

LEGISLATIVE BILL 451

Approved by the Governor March 3, 1994

Introduced by Withem, 14

AN ACT relating to juveniles; to amend sections 29-401 and 43-253, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to release of a juvenile as prescribed; to provide for notification of certain court actions as prescribed; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 29-401, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-401. Every sheriff, deputy sheriff, marshal, deputy marshal, ~~watchman security guard~~, police officer, or peace officer as defined in subdivision (15) of section 49-801 shall arrest and detain any person found violating any law of this state or any legal ordinance of any city or incorporated village until a legal warrant can be obtained, except that (1) any such law enforcement officer taking a juvenile under the age of eighteen years into his or her custody for any violation herein defined shall proceed as set forth in sections 43-248, and 43-250, and 43-253 and (2) the court in which the ~~child juvenile~~ is to appear shall not accept a plea from the ~~child juvenile~~ until finding that the parents of the ~~child juvenile~~ have been notified or that reasonable efforts to notify such parents have been made as provided in section 43-253.

Sec. 2. That section 43-253, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-253. Upon delivery to the juvenile court or probation officer of a juvenile who has been taken into temporary custody under sections 43-248 and 43-250, the court or probation officer shall immediately investigate the situation of the juvenile and the nature and circumstances of the events surrounding his or her being taken into custody. Such investigation may be by hearing on the record before the court or by informal means when appropriate. The court or probation officer may immediately release such juvenile to the custody of his or her parent, guardian, relative, or other responsible person, or when the court or probation officer deems it to be in the best interests of the juvenile, the court or probation officer shall immediately release such juvenile to the custody of his or her parent. If the juvenile has both a custodial and a noncustodial parent and the court or probation officer deems that release of the juvenile to the custodial parent is not in the best interests of the juvenile, the court or probation officer shall, if it is deemed to be in the best interests of the juvenile, attempt to contact the noncustodial parent, if any, of the juvenile and to release the juvenile to such noncustodial parent. If such release is not possible or not deemed to be in the best interests of the juvenile, the court or probation officer may release the juvenile to the custody of a legal guardian, a responsible relative, or another responsible person. The court may admit such juvenile to bail by bond in such amount and on such conditions and security as the court, in its sole discretion, shall determine, or the court may proceed as provided in section 43-254. In no case shall the court or probation officer release such juvenile if it appears that further detention or placement of such juvenile is a matter of immediate and urgent necessity for the protection of such juvenile or the person or property of another or if it appears that such juvenile is likely to flee the jurisdiction of the court.

Sec. 3. A noncustodial parent shall be defined as an interested person, and reasonable attempts shall be made to notify him or her of any court proceeding taken (1) by, against, or on behalf of his or her child or (2) by, against, or on behalf of the custodial parent if such court proceeding affects the child. The noncustodial parent need not be present at the commencement of such court proceeding.

Sec. 4. That original sections 29-401 and 43-253, Reissue Revised Statutes of Nebraska, 1943, are repealed.