian of the child, then the parent or guardian or both, if their residence is known, shall also be notified of the pendency of the case and of the time and place appointed; if there is neither a parent nor guardian, or if his or her residence is not known, then some relative, if there be one and his residence is known, shall be so notified; Provided, in any case the judge may appoint some suitable person guardian ad litem to act in behalf of the child.

(4) No summons or notice shall be required to be served on any person, except as required by subsection (2) of this section, who shall voluntarily appear before the court and whose appearance is noted on the records thereof.

(5) If it appears that the child is in such condition or surroundings that his welfare requires that his custody be immediately assumed by the court, the judge may, by endorsement upon the summons, order the officer serving it to take the child into custody at once.

(6) Subpoena may be issued requiring the appearance of any other person whose presence, in the opinion of the judge, is necessary.

Sec. 11. That section 43-206.02, Nebraska Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-206.02. If the person summoned or subpoenaed as provided in sections 43-206 to 43-206.04, shall without reasonable cause fail to appear and abide the order of the court or bring the child, he may be proceeded against as in the case of contempt of court. In case the summons cannot be served or the parties served fail to obey the same, and in any case when it shall be made to appear to the court that such summons would be ineffectual, a warrant may issue on the order of the court, either against the parent or guardian or the person having custody of a child, or with whom the child may be, or against the child itself. On the return of the summons or other process, or as soon thereafter as legally may be, the court shall proceed to hear and dispose of the case as provided in section 43-206.03; Provided, that the hearing shall not be had until there is before the court the minor when charged under



~~subdivisions (4) and (5) of section 43-264, subdivision (3) or (4) of section 43-202,~~ and in all cases the minor's custodian or person with whom he may be, parent or guardian, or, if they fail to appear, a guardian ad litem.

Pending the adjudication of any case, the child may be retained a reasonable period of time on order of the court in the possession of either the person having the charge of the same or some other suitable person, or may be kept in some suitable place provided by the city or county authorities or given to any proper and accredited charitable institution; Provided, the court may order such child examined by a physician, surgeon, psychiatrist or psychologist.

Sec. 12. That section 43-206.03, Revised Statutes Supplement, 1972, be amended to read as follows:

43-206.03. (1) The hearing as to a child in custody of the probation officer or the court shall be held as soon as possible after the petition is filed, and as to a child not in such custody as soon as practicable after the petition is filed.

(2) Hearings shall be conducted by the judge without a jury in an informal manner, applying the customary rules of evidence in use in civil trials without a jury in the district courts.

(3) At the hearing the court shall first consider only the question of whether the minor is a person described by section ~~43-264~~ 43-202. This shall be known as the adjudication. After hearing the evidence on such question, the court shall make a finding and adjudication entered in the minutes based on proof beyond a reasonable doubt, whether or not the minor is a person described by section ~~43-264~~ 43-202.

(4) If the court shall find that the child named in the petition is not within the provisions of section ~~43-264~~ 43-202 it shall dismiss the case. If the court finds that the child named in the petition is such a child, it shall make and enter its finding and adjudication accordingly, designating which subdivision or subdivisions of section ~~43-264~~ 43-202 such child is within; the court shall then proceed to an inquiry into the proper disposition to be made of such child.

(5) No adjudication by the juvenile court upon the status of a child shall be deemed a conviction nor shall the adjudication operate to impose any of the civil disabilities ordinarily resulting from conviction. The

adjudication and the evidence given in the court shall not operate to disqualify such child in any future civil or military service application or appointment.

Sec. 13. That section 43-208, Revised Statutes Supplement, 1972, be amended to read as follows:

43-208. When any child under the age of eighteen years shall be adjudicated to be a ~~dependent or neglected~~ child as defined in ~~section 43-204~~ subdivision (1) or (2) of section 43-202, the court may permit such child to remain in its own home subject to supervision or may make an order committing the child to the (1) care of some suitable institution, (2) care of some reputable citizen of good moral character, (3) care of some association willing to receive it embracing in its objects the purpose of caring for or obtaining homes for ~~dependent or neglected such~~ children, which association shall have been accredited as provided in section 43-214, (4) care of a suitable family; Provided, that under ~~subdivisions~~ subdivision (1), (2), (3), or (4) of this section upon a determination by the court that there are no private or other public funds available for the care, custody, education and maintenance of a child, the court may order a reasonable sum for the care, custody, education and maintenance of the child to be paid out of a fund which shall be appropriated annually by the county where the petition is filed until a suitable provision may be made for the child without such payment, † or (5) care and custody of the Department of Public Welfare. The amount to be paid by a county for education pursuant to this section shall not exceed the average cost for education of a public school student in the county in which the child is placed, and shall be paid only for education in kindergarten through grade twelve.

