

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 464

Final Reading

(Second)

Introduced by Ashford, 20.

Read first time January 22, 2013

Committee: Judiciary

A BILL

1 FOR AN ACT relating to public welfare and safety; to amend sections
2 14-607, 24-1007, 43-247.01, 43-255, 43-264, 43-274,
3 43-290, 43-2,106.03, and 43-2,108, Reissue Revised
4 Statutes of Nebraska, sections 24-517, 29-1816, 29-2269,
5 43-276, and 79-209, Revised Statutes Cumulative
6 Supplement, 2012, and sections 43-245, 43-247, 43-258,
7 43-281, 43-285, 43-286, 43-2,129, 43-407, 43-413, 43-425,
8 43-2404.02, 43-4102, 43-4203, 79-527.01, and 81-1427,
9 Revised Statutes Supplement, 2013; to change provisions
10 relating to police reports, county and juvenile court
11 jurisdiction, arraignment for criminal offenses, the
12 Nebraska Juvenile Code, duties of the Office of Juvenile
13 Services, the Community and Family Reentry Process, the
14 Community-based Juvenile Services Aid Program, and the
15 Nebraska Juvenile Service Delivery Project; to change

1 provisions relating to juvenile facilitated conferencing
2 and funding; to require reports as prescribed; to state
3 duties regarding foster care; to state intent regarding
4 appropriations; to change provisions regarding costs of
5 juvenile services and compulsory attendance in school; to
6 eliminate the Truancy Intervention Task Force; to create
7 the Council on Student Attendance; to harmonize
8 provisions; to provide operative dates; and to repeal the
9 original sections.

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

1 Section 1. Section 14-607, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 14-607 It shall be the duty of ~~policemen~~police officers
4 to make a daily report to the chief of police of the time of lighting
5 and extinguishing of all public lights and lamps upon their beats,
6 and also any lamps that may be broken or out of repair. They shall
7 also report to the same office any defect in any sidewalk, street,
8 alley, or other public highway or the existence of ice or dangerous
9 obstructions on the walks or streets, or break in any sewer, or
10 disagreeable odors emanating from inlets to sewers, or any violation
11 of the health laws or ordinances of the city. Suitable blanks for
12 making such reports shall be furnished to the chief of police by the
13 city electrician and health commissioner. Such reports shall be by
14 the chief of police transmitted to the proper officers of the city.
15 In case of any violation of laws or ordinances the ~~policeman~~police
16 officer making report shall report the facts to the ~~city prosecutor.~~
17 appropriate prosecuting authority. They shall also perform such other
18 duties as may be required by ordinance.

19 Sec. 2. Section 24-517, Revised Statutes Cumulative
20 Supplement, 2012, is amended to read:

21 24-517 Each county court shall have the following
22 jurisdiction:

23 (1) Exclusive original jurisdiction of all matters
24 relating to decedents' estates, including the probate of wills and
25 the construction thereof, except as provided in subsection (c) of

1 section 30-2464 and section 30-2486;

2 (2) Exclusive original jurisdiction in all matters
3 relating to the guardianship of a person, except if a separate
4 juvenile court already has jurisdiction over a child in need of a
5 guardian, concurrent original jurisdiction with the separate juvenile
6 court in such guardianship;

7 (3) Exclusive original jurisdiction of all matters
8 relating to conservatorship of any person, including (a) original
9 jurisdiction to consent to and authorize a voluntary selection,
10 partition, and setoff of a ward's interest in real estate owned in
11 common with others and to exercise any right of the ward in
12 connection therewith which the ward could exercise if competent and
13 (b) original jurisdiction to license the sale of such real estate for
14 cash or on such terms of credit as shall seem best calculated to
15 produce the highest price subject only to the requirements set forth
16 in section 30-3201;

17 (4) Concurrent jurisdiction with the district court to
18 involuntarily partition a ward's interest in real estate owned in
19 common with others;

20 (5) Concurrent original jurisdiction with the district
21 court in all civil actions of any type when the amount in controversy
22 is forty-five thousand dollars or less through June 30, 2005, and as
23 set by the Supreme Court pursuant to subdivision (b) of this
24 subdivision on and after July 1, 2005.

25 (a) When the pleadings or discovery proceedings in a

1 civil action indicate that the amount in controversy is greater than
2 the jurisdictional amount of subdivision (5) of this section, the
3 county court shall, upon the request of any party, certify the
4 proceedings to the district court as provided in section 25-2706. An
5 award of the county court which is greater than the jurisdictional
6 amount of subdivision (5) of this section is not void or
7 unenforceable because it is greater than such amount, however, if an
8 award of the county court is greater than the jurisdictional amount,
9 the county court shall tax as additional costs the difference between
10 the filing fee in district court and the filing fee in county court.

11 (b) The Supreme Court shall adjust the jurisdictional
12 amount for the county court every fifth year commencing July 1, 2005.
13 The adjusted jurisdictional amount shall be equal to the then current
14 jurisdictional amount adjusted by the average percentage change in
15 the unadjusted Consumer Price Index for All Urban Consumers published
16 by the Federal Bureau of Labor Statistics for the five-year period
17 preceding the adjustment date. The jurisdictional amount shall be
18 rounded to the nearest one-thousand-dollar amount;

19 (6) Concurrent original jurisdiction with the district
20 court in any criminal matter classified as a misdemeanor or for any
21 infraction. The district court shall have concurrent original
22 jurisdiction in any criminal matter classified as a misdemeanor that
23 arises from the same incident as a charged felony;

24 (7) Concurrent original jurisdiction with the district
25 court in domestic relations matters as defined in section 25-2740 and

1 with the district court and separate juvenile court in paternity or
2 custody determinations as provided in section 25-2740;

3 (8) Concurrent original jurisdiction with the district
4 court in matters arising under the Nebraska Uniform Trust Code;

5 (9) Exclusive original jurisdiction in any action based
6 on violation of a city or village ordinance, except with respect to
7 violations committed by persons under eighteen years of age;

8 ~~(10) Exclusive original jurisdiction in juvenile matters~~
9 The jurisdiction of a juvenile court as provided in the Nebraska
10 Juvenile Code when sitting as a juvenile court in counties which have
11 not established separate juvenile courts;

12 (11) Exclusive original jurisdiction in matters of
13 adoption, except if a separate juvenile court already has
14 jurisdiction over the child to be adopted, concurrent original
15 jurisdiction with the separate juvenile court; and

16 (12) All other jurisdiction heretofore provided and not
17 specifically repealed by Laws 1972, Legislative Bill 1032, and such
18 other jurisdiction as hereafter provided by law.

19 Sec. 3. Section 24-1007, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 24-1007 (1) The State Court Administrator shall compile
22 uniform and accurate statistics which will assist in the evaluation
23 of judicial workloads. The judicial workload statistics shall be
24 based on caseload numbers weighted by category of case. The judicial
25 workload statistics shall be compiled annually for each district,

1 county, and separate juvenile court judicial district in the state.

2 (2) The State Court Administrator shall develop and
3 provide an annual report to the Legislature and the Governor on
4 juveniles in Nebraska's justice system. The report to the Legislature
5 shall be provided electronically. For purposes of this section,
6 juvenile has the same meaning as in section 43-245. The report shall
7 include, but not be limited to, geographic and demographic
8 information on the following:

9 (a) Juveniles prosecuted in juvenile court under
10 subdivision (1), (2), (3)(b), or (4) of section 43-247, including the
11 total number of filings and adjudications;

12 (b) Juveniles prosecuted in adult criminal court for
13 felonies, misdemeanors, and traffic offenses. The information shall
14 include juveniles sentenced to terms in adult jails and prisons and
15 juveniles placed on adult probation;

16 (c) The number of motions to transfer and the number of
17 cases transferred to adult court from juvenile court and from adult
18 criminal court to juvenile court;

19 (d) Juveniles placed on juvenile probation, the number of
20 juveniles on probation in out-of-home care, the number of juveniles
21 completing probation, the number of motions to revoke probation and
22 probation revocations, and the average length of time on probation;

23 (e) Juveniles with and without access to counsel in
24 juvenile and adult court, both appointed and retained; and

25 (f) Rates of recidivism.

1 Sec. 4. Section 29-1816, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 29-1816 ~~(1) The accused shall be arraigned by reading to~~
4 ~~him or her the indictment or information, unless the reading is~~
5 ~~waived by the accused when the nature of the charge is made known to~~
6 ~~him or her. The accused shall then be asked whether he or she is~~
7 ~~guilty or not guilty of the offense charged. If the accused appears~~
8 ~~in person and by counsel and goes to trial before a jury regularly~~
9 ~~impaneled and sworn, he or she shall be deemed to have waived~~
10 ~~arraignment and a plea of not guilty shall be deemed to have been~~
11 ~~made.~~

12 ~~(2)(a) At the time of the arraignment the court shall~~
13 ~~advise the accused, if he or she was less than eighteen years of age~~
14 ~~at the time of the commitment of the alleged crime, that he or she~~
15 ~~may move the county or district court at any time not later than~~
16 ~~thirty days after arraignment, unless otherwise permitted by the~~
17 ~~court for good cause shown, to waive jurisdiction in such case to the~~
18 ~~juvenile court for further proceedings under the Nebraska Juvenile~~
19 ~~Code. The court shall schedule a hearing on such motion within~~
20 ~~fifteen days. The customary rules of evidence shall not be followed~~
21 ~~at such hearing. The county attorney or city attorney shall present~~
22 ~~the evidence and reasons why such case should be retained, the~~
23 ~~accused shall present the evidence and reasons why the case should be~~
24 ~~transferred, and both sides shall consider the criteria set forth in~~
25 ~~section 43-276. After considering all the evidence and reasons~~

1 ~~presented by both parties, pursuant to section 43-276, the case shall~~
2 ~~be transferred unless a sound basis exists for retaining the case.~~

3 ~~(b) In deciding such motion the court shall consider,~~
4 ~~among other matters, the matters set forth in section 43-276 for~~
5 ~~consideration by the county attorney or city attorney when~~
6 ~~determining the type of case to file.~~

7 ~~(c) The court shall set forth findings for the reason for~~
8 ~~its decision, which shall not be a final order for the purpose of~~
9 ~~enabling an appeal. If the court determines that the accused should~~
10 ~~be transferred to the juvenile court, the complete file in the county~~
11 ~~or district court shall be transferred to the juvenile court and the~~
12 ~~complaint, indictment, or information may be used in place of a~~
13 ~~petition therein. The court making a transfer shall order the accused~~
14 ~~to be taken forthwith to the juvenile court and designate where he or~~
15 ~~she shall be kept pending determination by the juvenile court. The~~
16 ~~juvenile court shall then proceed as provided in the Nebraska~~
17 ~~Juvenile Code.~~

18 ~~(1)(a) The accused may be arraigned in county court or~~
19 ~~district court:~~

20 ~~(i) If the accused was eighteen years of age or older~~
21 ~~when the alleged offense was committed;~~

22 ~~(ii) If the accused was younger than eighteen years of~~
23 ~~age and was fourteen years of age or older when an alleged offense~~
24 ~~punishable as a Class I, IA, IB, IC, ID, II, or III felony was~~
25 ~~committed; or~~

1 (iii) If the alleged offense is a traffic offense as
2 defined in section 43-245.

