

AMENDMENTS TO LB464

(Amendments to Final Reading copy)

Introduced by Krist

1 1. Strike sections 10, 23, and 33 and insert the
2 following sections:

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

5 ~~43-247.01~~ (1) Pending the adjudication of any case,
6 In any juvenile case, the court may provide the parties the
7 opportunity to address issues involving the child's care and
8 placement, services to the family, restorative justice, and
9 other concerns through facilitated conferencing or mediation.
10 Facilitated conferencing may include, but is not limited to,
11 prehearing conferences, and family group conferences, expedited
12 family group conferences, child welfare mediation, permanency
13 prehearing conferences, termination of parental rights prehearing
14 conferences, and juvenile victim-offender dialogue. Funding and
15 management for such services will be part of the office of the
16 State Court Administrator. All discussions taking place during
17 such facilitated conferences, including plea negotiations, shall
18 be considered confidential and privileged communications, except
19 communications required by mandatory reporting under section 28-711
20 for new allegations of child abuse or neglect which were not
21 previously known or reported.

22 (2) For purposes of this section:

1 (a) Expedited family group conference means an expedited
2 and limited-scope facilitated planning meeting which engages
3 a child's or juvenile's parents, the child or juvenile when
4 appropriate, other critical family members, services providers,
5 and staff members from either the Department of Health and Human
6 Services or the Office of Probation Administration to address
7 immediate placement issues for the child or juvenile;

8 (b) Family group conference means a facilitated meeting
9 involving a child's or juvenile's family, the child or juvenile
10 when appropriate, available extended family members from across the
11 United States, other significant and close persons to the family,
12 service providers, and staff members from either the Department of
13 Health and Human Services or the Office of Probation Administration
14 to develop a family-centered plan for the best interests of the
15 child and to address the essential issues of safety, permanency,
16 and well-being of the child;

17 (c) Juvenile victim-offender dialogue means a
18 court-connected process in which a facilitator meets with
19 the juvenile offender and the victim in an effort to convene a
20 dialogue in which the offender takes responsibility for his or
21 her actions and the victim is able to address the offender and
22 request an apology and restitution, with the goal of creating an
23 agreed-upon written plan; and

24 ~~(a)~~ (d) Prehearing conference means a facilitated meeting
25 prior to appearing in court and held to gain the cooperation
26 of the parties, to offer services and treatment, and to develop
27 a problem-solving atmosphere in the best interests of children

1 involved in the juvenile court system. A prehearing conference may
2 be scheduled at any time during the child welfare or juvenile court
3 process, from initial removal through permanency, termination of
4 parental rights, and juvenile delinquency court processes. † and

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

9 Sec. 11. (1) It is the intent of the Legislature to
10 transfer four hundred fifty thousand dollars in General Funds from
11 the Department of Health and Human Services' 2014-15 budget to the
12 office of the State Court Administrator's budget for the purpose
13 of making the State Court Administrator directly responsible for
14 contracting and paying for court-connected prehearing conferences,
15 family group conferences, expedited family group conferences, child
16 welfare mediation, permanency prehearing conferences, termination
17 of parental rights prehearing conferences, juvenile victim-offender
18 dialogue, and other related services. Such funds shall be
19 transferred on or before October 15, 2014.

20 (2) The Department of Health and Human Services
21 shall continue to be responsible for contracting with mediation
22 centers approved by the Office of Dispute Resolution to provide
23 family group conferences, mediation, and related services for
24 non-court-involved and voluntary child welfare or juvenile cases
25 through June 30, 2017, unless extended by the Legislature.

26 Sec. 33. Section 43-4203, Revised Statutes Supplement,
27 2013, is amended to read:

1 43-4203 (1) The Nebraska Children's Commission shall work
2 with administrators from each of the service areas designated
3 pursuant to section 81-3116, the teams created pursuant to section
4 28-728, local foster care review boards, child advocacy centers,
5 the teams created pursuant to the Supreme Court's Through the Eyes
6 of the Child Initiative, community stakeholders, and advocates for
7 child welfare programs and services to establish networks in each
8 of such service areas. Such networks shall permit collaboration
9 to strengthen the continuum of services available to child welfare
10 agencies and to provide resources for children and juveniles
11 outside the child protection system. Each service area shall
12 develop its own unique strategies to be included in the statewide
13 strategic plan. The Department of Health and Human Services shall
14 assist in identifying the needs of each service area.

15 (2) (a) The commission shall create a committee to examine
16 state policy regarding the prescription of psychotropic drugs for
17 children who are wards of the state and the administration of such
18 drugs to such children. Such committee shall review the policy and
19 procedures for prescribing and administering such drugs and make
20 recommendations to the commission for changes in such policy and
21 procedures.