Sec. 14. That section 43-209, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-209. In any case where the court shall award a child to the care of the Department of Public Welfare, an association, or individual, in accordance with the provisions of this act, the child shall, unless otherwise ordered, become a ward and be subject to the guardianship of the department, association, or individual to whose care it is committed, which association and Department of Public Welfare shall have authority by and with assent of the court to place such a child in a suitable family home or institution. Such guardianship shall not include the guardianship of any estate of the child. Facts may also be set forth in the original petition, a supplemental petition, or motion filed with the court alleging that

grounds exist for the termination of parental rights. After a petition, a supplemental petition, or motion has been filed, the court shall cause to be endorsed on the summons and notice that the proceeding is one to terminate parental rights, shall set the time and place for the hearing, and shall cause summons and notice, with a copy of the petition, supplemental petition, or motion attached, to be given in the same manner as required in other cases before the juvenile court.

The court may terminate all parental rights between the parents or the mother of a child torn out of wedlock and such child when the court finds such action to be in the best interests of the child and it appears by the evidence that one or more of the following conditions exist:

(1) The parents have abandoned the child for six months or more immediately prior to the filing of the petition;

(2) The parents have substantially and continuously or repeatedly neglected the child and refused to give the child necessary parental care and protection;

(3) The parents, being financially able, have willfully neglected to provide the child with the necessary subsistence, education or other care necessary for his health, morals or welfare or have neglected to pay for such subsistence, education or other care when legal custody of the child is lodged with others and such payment ordered by the court;

(4) The parents are unfit by reason of debauchery, habitual use of intoxicating liquor or narcotic drugs or repeated lewd and lascivious behavior, which conduct is found by the court to be seriously detrimental to the health, morals, or well-being of the child;

(5) The parents are unable to discharge parental responsibilities because of mental illness or mental deficiency, and there are reasonable grounds to believe that such condition will continue for a prolonged indeterminate period; or

(6) Following upon a determination of neglect or dependency, that the child is one as described in subdivision (1) or (2) of section 43-202, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination.

When termination of the parent-child relationship is sought under subdivision (5) of this section, the court shall appoint a guardian ad litem for the alleged incompetent parent. The court may, in any other case, appoint a guardian ad litem, as may be deemed necessary or desirable, for any party. The guardian ad litem shall be paid a reasonable fee set by the court and paid from the general fund of the county.

When the parental rights have been so terminated and the care of such child is awarded to the Department of Public Welfare, the department shall have authority to consent to the legal adoption of such child and no other consent shall be required to authorize any court having jurisdiction to enter a legal decree of adoption of such child. When the care of such child is awarded to an individual or association and the parental rights have been terminated by the juvenile court, such individual or association may consent, only when authorized by order of such juvenile court, to the legal adoption of such child and no other consent shall be required to authorize any court having jurisdiction to enter a legal decree of adoption of such child; Provided, the Department of Public Welfare, an individual, or an association to whom the care of a child has been committed by a juvenile court prior to July 13, 1967, shall have authority to consent to the legal adoption of such child, without an order terminating parental rights. An order terminating the parent-child relationship shall divest the parent and child of all legal rights, privileges, duties and obligations with respect to each other and the parents shall have no rights of inheritance with respect to such child. The order terminating parental rights shall be final and may be appealed in the same manner as other final judgments of a juvenile court.

The custodian appointed by a juvenile court shall have charge of the person of the child and the right to make decisions affecting the person of the child, including medical, dental, surgical or psychiatric treatment; Provided, consent to a child marrying or joining the armed forces of the United States may be given by a custodian, other than the Department of Public Welfare, with approval of the juvenile court, or by the department, as to children in its custody, without further court authority. The authority of a custodian appointed by a juvenile court shall terminate when the individual under legal custody reaches ~~twenty-one~~ nineteen years of age, is legally adopted, or the authority is terminated by order of the juvenile court. When an adoption has been granted by a court of competent jurisdiction as to any such child, such fact shall be reported immediately by such custodian to the juvenile

court. If the adoption is denied the jurisdiction over the child shall immediately revert to the court which authorized placement of the child for adoption. Any association or individual receiving the care or custody of any such child, shall be subject to visitation or inspection by the Department of Public Welfare, or any probation officer of such court or any person appointed by the court for such purpose, and the court may at any time require from such association or person a report or reports containing such information or statements as the judge shall deem proper or necessary to be fully advised as to the care, maintenance, moral and physical training of the child, as well as the standing and ability of such association or individual to care for such child. Except where the care of the child is awarded to the Department of Public Welfare, together with termination of parental rights, or the child has been legally adopted, the jurisdiction of the court shall continue over any child brought before the court, or committed under the provisions of this act, and the court shall have power to order a change in the custody or care of such child, if at any time it is made to appear to the court that it would be for the best interests of the child to make such change.