3 (b) Arraignment in county court or district court shall
4 be by reading to the accused the complaint or information, unless the
5 reading is waived by the accused when the nature of the charge is
6 made known to him or her. The accused shall then be asked whether he
7 or she is guilty or not guilty of the offense charged. If the accused
8 appears in person and by counsel and goes to trial before a jury
9 regularly impaneled and sworn, he or she shall be deemed to have
10 waived arraignment and a plea of not guilty shall be deemed to have
11 been made.

12 (2) At the time of the arraignment, the county court or
13 district court shall advise the accused, if the accused was younger
14 than eighteen years of age at the time the alleged offense was
15 committed, that the accused may move the county court or district
16 court at any time not later than thirty days after arraignment,
17 unless otherwise permitted by the court for good cause shown, to
18 waive jurisdiction in such case to the juvenile court for further
19 proceedings under the Nebraska Juvenile Code. This subsection does
20 not apply if the case was transferred to county court or district
21 court from juvenile court.

22 (3) For motions to transfer a case from the county court
23 or district court to juvenile court:

24 (a) The county court or district court shall schedule a
25 hearing on such motion within fifteen days. The customary rules of

1 evidence shall not be followed at such hearing. The accused shall be
2 represented by an attorney. The criteria set forth in section 43-276
3 shall be considered at such hearing. After considering all the
4 evidence and reasons presented by both parties, the case shall be
5 transferred to juvenile court unless a sound basis exists for
6 retaining the case in county court or district court; and

7 (b) The county court or district court shall set forth
8 findings for the reason for its decision. If the county court or
9 district court determines that the accused should be transferred to
10 the juvenile court, the complete file in the county court or district
11 court shall be transferred to the juvenile court and the complaint,
12 indictment, or information may be used in place of a petition
13 therein. The county court or district court making a transfer shall
14 order the accused to be taken forthwith to the juvenile court and
15 designate where the juvenile shall be kept pending determination by
16 the juvenile court. The juvenile court shall then proceed as provided
17 in the Nebraska Juvenile Code.

18 (4) When the accused was younger than eighteen years of
19 age when an alleged offense was committed, the county attorney or
20 city attorney shall proceed under section 43-274.

21 Sec. 5. The Department of Health and Human Services, as
22 the single state agency administering the Title IV-E state plan, has
23 the authority to enter into the agreement with the Office of
24 Probation Administration to act as a surrogate of the Department of
25 Health and Human Services to administer the Title IV-E state plan for

1 children it has placement and care authority of. The Department of
2 Health and Human Services as the public agency administering or
3 supervising the administration of the Title IV-E state plan in
4 accordance with section 472(a)(2)(B)(ii) of the federal Social
5 Security Act, 42 U.S.C. 672(a)(2)(B)(ii), to obtain federal
6 reimbursement for allowable maintenance, administrative, and training
7 expenses in accordance with Title IV-E of the federal Social Security
8 Act, Public Law 96-272, Public Law 105-89, and Public Law 110-351,
9 maintains the ultimate responsibility to supervise the Office of
10 Probation Administration's activities regarding the Title IV-E
11 requirements for eligible children served under the agreement.

12 The Office of Probation Administration has placement and
13 care responsibility for juveniles in out-of-home placement, also
14 known as foster care, described in subdivision (1), (2), (3)(b), or
15 (4) of section 43-247. Placement and care constitutes accountability
16 for the day-to-day care and protection of juveniles. The
17 responsibility of having placement and care includes the development
18 of an individual case plan for the juvenile, including periodic
19 review of the appropriateness and suitability of the plan and the
20 foster care placement, to ensure that proper care and services are
21 provided to facilitate return to the juvenile's own home or to make
22 an alternative placement. The case plan activities include such items
23 as assessing family strength and needs, identifying and using
24 community resources, and the periodic review and determination of
25 continued appropriateness of placement. Placement and care does not

1 include rights retained by the legal custodian, including, but not
2 limited to, provisions and decisions surrounding education, morality,
3 religion, discipline, and medical care.

4 Sec. 6. Section 29-2269, Revised Statutes Cumulative
5 Supplement, 2012, is amended to read:

6 29-2269 Sections 29-2246 to 29-2269 and section 5 of this
7 act shall be known and may be cited as the Nebraska Probation
8 Administration Act.

9 Sec. 7. Section 43-245, Revised Statutes Supplement,
10 2013, is amended to read:

11 43-245 For purposes of the Nebraska Juvenile Code, unless
12 the context otherwise requires:

13 (1) Age of majority means nineteen years of age;

14 (2) Approved center means a center that has applied for
15 and received approval from the Director of the Office of Dispute
16 Resolution under section 25-2909;

17 (3) Civil citation means a noncriminal notice which
18 cannot result in a criminal record and is described in section
19 43-248.02;

20 (4) Cost or costs means (a) the sum or equivalent
21 expended, paid, or charged for goods or services, or expenses
22 incurred, or (b) the contracted or negotiated price;

23 (5) Criminal street gang means a group of three or more
24 people with a common identifying name, sign, or symbol whose group
25 identity or purposes include engaging in illegal activities;

1 (6) Criminal street gang member means a person who
2 willingly or voluntarily becomes and remains a member of a criminal
3 street gang;

4 (7) Custodian means a nonparental caretaker having
5 physical custody of the juvenile and includes an appointee described
6 in section 43-294;

7 (8) Guardian means a person, other than a parent, who has
8 qualified by law as the guardian of a juvenile pursuant to
9 testamentary or court appointment, but excludes a person who is
10 merely a guardian ad litem;

11 (9) Juvenile means any person under the age of eighteen;

12 (10) Juvenile court means the separate juvenile court
13 where it has been established pursuant to sections 43-2,111 to
14 43-2,127 and the county court sitting as a juvenile court in all
15 other counties. Nothing in the Nebraska Juvenile Code shall be
16 construed to deprive the district courts of their habeas corpus,
17 common-law, or chancery jurisdiction or the county courts and
18 district courts of jurisdiction of domestic relations matters as
19 defined in section 25-2740;

20 (11) Juvenile detention facility has the same meaning as
21 in section 83-4,125;

22 (12) Legal custody has the same meaning as in section
23 43-2922;

24 (13) Mediator for juvenile offender and victim mediation
25 means a person who (a) has completed at least thirty hours of

1 training in conflict resolution techniques, neutrality, agreement
2 writing, and ethics set forth in section 25-2913, (b) has an
3 additional eight hours of juvenile offender and victim mediation
4 training, and (c) meets the apprenticeship requirements set forth in
5 section 25-2913;

6 (14) Mental health facility means a treatment facility as
7 defined in section 71-914 or a government, private, or state hospital
8 which treats mental illness;

9 (15) Nonoffender means a juvenile who is subject to the
10 jurisdiction of the juvenile court for reasons other than legally
11 prohibited conduct, including, but not limited to, juveniles
12 described in subdivision (3)(a) of section 43-247;

13 (16) Nonsecure detention means detention characterized by
14 the absence of restrictive hardware, construction, and procedure.
15 Nonsecure detention services may include a range of placement and
16 supervision options, such as home detention, electronic monitoring,
17 day reporting, drug court, tracking and monitoring supervision, staff
18 secure and temporary holdover facilities, and group homes;

19 (17) Parent means one or both parents or stepparents when
20 the stepparent is married to a parent who has physical custody of the
21 juvenile as of the filing of the petition;

22 (18) Parties means the juvenile as described in section
23 43-247 and his or her parent, guardian, or custodian;

24 (19) Physical custody has the same meaning as in section
25 43-2922;

1 (20) Except in proceedings under the Nebraska Indian
2 Child Welfare Act, relative means father, mother, grandfather,
3 grandmother, brother, sister, stepfather, stepmother, stepbrother,
4 stepsister, uncle, aunt, first cousin, nephew, or niece;

5 (21) Seal a record means that a record shall not be
6 available to the public except upon the order of a court upon good
7 cause shown;

8 (22) Secure detention means detention in a highly
9 structured, residential, hardware-secured facility designed to
10 restrict a juvenile's movement;

11 (23) Staff secure juvenile facility ~~means a juvenile~~
12 ~~residential facility operated by a political subdivision (a) which~~
13 ~~does not include construction designed to physically restrict the~~
14 ~~movements and activities of juveniles who are in custody in the~~
15 ~~facility, (b) in which physical restriction of movement or activity~~
16 ~~of juveniles is provided solely through staff, (c) which may~~
17 ~~establish reasonable rules restricting ingress to and egress from the~~
18 ~~facility, and (d) in which the movements and activities of individual~~
19 ~~juvenile residents may, for treatment purposes, be restricted or~~
20 ~~subject to control through the use of intensive staff supervision.~~
21 ~~Staff secure juvenile facility does not include any institution~~
22 ~~operated by the department; has the same meaning as in section~~
23 83-4,125;

24 (24) Status offender means a juvenile who has been
25 charged with or adjudicated for conduct which would not be a crime if

1 committed by an adult, including, but not limited to, juveniles
2 charged under subdivision (3)(b) of section 43-247 and sections
3 53-180.01 and 53-180.02; and

4 (25) Traffic offense means any nonfelonious act in
5 violation of a law or ordinance regulating vehicular or pedestrian
6 travel, whether designated a misdemeanor or a traffic infraction.

