

## LEGISLATIVE BILL 739

Approved by the Governor May 23, 1995

Introduced by McKenzie, 34; Schimek, 27

AN ACT relating to family policy; to amend section 43-533, Reissue Revised Statutes of Nebraska, and section 43-2403, Revised Statutes Supplement, 1994; to change provisions relating to reunification policy; to change provisions relating to objectives of the Juvenile Services Act; and to repeal the original sections.

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

Section 1. Section 43-533, Reissue Revised Statutes of Nebraska, is amended to read:

43-533. The following principles shall guide the actions of state government and departments, agencies, institutions, committees, courts, and commissions which become involved with families and children and families in need of assistance or services:

(1) Prevention, early identification of problems, and early intervention shall be guiding philosophies when the state or a department, agency, institution, committee, court, or commission plans or implements services for children or families or children when such services are in the best interests of the child;

(2) When children or families or children request assistance, state and local government resources shall be utilized to complement community efforts to help meet the needs of such children or families or the needs and the best interests of such children. The state shall encourage community involvement in the provision of services to children and families and children, including as an integral part, local government and public and private group participation, in order to encourage and provide innovative strategies in the development of services for children and families and children;

(3) To maximize resources the state shall develop methods to coordinate services and resources for children and families and children. Every child-serving department, agency, institution, committee, court, or commission shall recognize that the jurisdiction of such department, agency, institution, committee, court, or commission in serving multiple-need children is not mutually exclusive;

(4) When children are removed from their home, permanency planning shall be the guiding philosophy. It shall be the policy of the state to (a) reunite the child with his or her family in a timeframe appropriate to the age and developmental needs of the child if reunification is in the best interest of the child so long as the best interests of the child, including the needs and safety of the child have been given consideration in making a determination whether or not reunification is possible and (b) minimize the number of placement changes for children in out-of-home care so long as the best interests of the child in care, including the needs and safety of the child, are considered; and

(5) When families cannot be reunited and when active parental involvement is absent, adoption shall be aggressively pursued. Absent the possibility of adoption other permanent settings shall be pursued.

Sec. 2. Section 43-2403, Revised Statutes Supplement, 1994, is amended to read:

43-2403. The Legislature hereby finds that the incarceration of juveniles in adult jails, lockups, and correctional facilities is contrary to the best interests and well-being of juveniles and frequently inconsistent with state and federal law requiring intervention by the least restrictive method. The Legislature further finds that the lack of available alternatives within local communities is a significant factor in the incarceration of juveniles in such adult jails, lockups, and correctional facilities.

To address such lack of available alternatives to the incarceration of juveniles, the Legislature declares it to be the policy of the State of Nebraska to aid local communities in the establishment of programs or services for juveniles under the jurisdiction of the juvenile or criminal justice system and to finance such programs or services on a continuing basis with appropriations from the General Fund. The purposes of the Juvenile Services Act shall be to (1) develop statewide criteria for programs or services for juveniles, including a description of factors to be considered in making placement decisions and a description of necessary components of programs or services, (2) assist in the provision of appropriate preventive, diversionary,

and dispositional alternatives for juveniles, (3) encourage coordination of the elements of the juvenile services system, and (4) provide an opportunity for local involvement in developing community programs for juveniles so that the following objectives may be obtained:

(a) Preservation of the family unit whenever the best interests of the juvenile require ~~it are served and such preservation does not place the juvenile at imminent risk~~;

(b) Limitation on intervention to those actions which are necessary and the utilization of the least restrictive yet most effective and appropriate resources;

(c) Encouragement of active family participation in whatever treatment is afforded a juvenile whenever the best interests of the juvenile require it;

(d) Treatment in the community rather than commitment to a youth rehabilitation and treatment center whenever the best interests of the juvenile require it; and

(e) Encouragement of and assistance to communities in the development of alternatives to secure temporary custody for juveniles who do not require secure detention.

All state agencies providing direct services to juveniles shall coordinate their efforts and work with the commission, members of the judiciary, and local political subdivisions in the establishment and provision of such programs. Programs established pursuant to the act shall conform to the family policy tenets prescribed in sections 43-532 to 43-534.

Sec. 3. Original section 43-533, Reissue Revised Statutes of Nebraska, and section 43-2403, Revised Statutes Supplement, 1994, are repealed.