Sec. 15. That section 43-210, Revised Statutes Supplement, 1973, be amended to read as follows:

43-210. When any child is adjudicated to be a delinquent child described in subdivision (3) of section 43-202, the court may:

(1) Continue the dispositional portion of the hearing, from time to time upon such terms and conditions as the court may prescribe, including an order of restitution of any property stolen or damaged when the same is in the interest of the child's reformation or rehabilitation and, subject to the further order of the court, may:

(a) Place the child under the supervision of a probation officer;

(b) Permit said child to remain in its own home, subject to the supervision of the probation officer; or

(c) Cause the child to be placed in a suitable family home or institution, subject to the friendly supervision of the probation officer; Provided, that under subdivision (1) (a), (1) (b), or (1) (c) of this section upon a determination by the court that there are no private or other public funds available for the care, custody and maintenance of a child, the court may order a

reasonable sum for the care, custody and maintenance of the child to be paid out of a fund which shall be appropriated annually by the county where the petition is filed until a suitable provision may be made for the child without such payment; or

(2) The court may commit such child to the care and custody of the Department of Correctional Services; Provided, that a delinquent child under the age of twelve years shall not be committed to the Youth Development Center-Geneva or to the Youth Development Center-Kearney unless he or she has violated the terms of probation or has committed an additional offense and the court finds that the interests of the child and the welfare of the community demand his or her commitment. This minimum age provision shall not apply if the act in question is murder or manslaughter.

Sec. 16. That section 43-210.01, Revised Statutes Supplement, 1973, be amended to read as follows:

43-210.01. When any child is found by the court to be a child ~~in need of special supervision~~ as defined by subdivision ~~(5)~~ (4) of section ~~43-204~~ 43-202, the court may enter such order as it is empowered to enter in the case of a ~~delinquent~~ child described in subdivision (3) of section 43-202 except that no such child shall be committed to the Department of Correctional Services until the court shall find:

(1) That said child has failed to make a satisfactory adjustment after a reasonable period of time under its original order; or

(2) Such commitment is necessary in the first instance for the protection of the health and welfare of said child or of society.

Sec. 17. That section 43-215, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-215. It shall be lawful for the parents, parent, guardian of any child, or other person having the right to dispose of a ~~dependent--or--neglected~~ child defined in subdivision (1) or (2) of section 43-202, to enter into an agreement with any association or institution incorporated under any public or private law of this state or any other state, for the purpose of aiding, caring for, or placing such children in homes and, subject to approval as herein provided, to surrender such child to such association or institution, to be taken and cared for by such association or institution,

or put into a family home. Such agreement may contain any and all proper stipulations to that end, and may authorize the association or institution by its attorney or agent to appear in any proceeding for the legal adoption of such child, and consent to its adoption; and the order of the court, made upon such consent, shall be binding upon the child and its parents or guardian, or other person, the same as if such person were personally in court and consented thereto, whether made party to the proceeding or not. All the publication or notice necessary for the adoption of any such children shall be that the institution or parties having charge of such children by court decree, or to whom a relinquishment of the child was given shall know that such legal adoption is being made.

Sec. 18. That section 43-218, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-218. This act shall be liberally construed to the end that its purpose may be carried out, namely, that the care, custody and discipline of a ~~dependent, neglected or delinquent~~ child described in subdivision (1) or (2) of section 43-202, shall approximate, as nearly as may be, that which should be given by its parents, and in all cases where it can be properly done, the child shall be placed in an approved family home and become a member of the family by legal adoption or otherwise.

Sec. 19. That original sections 29-1816, 29-2204, 43-201, 43-205, 43-206.02, 43-209, 43-215, and 43-218, Reissue Revised Statutes of Nebraska, 1943, sections 43-202, 43-206, 43-206.03, and 43-208, Revised Statutes Supplement, 1972, sections 43-210 and 43-210.01, Revised Statutes Supplement, 1973, and section 4, Legislative Bill 733, Eighty-third Legislature, Second Session, 1974, are repealed.