7 Sec. 8. Section 43-247, Revised Statutes Supplement,
8 2013, is amended to read:

9 43-247 ~~Except as provided in section 43-247.02, the~~
10 ~~juvenile court shall have exclusive original jurisdiction as to any~~
11 ~~juvenile defined in subdivision (1) of this section who is under the~~
12 ~~age of sixteen, as to any juvenile defined in subdivision (3) of this~~
13 ~~section, and as to the parties and proceedings provided in~~
14 ~~subdivisions (5), (6), and (7) of this section. As used in this~~
15 ~~section, all references to the juvenile's age shall be the age at the~~
16 ~~time the act which occasioned the juvenile court action occurred. The~~
17 ~~juvenile court shall have concurrent original jurisdiction with the~~
18 ~~district court as to any juvenile defined in subdivision (2) of this~~
19 ~~section. The juvenile court shall have concurrent original~~
20 ~~jurisdiction with the district court and county court as to any~~
21 ~~juvenile defined in subdivision (1) of this section who is age~~
22 ~~sixteen or seventeen, any juvenile defined in subdivision (4) of this~~
23 ~~section, and any proceeding under subdivision (6) or (10) of this~~
24 ~~section. The juvenile court shall have concurrent original~~
25 ~~jurisdiction with the county court as to any proceeding under~~

1 ~~subdivision (8) or (9) of this section. Notwithstanding any~~
2 ~~disposition entered by the juvenile court under the Nebraska Juvenile~~
3 ~~Code, the juvenile court's jurisdiction over any individual adjudged~~
4 ~~to be within the provisions of this section shall continue until the~~
5 ~~individual reaches the age of majority or the court otherwise~~
6 ~~discharges the individual from its jurisdiction.~~

7 The juvenile court in each county ~~as herein provided~~
8 shall have jurisdiction of:

9 (1) Any juvenile who has committed an act other than a
10 traffic offense which would constitute a misdemeanor or an infraction
11 under the laws of this state, or violation of a city or village
12 ordinance;

13 (2) Any juvenile who has committed an act which would
14 constitute a felony under the laws of this state;

15 (3) Any juvenile (a) who is homeless or destitute, or
16 without proper support through no fault of his or her parent,
17 guardian, or custodian; who is abandoned by his or her parent,
18 guardian, or custodian; who lacks proper parental care by reason of
19 the fault or habits of his or her parent, guardian, or custodian;
20 whose parent, guardian, or custodian neglects or refuses to provide
21 proper or necessary subsistence, education, or other care necessary
22 for the health, morals, or well-being of such juvenile; whose parent,
23 guardian, or custodian is unable to provide or neglects or refuses to
24 provide special care made necessary by the mental condition of the
25 juvenile; or who is in a situation or engages in an occupation,

1 including prostitution, dangerous to life or limb or injurious to the
2 health or morals of such juvenile, (b) who, by reason of being
3 wayward or habitually disobedient, is uncontrolled by his or her
4 parent, guardian, or custodian; who departs himself or herself so as
5 to injure or endanger seriously the morals or health of himself,
6 herself, or others; or who is habitually truant from home or school,
7 or (c) who is mentally ill and dangerous as defined in section
8 71-908;

9 (4) Any juvenile who has committed an act which would
10 constitute a traffic offense as defined in section 43-245;

11 (5) The parent, guardian, or custodian of any juvenile
12 described in this section;

13 (6) The proceedings for termination of parental rights;

14 (7) Any juvenile who has been voluntarily relinquished,
15 pursuant to section 43-106.01, to the Department of Health and Human
16 Services or any child placement agency licensed by the Department of
17 Health and Human Services;

18 (8) Any juvenile who was a ward of the juvenile court at
19 the inception of his or her guardianship and whose guardianship has
20 been disrupted or terminated;

21 (9) The adoption or guardianship proceedings for a child
22 over which the juvenile court already has jurisdiction under another
23 provision of the Nebraska Juvenile Code; and

24 (10) The paternity or custody determination for a child
25 over which the juvenile court already has jurisdiction.

1 Notwithstanding the provisions of the Nebraska Juvenile
2 Code, the determination of jurisdiction over any Indian child as
3 defined in section 43-1503 shall be subject to the Nebraska Indian
4 Child Welfare Act; and the district court shall have exclusive
5 jurisdiction in proceedings brought pursuant to section 71-510.

6 Sec. 9. The juvenile court shall have:

7 (1) Exclusive original jurisdiction as to:

8 (a) Any juvenile described in subdivision (3) of section
9 43-247;

10 (b) Any juvenile who was under sixteen years of age at
11 the time the alleged offense was committed and the offense falls
12 under subdivision (1) of section 43-247;

13 (c) A party or proceeding described in subdivision (5) or
14 (7) of section 43-247; and

15 (d) Any juvenile who was under fourteen years of age at
16 the time the alleged offense was committed and the offense falls
17 under subdivision (2) of section 43-247;

18 (2) Exclusive original jurisdiction as to:

19 (a) Beginning January 1, 2015, any juvenile who is
20 alleged to have committed an offense under subdivision (1) of section
21 43-247 and who was sixteen years of age at the time the alleged
22 offense was committed, and beginning January 1, 2017, any juvenile
23 who is alleged to have committed an offense under subdivision (1) of
24 section 43-247 and who was sixteen years of age or seventeen years of
25 age at the time the alleged offense was committed; and

1 (b) Any juvenile who was fourteen years of age or older
2 at the time the alleged offense was committed and the offense falls
3 under subdivision (2) of section 43-247 except offenses enumerated in
4 subdivision (1)(a)(ii) of section 29-1816.

5 Proceedings initiated under this subdivision (2) may be
6 transferred as provided in section 43-274; and

7 (3) Concurrent original jurisdiction with the county
8 court or district court as to:

9 (a) Any juvenile described in subdivision (4) of section
10 43-247;

11 (b) Any proceeding under subdivision (6), (8), (9), or
12 (10) of section 43-247; and

13 (c) Any juvenile described in subdivision (1)(a)(ii) of
14 section 29-1816.

15 Proceedings initiated under this subdivision (3) may be
16 transferred as provided in section 43-274.

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

19 ~~43-247.01 (1) Pending the adjudication of any case, In~~
20 any juvenile case, the court may provide the parties the opportunity
21 to address issues involving the child's care and placement, services
22 to the family, restorative justice, and other concerns through
23 facilitated conferencing or mediation. Facilitated conferencing may
24 include, but is not limited to, prehearing conferences, and family
25 group conferences, expedited family group conferences, child welfare

1 mediation, permanency prehearing conferences, termination of parental
2 rights prehearing conferences, and juvenile victim-offender dialogue.
3 Funding and management for such services will be part of the office
4 of the State Court Administrator. All discussions taking place during
5 such facilitated conferences, including plea negotiations, shall be
6 considered confidential and privileged communications, except
7 communications required by mandatory reporting under section 28-711
8 for new allegations of child abuse or neglect which were not
9 previously known or reported.

10 (2) For purposes of this section:

11 (a) Expedited family group conference means an expedited
12 and limited-scope facilitated planning meeting which engages a
13 child's or juvenile's parents, the child or juvenile when
14 appropriate, other critical family members, services providers, and
15 staff members from either the Department of Health and Human Services
16 or the Office of Probation Administration to address immediate
17 placement issues for the child or juvenile;

18 (b) Family group conference means a facilitated meeting
19 involving a child's or juvenile's family, the child or juvenile when
20 appropriate, available extended family members from across the United
21 States, other significant and close persons to the family, service
22 providers, and staff members from either the Department of Health and
23 Human Services or the Office of Probation Administration to develop a
24 family-centered plan for the best interests of the child and to
25 address the essential issues of safety, permanency, and well-being of

1 the child;

2 (c) Juvenile victim-offender dialogue means a court-
3 connected process in which a facilitator meets with the juvenile
4 offender and the victim in an effort to convene a dialogue in which
5 the offender takes responsibility for his or her actions and the
6 victim is able to address the offender and request an apology and
7 restitution, with the goal of creating an agreed-upon written plan;
8 and

9 (a)-(d) Prehearing conference means a facilitated meeting
10 prior to appearing in court and held to gain the cooperation of the
11 parties, to offer services and treatment, and to develop a problem-
12 solving atmosphere in the best interests of children involved in the
13 juvenile court system. A prehearing conference may be scheduled at
14 any time during the child welfare or juvenile court process, from
15 initial removal through permanency, termination of parental rights,
16 and juvenile delinquency court processes. ; and

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

21 Sec. 11. (1) It is the intent of the Legislature to
22 transfer four hundred fifty thousand dollars in General Funds from
23 the Department of Health and Human Services' 2014-15 budget to the
24 office of the State Court Administrator's budget for the purpose of
25 making the State Court Administrator directly responsible for

1 contracting and paying for court-connected prehearing conferences,
2 family group conferences, expedited family group conferences, child
3 welfare mediation, permanency prehearing conferences, termination of
4 parental rights prehearing conferences, juvenile victim-offender
5 dialogue, and other related services. Such funds shall be transferred
6 on or before October 15, 2014.

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

13 Sec. 12. Section 43-255, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 43-255 Whenever a juvenile is detained or placed under
16 section 43-250 or 43-253, the juvenile shall be released
17 unconditionally within forty-eight hours after the detention or
18 placement order or the setting of bond, excluding nonjudicial days,
19 unless within such period of time (1) a ~~petition~~motion has been
20 filed alleging that such juvenile has violated an order of the
21 juvenile court, (2) a juvenile court petition has been filed pursuant
22 to section 43-274, or (3) a criminal complaint has been filed in a
23 court of competent jurisdiction.