22 (b) The commission shall create a committee to examine
23 the structure and responsibilities of the Office of Juvenile
24 Services as they exist on April 12, 2012. Such committee shall
25 review the role and effectiveness of the youth rehabilitation
26 and treatment centers in the juvenile justice system and make
27 recommendations to the commission on the future role of the

1 youth rehabilitation and treatment centers in the juvenile justice
2 continuum of care, including what populations they should serve
3 and what treatment services should be provided at the centers
4 in order to appropriately serve those populations. Such committee
5 shall also review how mental and behavioral health services are
6 provided to juveniles in secure residential placements and the need
7 for such services throughout Nebraska and make recommendations to
8 the commission relating to those systems of care in the juvenile
9 justice system. The committee shall collaborate with the University
10 of Nebraska at Omaha, Juvenile Justice Institute, the University of
11 Nebraska Medical Center, Center for Health Policy, the behavioral
12 health regions as established in section 71-807, and state and
13 national juvenile justice experts to develop recommendations.
14 If the committee's recommendations include maintaining the Youth
15 Rehabilitation and Treatment Center-Kearney, the recommendation
16 shall include a plan to implement a rehabilitation and treatment
17 model by upgrading the center's physical structure, staff, and
18 staff training and the incorporation of evidence-based treatments
19 and programs. The recommendations shall be delivered to the
20 commission and electronically to the Judiciary Committee of the
21 Legislature by December 1, 2013.

22 (c) The commission may organize committees as it
23 deems necessary. Members of the committees may be members of
24 the commission or may be appointed, with the approval of the
25 majority of the commission, from individuals with knowledge of
26 the committee's subject matter, professional expertise to assist
27 the committee in completing its assigned responsibilities, and the

1 ability to collaborate within the committee and with the commission
2 to carry out the powers and duties of the commission.

3 (d) The Title IV-E Demonstration Project Committee
4 created pursuant to section 43-4208 and the Foster Care
5 Reimbursement Rate Committee created pursuant to section 43-4212
6 are under the jurisdiction of the commission.

7 (3) The commission shall work with the office of the
8 State Court Administrator, as appropriate, and entities which
9 coordinate facilitated conferencing as described in section
10 ~~43-247.01.~~ 10 of this act. Facilitated conferencing shall be
11 included in statewide strategic plan discussions by the commission.
12 Facilitated conferencing shall continue to be utilized and
13 maximized, as determined by the court of jurisdiction, during
14 the development of the statewide strategic plan. Funding and
15 contracting ~~of~~ with mediation centers approved by the Office of
16 Dispute Resolution to provide facilitated conferencing entities
17 shall continue to be provided by the ~~Department of Health and~~
18 ~~Human Services to at least the same extent as such funding and~~
19 ~~contracting are being provided on April 12, 2012.~~ office of the
20 State Court Administrator at an amount of no less than the General
21 Fund transfer under subsection (1) of section 11 of this act.

22 (4) The commission shall gather information and
23 communicate with juvenile justice specialists of the Office of
24 Probation Administration and county officials with respect to any
25 county-operated practice model participating in the Crossover Youth
26 Program of the Center for Juvenile Justice Reform at Georgetown
27 University.

1 (5) The commission shall coordinate and gather
2 information about the progress and outcomes of the Nebraska
3 Juvenile Service Delivery Project established pursuant to section
4 43-4101.

5 2. On page 1, line 3, strike "43-295,"; and in line
6 15 after the semicolon insert "to change provisions relating to
7 juvenile facilitated conferencing and funding;".

8 3. On page 44, lines 14 and 15, reinstate the stricken
9 matter; in line 15 strike "court"; in lines 16 through 18 reinstate
10 the stricken matter; and in lines 21, 23, and 24 strike all
11 occurrences of "release" and insert "discharge".

12 4. On page 45, strike beginning with "discharge" in line
13 14 through the comma in line 15; in line 19 after the comma insert
14 "and"; and strike beginning with the comma in line 20 through
15 "juvenile" in line 21.

16 5. On page 46, strike lines 4 through 6.

17 6. On page 49, strike beginning with "(1)" in line 18
18 through line 21 and insert "(1) Payment of costs for juveniles
19 described in or alleged to be described in subdivision (1), (2),
20 (3)(b), or (4) of section 43-247, except as ordered by the court
21 pursuant to section 43-290, shall be paid by:".

22 7. On page 50, strike beginning with "the" in line 16
23 through "court" in line 17 and insert "the juvenile is discharged
24 by the Office of Juvenile Services".

25 8. On page 63, lines 19 through 23, strike the new matter
26 and reinstate the stricken matter.

27 9. On page 69, line 2, strike the new matter and

1 reinstate the stricken matter.

2 10. On page 90, line 20, strike "43-295,".

3 11. Correct the operative date section so that the
4 sections added by this amendment become operative three calendar
5 months after the adjournment of this legislative session.

6 12. Renumber the remaining sections and correct the
7 internal references and repealer accordingly.