24 Sec. 13. Section 43-258, Revised Statutes Supplement,
25 2013, is amended to read:

1 43-258 (1) Pending the adjudication of any case under the
2 Nebraska Juvenile Code, the court may order the juvenile examined by
3 a physician, surgeon, psychiatrist, duly authorized community mental
4 health service program, or psychologist to aid the court in
5 determining (a) a material allegation in the petition relating to the
6 juvenile's physical or mental condition, (b) the juvenile's
7 competence to participate in the proceedings, (c) the juvenile's
8 responsibility for his or her acts, or (d) whether or not to provide
9 emergency medical treatment.

10 (2)(a) Pending the adjudication of any case under the
11 Nebraska Juvenile Code and after a showing of probable cause that the
12 juvenile is within the court's jurisdiction, for the purposes of
13 subsection (1) of this section, the court may order such juvenile to
14 be placed with the Department of Health and Human Services for
15 evaluation, except that on and after October 1, 2013, no juvenile
16 alleged to be a juvenile as described in subdivision (1), (2), (3)
17 (b), or (4) of section 43-247 shall be placed with the Department of
18 Health and Human Services. If a juvenile is placed with the
19 Department of Health and Human Services under this subdivision, the
20 department shall make arrangements for an appropriate evaluation. The
21 department shall determine whether the evaluation will be made on a
22 residential or nonresidential basis. Placement with the department
23 for the purposes of this section shall be for a period not to exceed
24 thirty days. If necessary to complete the evaluation, the court may
25 order an extension not to exceed an additional thirty days. Any

1 temporary placement of a juvenile made under this section shall be in
2 the least restrictive environment consistent with the best interests
3 of the juvenile and the safety of the community.

4 (b) Beginning October 1, 2013, pending the adjudication
5 of any case in which a juvenile is alleged to be a juvenile as
6 described in subdivision (1), (2), (3)(b), or (4) of section 43-247
7 and after a showing of probable cause that the juvenile is within the
8 court's jurisdiction, for the purposes of subsection (1) of this
9 section, the court may order an evaluation to be arranged by the
10 Office of Probation Administration. ~~The Office of Probation~~
11 ~~Administration shall provide and pay for any evaluation ordered by~~
12 ~~the court under this subdivision if the office determines that there~~
13 ~~are no parental funds or private or public insurance available to pay~~
14 ~~for such evaluation.~~ Any temporary placement of a juvenile made under
15 this section shall be in the least restrictive environment consistent
16 with the best interests of the juvenile and the safety of the
17 community.

18 (3) Upon completion of the evaluation, the juvenile shall
19 be returned to the court together with a written or electronic report
20 of the results of the evaluation. Such report shall include an
21 assessment of the basic needs of the juvenile and recommendations for
22 continuous and long-term care and shall be made to effectuate the
23 purposes in subdivision (1) of section 43-246. The juvenile shall
24 appear before the court for a hearing on the report of the evaluation
25 results within ten days after the court receives the evaluation.

1 (4) During any period of detention or evaluation prior to
2 adjudication, costs incurred on behalf of a juvenile shall be paid as
3 provided in section 21 of this act. ÷

4 (5) The court shall provide copies of the evaluation
5 report and any evaluations of the juvenile to the juvenile's attorney
6 and the county attorney or city attorney prior to any hearing in
7 which the report or evaluation will be relied upon.

8 ~~(a) Except as provided in subdivision (4)(b) of this~~
9 ~~section, the county in which the case is pending is responsible for~~
10 ~~all detention costs incurred before and after an evaluation period~~
11 ~~prior to adjudication, the cost of delivering the juvenile to the~~
12 ~~location of the evaluation, and the cost of returning the juvenile to~~
13 ~~the court for further proceedings; and~~

14 ~~(b) The Department of Health and Human Services is~~
15 ~~responsible for (i) the costs incurred during an evaluation when the~~
16 ~~juvenile has been placed with the department unless otherwise ordered~~
17 ~~by the court pursuant to section 43-290 and (ii) the preevaluation~~
18 ~~detention costs for any days over the first ten days from the date~~
19 ~~the court places the juvenile with the department for evaluation,~~
20 ~~except that on and after October 1, 2013, the department shall not be~~
21 ~~responsible for any such costs in any case in which a juvenile is~~
22 ~~alleged to be a juvenile as described in subdivision (1), (2), (3)~~
23 ~~(b), or (4) of section 43-247.~~

24 ~~(5) The Department of Health and Human Services is not~~
25 ~~responsible for preadjudication costs except as provided in~~

1 ~~subdivision (4)(b) of this section.~~

2 Sec. 14. (1)(a) A juvenile court petition and all
 3 subsequent proceedings shall be entitled In the Interest
 4 of, a Juvenile, inserting the juvenile's
 5 name in the blank. The written petition shall specify which
 6 subdivision of section 43-247 is alleged, state the juvenile's month
 7 and year of birth, set forth the facts verified by affidavit, and
 8 request the juvenile court to determine whether support will be
 9 ordered pursuant to section 43-290. An allegation under subdivision
 10 (1), (2), or (4) of section 43-247 is to be made with the same
 11 specificity as a criminal complaint. It is sufficient if the
 12 affidavit is based upon information and belief.

13 (b) A juvenile court petition is filed with the clerk of
 14 the court having jurisdiction over the matter. If such court is a
 15 separate juvenile court, the petition is filed with the clerk of the
 16 district court. If such court is a county court sitting as a juvenile
 17 court, the petition is filed with the clerk of the county court.

18 (2) In all cases involving violation of a city or village
 19 ordinance, the city attorney or village prosecutor may file a
 20 petition in juvenile court. If such a petition is filed, for purposes
 21 of such proceeding, references in the Nebraska Juvenile Code to
 22 county attorney are construed to include a city attorney or village
 23 prosecutor.

24 Sec. 15. Section 43-264, Reissue Revised Statutes of
 25 Nebraska, is amended to read:

1 43-264 If the ~~petition filed under section 43-274 a~~
 2 juvenile court petition is filed that alleges that the juvenile is a
 3 juvenile as described in subdivision (1), (2), ~~or (3)(b), or (4)~~ of
 4 section 43-247, a summons with a copy of the petition attached shall
 5 be served as provided in section 43-263 on such juvenile and his or
 6 her parent, guardian, or custodian requiring the juvenile and such
 7 parent, guardian, or custodian to appear personally at the time and
 8 place stated. When so ordered by the court, personal service shall be
 9 obtained upon such juvenile notwithstanding any other provisions of
 10 the Nebraska Juvenile Code.

11 Sec. 16. Section 43-274, Reissue Revised Statutes of
 12 Nebraska, is amended to read:

13 43-274 ~~(1) The county attorney, having knowledge of a~~
 14 ~~juvenile in his or her county who appears to be a juvenile described~~
 15 ~~in subdivision (1), (2), (3), or (4) of section 43-247, may file with~~
 16 ~~the clerk of the court having jurisdiction in the matter a petition~~
 17 ~~in writing specifying which subdivision of section 43-247 is alleged,~~
 18 ~~setting forth the facts verified by affidavit, and requesting the~~
 19 ~~court to determine whether support will be ordered pursuant to~~
 20 ~~section 43-290. Allegations under subdivisions (1), (2), and (4) of~~
 21 ~~section 43-247 shall be made with the same specificity as a criminal~~
 22 ~~complaint. It shall be sufficient if the affidavit is based upon~~
 23 ~~information and belief. Such petition and all subsequent proceedings~~
 24 ~~shall be entitled In the Interest of, a Juvenile~~
 25 ~~Under Eighteen Years of Age, inserting the juvenile's name in the~~

1 blank.

2 ~~(2) In all cases involving violation of a city or village~~
3 ~~ordinance, the city attorney or village prosecutor may file a~~
4 ~~petition in juvenile court. If such a petition is filed, for purposes~~
5 ~~of such proceeding, references in the Nebraska Juvenile Code to~~
6 ~~county attorney shall be construed to include a city attorney or~~
7 ~~village prosecutor.~~

8 (1) The county attorney or city attorney, having
9 knowledge of a juvenile within his or her jurisdiction who appears to
10 be a juvenile described in subdivision (1), (2), (3)(b), or (4) of
11 section 43-247 and taking into consideration the criteria in section
12 43-276, may proceed as provided in this section.

13 ~~(3)-(2)~~ The county attorney or city attorney may offer
14 pretrial diversion to the juvenile in accordance with a juvenile
15 pretrial diversion program established pursuant to sections 43-260.02
16 to 43-260.07.

17 ~~(4)(a)-(3)(a)~~ If a juvenile appears to be a juvenile
18 described in subdivision (1), (2), (3)(b), or (4) of section 43-247
19 because of a nonviolent act or acts, the county attorney or city
20 attorney may offer mediation to the juvenile and the victim of the
21 juvenile's act. If both the juvenile and the victim agree to
22 mediation, the juvenile, his or her parent, guardian, or custodian,
23 and the victim shall sign a mediation consent form and select a
24 mediator or approved center from the roster made available pursuant
25 to section 25-2908. The county attorney or city attorney shall refer

1 the juvenile and the victim to such mediator or approved center. The
2 mediation sessions shall occur within thirty days after the date the
3 mediation referral is made unless an extension is approved by the
4 county attorney or city attorney. The juvenile or his or her parent,
5 guardian, or custodian shall pay the mediation fees. The fee shall be
6 determined by the mediator in private practice or by the approved
7 center. A juvenile shall not be denied services at an approved center
8 because of an inability to pay.

9 (b) Terms of the mediation agreement shall specify
10 monitoring, completion, and reporting requirements. The county
11 attorney or city attorney, the court, or the probation office shall
12 be notified by the designated monitor if the juvenile does not
13 complete the agreement within the agreement's specified time.

14 (c) Terms of the agreement may include one or more of the
15 following:

16 (i) Participation by the juvenile in certain community
17 service programs;

18 (ii) Payment of restitution by the juvenile to the
19 victim;

20 (iii) Reconciliation between the juvenile and the victim;

21 and

22 (iv) Any other areas of agreement.

23 (d) If no mediation agreement is reached, the mediator or
24 approved center will report that fact to the county attorney or city
25 attorney within forty-eight hours of the final mediation session

1 excluding nonjudicial days.

2 (e) If a mediation agreement is reached and the agreement
3 does not violate public policy, the agreement shall be approved by
4 the county attorney or city attorney. If the agreement is not
5 approved and the victim agrees to return to mediation (i) the
6 juvenile may be referred back to mediation with suggestions for
7 changes needed in the agreement to meet approval or (ii) the county
8 attorney or city attorney may proceed with the filing of a criminal
9 charge or juvenile court petition. If the juvenile agrees to return
10 to mediation but the victim does not agree to return to mediation,
11 the county attorney or city attorney may consider the juvenile's
12 willingness to return to mediation when determining whether or not to
13 file a criminal charge or a juvenile court petition.

14 (f) If the juvenile meets the terms of an approved
15 mediation agreement, the county attorney or city attorney shall not
16 file a criminal charge or juvenile court petition against the
17 juvenile for the acts for which the juvenile was referred to
18 mediation.

19 (4) The county attorney or city attorney shall file the
20 petition in the court with jurisdiction as outlined in section 9 of
21 this act.

22 (5) When a transfer from juvenile court to county court
23 or district court is authorized because there is concurrent
24 jurisdiction, the county attorney or city attorney may move to
25 transfer the proceedings. Such motion shall be filed with the

1 juvenile court petition unless otherwise permitted for good cause
2 shown. The juvenile court shall schedule a hearing on such motion
3 within fifteen days after the motion is filed. The county attorney or
4 city attorney has the burden by a preponderance of the evidence to
5 show why such proceeding should be transferred. The juvenile shall be
6 represented by counsel at the hearing and may present the evidence as
7 to why the proceeding should be retained. After considering all the
8 evidence and reasons presented by both parties, the juvenile court
9 shall retain the proceeding unless the court determines that a
10 preponderance of the evidence shows that the proceeding should be
11 transferred to the county court or district court. The court shall
12 make a decision on the motion within thirty days after the hearing.
13 The juvenile court shall set forth findings for the reason for its
14 decision. If the proceeding is transferred from juvenile court to the
15 county court or district court, the county attorney or city attorney
16 shall file a criminal information in the county court or district
17 court, as appropriate, and the accused shall be arraigned as provided
18 for a person eighteen years of age or older in subdivision (1)(b) of
19 section 29-1816.

20 Sec. 17. Section 43-276, Revised Statutes Cumulative
21 Supplement, 2012, is amended to read:

22 ~~43-276 In cases coming within subdivision (1) of section~~
23 ~~43-247, when there is concurrent jurisdiction, or subdivision (2) or~~
24 ~~(4) of section 43-247, when the juvenile is under the age of sixteen~~
25 ~~years, the~~ The county attorney shall, or city attorney, in making the

1 determination whether to file a criminal charge, file a juvenile
2 court petition, offer juvenile pretrial diversion, or offer
3 mediation, or transfer a case to or from juvenile court, and the
4 juvenile court, county court, or district court in making the
5 determination whether to transfer a case, shall consider: (1) The
6 type of treatment such juvenile would most likely be amenable to; (2)
7 whether there is evidence that the alleged offense included violence;
8 ~~or was committed in an aggressive and premeditated manner;~~ (3) the
9 motivation for the commission of the offense; (4) the age of the
10 juvenile and the ages and circumstances of any others involved in the
11 offense; (5) the previous history of the juvenile, including whether
12 he or she had been convicted of any previous offenses or adjudicated
13 in juvenile court; (6) the best interests of the juvenile; (7)
14 consideration of public safety; (8) consideration of the juvenile's
15 ability to appreciate the nature and seriousness of his or her
16 conduct; (9) ~~, and, if so, whether such offenses were crimes against~~
17 ~~the person or relating to property, and other previous history of~~
18 ~~antisocial behavior, if any, including any patterns of physical~~
19 ~~violence;~~ (6) ~~the sophistication and maturity of the juvenile as~~
20 ~~determined by consideration of his or her home, school activities,~~
21 ~~emotional attitude and desire to be treated as an adult, pattern of~~
22 ~~living, and whether he or she has had previous contact with law~~
23 ~~enforcement agencies and courts and the nature thereof;~~ (7) ~~whether~~
24 ~~there are facilities particularly available to the juvenile court for~~
25 ~~treatment and rehabilitation of the juvenile;~~ (8) ~~whether the best~~

1 interests of the juvenile and the security of the public may require
2 that the juvenile continue in secure detention or under supervision
3 for a period extending beyond his or her minority and, if so, the
4 available alternatives best suited to this purpose; ~~(9)-(10)~~ whether
5 the victim agrees to participate in mediation; ~~(10)-(11)~~ whether
6 there is a juvenile pretrial diversion program established pursuant
7 to sections 43-260.02 to 43-260.07; ~~(11)-(12)~~ whether the juvenile
8 has been convicted of or has acknowledged unauthorized use or
9 possession of a firearm; ~~(12)-(13)~~ whether a juvenile court order has
10 been issued for the juvenile pursuant to section 43-2,106.03; ~~(13)~~
11 (14) whether the juvenile is a criminal street gang member; ~~(14)~~
12 ~~whether the juvenile has been previously committed to a youth~~
13 ~~rehabilitation and treatment center;~~ and (15) such other matters ~~as~~
14 ~~the county attorney deems relevant to his or her decision.~~ as the
15 parties deem relevant to aid in the decision.

16 Sec. 18. Section 43-281, Revised Statutes Supplement,
17 2013, is amended to read:

18 43-281 (1) Following an adjudication of jurisdiction and
19 prior to final disposition, the court may place the juvenile with the
20 Office of Juvenile Services or the Department of Health and Human
21 Services for evaluation, except that on and after October 1, 2013, no
22 juvenile adjudicated under subdivision (1), (2), (3)(b), or (4) of
23 section 43-247 shall be placed with the office or the department. The
24 office or department shall arrange and pay for an appropriate
25 evaluation if the office or department determines that there are no

1 parental funds or private or public insurance available to pay for
2 such evaluation, except that on and after October 1, 2013, the office
3 and the department shall not be responsible for such evaluations of
4 any juvenile adjudicated under subdivision (1), (2), (3)(b), or (4)
5 of section 43-247.

6 (2) On and after October 1, 2013, following an
7 adjudication of jurisdiction under subdivision (1), (2), (3)(b), or
8 (4) of section 43-247 and prior to final disposition, the court may
9 order an evaluation to be arranged by the Office of Probation
10 Administration. ~~The Office of Probation Administration shall arrange~~
11 ~~and pay for the evaluation ordered by the court if the office~~
12 ~~determines that there are no parental funds or private or public~~
13 ~~insurance available to pay for such evaluation. Any evaluation~~
14 ~~ordered under this subsection shall~~ For a juvenile in detention, the
15 court shall order that such evaluation be completed and the juvenile
16 ~~shall be~~ returned to the court within twenty-one days after the
17 evaluation. For a juvenile who is not in detention, the evaluation
18 shall be completed and the juvenile returned to the court within
19 thirty days. ~~is ordered.~~ The physician, psychologist, licensed mental
20 health practitioner, licensed drug and alcohol counselor, or other
21 provider responsible for completing the evaluation shall have up to
22 ten days to complete the evaluation after receiving the referral
23 authorizing the evaluation.

24 (3) A juvenile pending evaluation ordered under
25 subsection (1) or (2) of this section shall not reside in a detention

1 facility at the time of the evaluation or while waiting for the
2 completed evaluation to be returned to the court unless detention of
3 such juvenile is a matter of immediate and urgent necessity for the
4 protection of such juvenile or the person or property of another or
5 if it appears that such juvenile is likely to flee the jurisdiction
6 of the court.

7 (4) The court shall provide copies of predisposition
8 reports and evaluations of the juvenile to the juvenile's attorney
9 and the county attorney or city attorney prior to any hearing in
10 which the report or evaluation will be relied upon.

11 Sec. 19. Section 43-285, Revised Statutes Supplement,
12 2013, is amended to read:

13 43-285 (1) When the court awards a juvenile to the care
14 of the Department of Health and Human Services, an association, or an
15 individual in accordance with the Nebraska Juvenile Code, the
16 juvenile shall, unless otherwise ordered, become a ward and be
17 subject to the guardianship of the department, association, or
18 individual to whose care he or she is committed. Any such association
19 and the department shall have authority, by and with the assent of
20 the court, to determine the care, placement, medical services,
21 psychiatric services, training, and expenditures on behalf of each
22 juvenile committed to it. Any such association and the department
23 shall be responsible for applying for any health insurance available
24 to the juvenile, including, but not limited to, medical assistance
25 under the Medical Assistance Act. Such guardianship shall not include

1 the guardianship of any estate of the juvenile.

2 (2)(a) This subdivision applies until October 1, 2013.
3 Following an adjudication hearing at which a juvenile is adjudged to
4 be under subdivision (3) of section 43-247, the court may order the
5 department to prepare and file with the court a proposed plan for the
6 care, placement, services, and permanency which are to be provided to
7 such juvenile and his or her family. The plan shall include a
8 statement regarding the eligibility of the juvenile for any health
9 insurance, including, but not limited to, medical assistance under
10 the Medical Assistance Act. The health and safety of the juvenile
11 shall be the paramount concern in the proposed plan. When the plan
12 includes the provision of services in order that the juvenile can
13 remain in his or her home and such services are to prevent out-of-
14 home placement, the plan shall be prepared and shall clearly state
15 that the services described in the plan are to prevent placement and
16 that, absent preventive services, foster care is the planned
17 arrangement for the child. The department shall include in the plan
18 for a juvenile who is sixteen years of age or older and subject to
19 the guardianship of the department a written independent living
20 transition proposal which meets the requirements of section
21 43-1311.03 and, for eligible juveniles, the Young Adult Voluntary
22 Services and Support Act. The court may approve the plan, modify the
23 plan, order that an alternative plan be developed, or implement
24 another plan that is in the juvenile's best interests. In its order
25 the court shall include a finding regarding the appropriateness of

1 the programs and services described in the proposal designed to
2 assist the juvenile in acquiring independent living skills. Rules of
3 evidence shall not apply at the dispositional hearing when the court
4 considers the plan that has been presented.

5 (b) This subdivision applies beginning October 1, 2013.
6 Following an adjudication hearing at which a juvenile is adjudged to
7 be under subdivision (3)(a) or (c) of section 43-247, the court may
8 order the department to prepare and file with the court a proposed
9 plan for the care, placement, services, and permanency which are to
10 be provided to such juvenile and his or her family. The health and
11 safety of the juvenile shall be the paramount concern in the proposed
12 plan. The department shall include in the plan for a juvenile who is
13 sixteen years of age or older and subject to the guardianship of the
14 department a written independent living transition proposal which
15 meets the requirements of section 43-1311.03 and, for eligible
16 juveniles, the Young Adult Voluntary Services and Support Act. The
17 juvenile court shall provide a copy of the plan to all interested
18 parties before the hearing. The court may approve the plan, modify
19 the plan, order that an alternative plan be developed, or implement
20 another plan that is in the juvenile's best interests. In its order
21 the court shall include a finding regarding the appropriateness of
22 the programs and services described in the proposal designed to
23 assist the juvenile in acquiring independent living skills. Rules of
24 evidence shall not apply at the dispositional hearing when the court
25 considers the plan that has been presented.

1 (3) Within thirty days after an order awarding a juvenile
2 to the care of the department, an association, or an individual and
3 until the juvenile reaches the age of majority, the department,
4 association, or individual shall file with the court a report stating
5 the location of the juvenile's placement and the needs of the
6 juvenile in order to effectuate the purposes of subdivision (1) of
7 section 43-246. The department, association, or individual shall file
8 a report with the court once every six months or at shorter intervals
9 if ordered by the court or deemed appropriate by the department,
10 association, or individual. Every six months, the report shall
11 provide an updated statement regarding the eligibility of the
12 juvenile for health insurance, including, but not limited to, medical
13 assistance under the Medical Assistance Act. The department,
14 association, or individual shall file a report and notice of
15 placement change with the court and shall send copies of the notice
16 to all interested parties at least seven days before the placement of
17 the juvenile is changed from what the court originally considered to
18 be a suitable family home or institution to some other custodial
19 situation in order to effectuate the purposes of subdivision (1) of
20 section 43-246. The court, on its own motion or upon the filing of an
21 objection to the change by an interested party, may order a hearing
22 to review such a change in placement and may order that the change be
23 stayed until the completion of the hearing. Nothing in this section
24 shall prevent the court on an ex parte basis from approving an
25 immediate change in placement upon good cause shown. The department

1 may make an immediate change in placement without court approval only
2 if the juvenile is in a harmful or dangerous situation or when the
3 foster parents request that the juvenile be removed from their home.
4 Approval of the court shall be sought within twenty-four hours after
5 making the change in placement or as soon thereafter as possible. The
6 department shall provide the juvenile's guardian ad litem with a copy
7 of any report filed with the court by the department pursuant to this
8 subsection.

9 (4) The court shall also hold a permanency hearing if
10 required under section 43-1312.

11 (5) When the court awards a juvenile to the care of the
12 department, an association, or an individual, then the department,
13 association, or individual shall have standing as a party to file any
14 pleading or motion, to be heard by the court with regard to such
15 filings, and to be granted any review or relief requested in such
16 filings consistent with the Nebraska Juvenile Code.

17 (6) Whenever a juvenile is in a foster care placement as
18 defined in section 43-1301, the Foster Care Review Office or the
19 designated local foster care review board may participate in
20 proceedings concerning the juvenile as provided in section 43-1313
21 and notice shall be given as provided in section 43-1314.

22 (7) Any written findings or recommendations of the Foster
23 Care Review Office or the designated local foster care review board
24 with regard to a juvenile in a foster care placement submitted to a
25 court having jurisdiction over such juvenile shall be admissible in

1 any proceeding concerning such juvenile if such findings or
2 recommendations have been provided to all other parties of record.

3 (8) The executive director and any agent or employee of
4 the Foster Care Review Office or any member of any local foster care
5 review board participating in an investigation or making any report
6 pursuant to the Foster Care Review Act or participating in a judicial
7 proceeding pursuant to this section shall be immune from any civil
8 liability that would otherwise be incurred except for false
9 statements negligently made.

10 Sec. 20. Section 43-286, Revised Statutes Supplement,
11 2013, is amended to read:

12 43-286 (1) When any juvenile is adjudicated to be a
13 juvenile described in subdivision (1), (2), or (4) of section 43-247:

14 (a)(i) This subdivision applies until October 1, 2013.
15 The court may continue the dispositional portion of the hearing, from
16 time to time upon such terms and conditions as the court may
17 prescribe, including an order of restitution of any property stolen
18 or damaged or an order requiring the juvenile to participate in
19 community service programs, if such order is in the interest of the
20 juvenile's reformation or rehabilitation, and, subject to the further
21 order of the court, may:

22 (A) Place the juvenile on probation subject to the
23 supervision of a probation officer;

24 (B) Permit the juvenile to remain in his or her own home
25 or be placed in a suitable family home, subject to the supervision of

1 the probation officer; or

2 (C) Cause the juvenile to be placed in a suitable family
3 home or institution, subject to the supervision of the probation
4 officer. If the court has committed the juvenile to the care and
5 custody of the Department of Health and Human Services, the
6 department shall pay the costs of the suitable family home or
7 institution which are not otherwise paid by the juvenile's parents.

8 Under subdivision (1)(a)(i) of this section, upon a
9 determination by the court that there are no parental, private, or
10 other public funds available for the care, custody, and maintenance
11 of a juvenile, the court may order a reasonable sum for the care,
12 custody, and maintenance of the juvenile to be paid out of a fund
13 which shall be appropriated annually by the county where the petition
14 is filed until a suitable provision may be made for the juvenile
15 without such payment.

16 (ii) This subdivision applies beginning October 1, 2013.
17 The court may continue the dispositional portion of the hearing, from
18 time to time upon such terms and conditions as the court may
19 prescribe, including an order of restitution of any property stolen
20 or damaged or an order requiring the juvenile to participate in
21 community service programs, if such order is in the interest of the
22 juvenile's reformation or rehabilitation, and, subject to the further
23 order of the court, may:

24 (A) Place the juvenile on probation subject to the
25 supervision of a probation officer; or

1 (B) Permit the juvenile to remain in his or her own home
2 or be placed in a suitable family home or institution, subject to the
3 supervision of the probation officer; -

4 ~~If the court has placed a juvenile under the supervision~~
5 ~~of a probation officer, the Office of Probation Administration shall~~
6 ~~pay the costs of the suitable family home or institution which are~~
7 ~~not otherwise paid by the juvenile's parents.~~

8 ~~Under subdivision (1)(a)(ii) of this section, upon a~~
9 ~~determination by the court that there are no parental, private, or~~
10 ~~other public funds available for the care, custody, and maintenance~~
11 ~~of a juvenile, the court may order a reasonable sum for the care,~~
12 ~~custody, and maintenance of the juvenile to be paid out of a fund~~
13 ~~which shall be appropriated annually by the county where the petition~~
14 ~~is filed until a suitable provision may be made for the juvenile~~
15 ~~without such payment;~~

16 (b)(i) This subdivision applies to all juveniles
17 committed to the Office of Juvenile Services prior to July 1, 2013.
18 The court may commit such juvenile to the Office of Juvenile
19 Services, but a juvenile under the age of fourteen years shall not be
20 placed at the Youth Rehabilitation and Treatment Center-Geneva or the
21 Youth Rehabilitation and Treatment Center-Kearney unless he or she
22 has violated the terms of probation or has committed an additional
23 offense and the court finds that the interests of the juvenile and
24 the welfare of the community demand his or her commitment. This
25 minimum age provision shall not apply if the act in question is

1 murder or manslaughter.

2 (ii) This subdivision applies to all juveniles committed
3 to the Office of Juvenile Services for placement at a youth
4 rehabilitation and treatment center on or after July 1, 2013.

5 When it is alleged that the juvenile has exhausted all
6 levels of probation supervision and options for community-based
7 services and section 43-251.01 has been satisfied, a motion for
8 commitment to a youth rehabilitation and treatment center may be
9 filed and proceedings held as follows:

10 (A) The motion shall set forth specific factual
11 allegations that support the motion and a copy of such motion shall
12 be served on all persons required to be served by sections 43-262 to
13 43-267; and

14 (B) The juvenile shall be entitled to a hearing before
15 the court to determine the validity of the allegations. At such
16 hearing the burden is upon the state by a preponderance of the
17 evidence to show that:

18 (I) All levels of probation supervision have been
19 exhausted;

20 (II) All options for community-based services have been
21 exhausted; and

22 (III) Placement at a youth rehabilitation and treatment
23 center is a matter of immediate and urgent necessity for the
24 protection of the juvenile or the person or property of another or if
25 it appears that such juvenile is likely to flee the jurisdiction of

1 the court.

2 ~~Unless prohibited by section 43-251.01, After the~~
3 hearing, the court may commit such juvenile to the Office of Juvenile
4 Services for placement at a youth rehabilitation and treatment center
5 as a condition of an order of intensive supervised probation. ~~if all~~
6 ~~levels of probation supervision and options for community based~~
7 ~~services have been exhausted and placement of such juvenile is a~~
8 ~~matter of immediate and urgent necessity for the protection of such~~
9 ~~juvenile or the person or property of another or if it appears that~~
10 ~~such juvenile is likely to flee the jurisdiction of the court. Upon~~
11 commitment by the court to the Office of Juvenile Services, the court
12 shall immediately notify the Office of Juvenile Services of the
13 commitment. Intensive supervised probation for purposes of this
14 subdivision means that the Office of Juvenile Services shall be
15 responsible for the care and custody of the juvenile until the Office
16 of Juvenile Services discharges the juvenile from commitment to the
17 Office of Juvenile Services. Upon discharge of the juvenile, the
18 court shall hold a review hearing on the conditions of probation and
19 enter any order allowed under subdivision (1)(a) of this section.

20 The Office of Juvenile Services shall notify those
21 required to be served by sections 43-262 to 43-267, all interested
22 parties, and the committing court of the pending discharge of a
23 juvenile from the youth rehabilitation and treatment center sixty
24 days prior to discharge and again in every case not less than thirty
25 days prior to discharge. Upon notice of pending discharge by the

1 Office of Juvenile Services, the court shall set a continued
2 disposition hearing in anticipation of reentry. The Office of
3 Juvenile Services shall work in collaboration with the Office of
4 Probation Administration in developing an individualized reentry
5 plans plan for the juvenile as created provided in section 43-425.
6 and shall notify the committing court at least sixty days prior to
7 discharge. The Office of Juvenile Services shall pay the cost of the
8 care and custody of the juvenile from the time of commitment until
9 discharge from the Office of Juvenile Services; or The Office of
10 Juvenile Services shall provide a copy of the individualized reentry
11 plan to the juvenile, the juvenile's attorney, and the county
12 attorney or city attorney prior to the continued disposition hearing.
13 At the continued disposition hearing, the court shall review and
14 approve or modify the individualized reentry plan, place the juvenile
15 under probation supervision, and enter any other order allowed by
16 law. No hearing is required if all interested parties stipulate to
17 the individualized reentry plan by signed motion. In such a case, the
18 court shall approve the conditions of probation, approve the
19 individualized reentry plan, and place the juvenile under probation
20 supervision.

21 The Office of Juvenile Services is responsible for
22 transportation of the juvenile to and from the youth rehabilitation
23 and treatment center. The Office of Juvenile Services may contract
24 for such services. A plan for a juvenile's transport to return to the
25 community shall be a part of the individualized reentry plan. The

1 Office of Juvenile Services may approve family to provide such
2 transport when specified in the individualized reentry plan; or

3 (c) Beginning July 1, 2013, and until October 1, 2013,
4 the court may commit such juvenile to the Office of Juvenile Services
5 for community supervision.

6 (2) When any juvenile is found by the court to be a
7 juvenile described in subdivision (3)(b) of section 43-247, the court
8 may enter such order as it is empowered to enter under subdivision
9 (1)(a) of this section or until October 1, 2013, enter an order
10 committing or placing the juvenile to the care and custody of the
11 Department of Health and Human Services.

12 (3) When any juvenile is adjudicated to be a juvenile
13 described in subdivision (1), (2), (3)(b), or (4) of section 43-247
14 because of a nonviolent act or acts and the juvenile has not
15 previously been adjudicated to be such a juvenile because of a
16 violent act or acts, the court may, with the agreement of the victim,
17 order the juvenile to attend juvenile offender and victim mediation
18 with a mediator or at an approved center selected from the roster
19 made available pursuant to section 25-2908.

20 (4) When a juvenile is placed on probation and a
21 probation officer has reasonable cause to believe that such juvenile
22 has committed or is about to commit a substance abuse violation, a
23 noncriminal violation, or a violation of a condition of his or her
24 probation, the probation officer shall take appropriate measures as
25 provided in section 43-286.01.

1 (5)(a) When a juvenile is placed on probation or under
2 the supervision of the court and it is alleged that the juvenile is
3 again a juvenile described in subdivision (1), (2), (3)(b), or (4) of
4 section 43-247, a petition may be filed and the same procedure
5 followed and rights given at a hearing on the original petition. If
6 an adjudication is made that the allegations of the petition are
7 true, the court may make any disposition authorized by this section
8 for such adjudications.

9 (b) When a juvenile is placed on probation or under the
10 supervision of the court for conduct under subdivision (1), (2), (3)
11 (b), or (4) of section 43-247 and it is alleged that the juvenile has
12 violated a term of probation or supervision or that the juvenile has
13 violated an order of the court, a motion to revoke probation or
14 supervision or to change the disposition may be filed and proceedings
15 held as follows:

16 (i) The motion shall set forth specific factual
17 allegations of the alleged violations and a copy of such motion shall
18 be served on all persons required to be served by sections 43-262 to
19 43-267;

20 (ii) The juvenile shall be entitled to a hearing before
21 the court to determine the validity of the allegations. At such
22 hearing the juvenile shall be entitled to those rights relating to
23 counsel provided by section 43-272 and those rights relating to
24 detention provided by sections 43-254 to 43-256. The juvenile shall
25 also be entitled to speak and present documents, witnesses, or other

1 evidence on his or her own behalf. He or she may confront persons who
2 have given adverse information concerning the alleged violations, may
3 cross-examine such persons, and may show that he or she did not
4 violate the conditions of his or her probation or supervision or an
5 order of the court or, if he or she did, that mitigating
6 circumstances suggest that the violation does not warrant revocation
7 of probation or supervision or a change of disposition. The hearing
8 shall be held within a reasonable time after the juvenile is taken
9 into custody;

10 (iii) The hearing shall be conducted in an informal
11 manner and shall be flexible enough to consider evidence, including
12 letters, affidavits, and other material, that would not be admissible
13 in an adversarial criminal trial;

14 (iv) The juvenile shall be given a preliminary hearing in
15 all cases when the juvenile is confined, detained, or otherwise
16 significantly deprived of his or her liberty as a result of his or
17 her alleged violation of probation, supervision, or court order. Such
18 preliminary hearing shall be held before an impartial person other
19 than his or her probation officer or any person directly involved
20 with the case. If, as a result of such preliminary hearing, probable
21 cause is found to exist, the juvenile shall be entitled to a hearing
22 before the court in accordance with this subsection;

23 (v) If the juvenile is found by the court to have
24 violated the terms of his or her probation or supervision or an order
25 of the court, the court may modify the terms and conditions of the

1 probation, supervision, or other court order, extend the period of
2 probation, supervision, or other court order, or enter any order of
3 disposition that could have been made at the time the original order
4 was entered; and

5 (vi) In cases when the court revokes probation,
6 supervision, or other court order, it shall enter a written statement
7 as to the evidence relied on and the reasons for revocation.

8 (6) Costs incurred on behalf of a juvenile under this
9 section shall be paid as provided in section 21 of this act.

10 (7) When any juvenile is adjudicated to be a juvenile
11 described in subdivision (4) of section 43-247, the juvenile court
12 shall within thirty days of adjudication transmit to the Director of
13 Motor Vehicles an abstract of the court record of adjudication.

14 Sec. 21. (1) Payment of costs for juveniles described in
15 or alleged to be described in subdivision (1), (2), (3)(b), or (4) of
16 section 43-247, except as ordered by the court pursuant to section
17 43-290, shall be paid by:

18 (a) The county for the period of time prior to
19 adjudication, except as provided in subdivision (1)(b) of this
20 section. Such costs paid for by the county include, but are not
21 limited to, the costs of detention, services, detention alternatives,
22 treatment, voluntary services, and transportation;

23 (b) The Office of Probation Administration for:

24 (i) The period of time after adjudication until
25 termination of court jurisdiction, including, but not limited to, the

1 costs of evaluations, detention, services, placement that is not
2 detention, detention alternatives, treatment, voluntary services, and
3 transportation, other than transportation paid under subdivision (1)
4 (c) of this section;

5 (ii) The time period prior to adjudication for a juvenile
6 who is on probation and is alleged to have committed a new violation
7 or is a juvenile who is subject to a motion to revoke probation; and

8 (iii) Preadjudication evaluations and preadjudication
9 placements that are not detention; and

10 (c) The Office of Juvenile Services for any period of
11 time from when the court commits the juvenile to the Office of
12 Juvenile Services until the juvenile is discharged by the Office of
13 Juvenile Services, including, but not limited to, the costs of
14 evaluations, placement, services, detention including detention costs
15 prior to placement, and transportation to and from the youth
16 rehabilitation and treatment center.

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

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

24 (b) Payment of costs for juveniles with a court
25 adjudication or disposition under section 43-284: Upon a

1 determination by the court that there are no parental, private, or
2 other funds available for the care, custody, education, and
3 maintenance of the juvenile, the court may order a reasonable sum for
4 the care, custody, education, and maintenance of the juvenile to be
5 paid out of a fund appropriated annually by the county where the
6 petition is filed until suitable provisions are made for the juvenile
7 without such payment. The amount to be paid by a county for education
8 shall not exceed the average cost for education of a public school
9 student in the county in which the juvenile is placed and shall be
10 paid only for education in kindergarten through grade twelve; and

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

12 (3) Payment of costs of medical expenses of juveniles
13 under the Nebraska Juvenile Code shall be as provided in section
14 43-290.

15 Sec. 22. Section 43-290, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 43-290 It is the purpose of this section to promote
18 parental responsibility and to provide for the most equitable use and
19 availability of public money.

20 Pursuant to ~~the~~ a petition filed by ~~the~~ a county attorney
21 ~~in accordance with section 43-274, or city attorney having knowledge~~
22 of a juvenile in his or her jurisdiction who appears to be a juvenile
23 described in subdivision (1), (2), (3), or (4) of section 43-247,
24 whenever the care or custody of a juvenile is given by the court to
25 someone other than his or her parent, which shall include placement

1 with a state agency, or when a juvenile is given medical,
2 psychological, or psychiatric study or treatment under order of the
3 court, the court shall make a determination of support to be paid by
4 a parent for the juvenile at the same proceeding at which placement,
5 study, or treatment is determined or at a separate proceeding. Such
6 proceeding, which may occur prior to, at the same time as, or
7 subsequent to adjudication, shall be in the nature of a disposition
8 hearing.

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

25 Whenever medical, psychological, or psychiatric study or

1 treatment is ordered by the court, whether or not the juvenile is
2 placed with someone other than his or her parent, or if such study or
3 treatment is otherwise provided as determined necessary by the
4 custodian of the juvenile, the court shall inquire as to the
5 availability of insured or uninsured health care coverage or service
6 plans which include the juvenile. The court may order the parent to
7 pay over any plan benefit sums received on coverage for the juvenile.
8 The payment of any deductible under the health care benefit plan
9 covering the juvenile shall be the responsibility of the parent. If
10 the parent willfully fails or refuses to pay the sum ordered or to
11 pay over any health care plan benefit sums received, the court may
12 proceed against him or her as for contempt, either on the court's own
13 motion or on the motion of the county attorney or authorized attorney
14 as provided in section 43-512, or execution shall issue at the
15 request of any person, agency, or institution treating or maintaining
16 such juvenile. The court may afterwards, because of a change in the
17 circumstances of the parties, revise or alter the order of payment
18 for support, study, or treatment.

19 If the juvenile has been committed to the care and
20 custody of the Department of Health and Human Services, the
21 department shall pay the costs for the support, study, or treatment
22 of the juvenile which are not otherwise paid by the juvenile's
23 parent.

24 If no provision is otherwise made by law for the support
25 or payment for the study or treatment of the juvenile, compensation

1 for the support, study, or treatment shall be paid, when approved by
2 an order of the court, out of a fund which shall be appropriated by
3 the county in which the petition is filed.

4 The juvenile court shall retain jurisdiction over a
5 parent ordered to pay support for the purpose of enforcing such
6 support order for so long as such support remains unpaid but not to
7 exceed ten years from the nineteenth birthday of the youngest child
8 for whom support was ordered.

9 Sec. 23. (1) Following an adjudication, whenever any
10 juvenile is placed on juvenile probation subject to the supervision
11 of a probation officer, the Office of Probation Administration is
12 deemed to have placement and care responsibility for the juvenile.

13 (2) The court shall order the initial placement and level
14 of care for the juvenile placed on juvenile probation. Prior to
15 determining the placement and level of care for a juvenile, the court
16 may solicit a recommendation from the Office of Probation
17 Administration. The status of each juvenile placed out-of-home shall
18 be reviewed periodically, but not less than once every six months by
19 the court in person, by video, or telephonically. Periodic reviews
20 shall assess the juvenile's safety and the continued necessity and
21 appropriateness of placement, ensure case plan compliance, and
22 monitor the juvenile's progress. The court shall determine whether an
23 out-of-home placement made by the office is in the best interests of
24 the juvenile. The office shall provide all interested parties with a
25 copy of any report filed with the court by the office pursuant to

1 this subsection.

2 (3) The Office of Probation Administration may transition
3 a juvenile to a less restrictive placement or to a placement which
4 has the same level of restriction as the current placement. In order
5 to make a placement change under this section, the office shall file
6 a notice of placement change with the court and shall send copies of
7 the notice to all interested parties at least seven days before the
8 change of placement. The court, on its own motion, or upon the filing
9 of an objection to the change by an interested party, may order a
10 hearing to review such a change in placement and may order that the
11 change be stayed pending the outcome of the hearing on the objection.

12 (4) The Office of Probation Administration may make an
13 immediate change in placement without court approval only if the
14 juvenile is in a harmful or dangerous situation. Approval of the
15 court shall be sought within twenty-four hours after making the
16 change in placement or as soon thereafter as possible. The office
17 shall provide all interested parties with a copy of any report filed
18 with the court by the office pursuant to this subsection.

19 (5) Nothing in this section prevents the court on an ex
20 parte basis from approving an immediate change in placement upon good
21 cause shown.

22 Sec. 24. Section 43-2,106.03, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 43-2,106.03 Any time after the disposition of a juvenile
25 described in subdivision (1), (2), (3)(b), or (4) of section 43-247,

1 upon the motion of any party or the court on its own motion, a
2 hearing may be held regarding the amenability of the juvenile to the
3 rehabilitative services that can be provided under the Nebraska
4 Juvenile Code. The court may enter an order, based upon evidence
5 presented at the hearing, finding that a juvenile is not amenable to
6 rehabilitative services that can be provided under the Nebraska
7 Juvenile Code. The reasons for such a finding shall be stated in the
8 order. Such an order shall be considered by the county attorney in
9 making a future determination under section 43-276 regarding such
10 juvenile and by the court when considering a future transfer motion
11 under section 29-1816 or 43-274 or any future charge or petition
12 regarding such juvenile.

13 Sec. 25. Section 43-2,108, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 43-2,108 (1) The juvenile court judge shall keep a minute
16 book in which he or she shall enter minutes of all proceedings of the
17 court in each case, including appearances, findings, orders, decrees,
18 and judgments, and any evidence which he or she feels it is necessary
19 and proper to record. Juvenile court legal records shall be deposited
20 in files and shall include the petition, summons, notice,
21 certificates or receipts of mailing, minutes of the court, findings,
22 orders, decrees, judgments, and motions.

23 (2) Except as provided in ~~subsection (3)~~ subsections (3)
24 and (4) of this section, the medical, psychological, psychiatric, and
25 social welfare reports and the records of juvenile probation officers

1 as they relate to individual proceedings in the juvenile court shall
2 not be open to inspection, without order of the court. Such records
3 shall be made available to a district court of this state or the
4 District Court of the United States on the order of a judge thereof
5 for the confidential use of such judge or his or her probation
6 officer as to matters pending before such court but shall not be made
7 available to parties or their counsel; and such district court
8 records shall be made available to a county court or separate
9 juvenile court upon request of the county judge or separate juvenile
10 judge for the confidential use of such judge and his or her probation
11 officer as to matters pending before such court, but shall not be
12 made available by such judge to the parties or their counsel.

13 (3) As used in this subsection, confidential record
14 information shall mean all docket records, other than the pleadings,
15 orders, decrees, and judgments; case files and records; reports and
16 records of probation officers; and information supplied to the court
17 of jurisdiction in such cases by any individual or any public or
18 private institution, agency, facility, or clinic, which is compiled
19 by, produced by, and in the possession of any court. In all cases
20 under subdivision (3)(a) of section 43-247, access to all
21 confidential record information in such cases shall be granted only
22 as follows: (a) The court of jurisdiction may, subject to applicable
23 federal and state regulations, disseminate such confidential record
24 information to any individual, or public or private agency,
25 institution, facility, or clinic which is providing services directly

1 to the juvenile and such juvenile's parents or guardian and his or
2 her immediate family who are the subject of such record information;
3 (b) the court of jurisdiction may disseminate such confidential
4 record information, with the consent of persons who are subjects of
5 such information, or by order of such court after showing of good
6 cause, to any law enforcement agency upon such agency's specific
7 request for such agency's exclusive use in the investigation of any
8 protective service case or investigation of allegations under
9 subdivision (3)(a) of section 43-247, regarding the juvenile or such
10 juvenile's immediate family, who are the subject of such
11 investigation; and (c) the court of jurisdiction may disseminate such
12 confidential record information to any court, which has jurisdiction
13 of the juvenile who is the subject of such information upon such
14 court's request.

15 (4) The court shall provide copies of predispositional
16 reports and evaluations of the juvenile to the juvenile's attorney
17 and the county attorney or city attorney prior to any hearing in
18 which the report or evaluation will be relied upon.

19 ~~(4)-(5)~~ Nothing in subsection (3) of this section shall
20 be construed to restrict the dissemination of confidential record
21 information between any individual or public or private agency,
22 institute, facility, or clinic, except any such confidential record
23 information disseminated by the court of jurisdiction pursuant to
24 this section shall be for the exclusive and private use of those to
25 whom it was released and shall not be disseminated further without

1 order of such court.

2 ~~(5)(a)~~ (6)(a) Any records concerning a juvenile court
3 petition filed pursuant to subdivision (3)(c) of section 43-247 shall
4 remain confidential except as may be provided otherwise by law. Such
5 records shall be accessible to (i) the juvenile except as provided in
6 subdivision (b) of this subsection, (ii) the juvenile's counsel,
7 (iii) the juvenile's parent or guardian, and (iv) persons authorized
8 by an order of a judge or court.

9 (b) Upon application by the county attorney or by the
10 director of the facility where the juvenile is placed and upon a
11 showing of good cause therefor, a judge of the juvenile court having
12 jurisdiction over the juvenile or of the county where the facility is
13 located may order that the records shall not be made available to the
14 juvenile if, in the judgment of the court, the availability of such
15 records to the juvenile will adversely affect the juvenile's mental
16 state and the treatment thereof.

17 Sec. 26. Section 43-2,129, Revised Statutes Supplement,
18 2013, is amended to read:

19 43-2,129 Sections 43-245 to 43-2,129 and sections 9, 10,
20 14, 21, and 23 of this act shall be known and may be cited as the
21 Nebraska Juvenile Code.

22 Sec. 27. Section 43-407, Revised Statutes Supplement,
23 2013, is amended to read:

24 43-407 (1) This subsection applies to all juveniles
25 committed to the Office of Juvenile Services for placement at a youth

1 rehabilitation and treatment center prior to July 1, 2013. The Office
2 of Juvenile Services shall design and make available programs and
3 treatment services through the Youth Rehabilitation and Treatment
4 Center-Kearney and Youth Rehabilitation and Treatment Center-Geneva.
5 The programs and treatment services shall be based upon the
6 individual or family evaluation process and treatment plan. The
7 treatment plan shall be developed within fourteen days after
8 admission. If a juvenile placed at the Youth Rehabilitation and
9 Treatment Center-Kearney or Youth Rehabilitation and Treatment
10 Center-Geneva is assessed as needing inpatient or subacute substance
11 abuse or behavioral health residential treatment, the juvenile may be
12 transferred to a program or facility if the treatment and security
13 needs of the juvenile can be met. The assessment process shall
14 include involvement of both private and public sector behavioral
15 health providers. The selection of the treatment venue for each
16 juvenile shall include individualized case planning and incorporate
17 the goals of the juvenile justice system pursuant to section 43-402.
18 Juveniles committed to the Youth Rehabilitation and Treatment Center-
19 Kearney or Youth Rehabilitation and Treatment Center-Geneva who are
20 transferred to alternative settings for treatment remain committed to
21 the Department of Health and Human Services and the Office of
22 Juvenile Services until discharged from such custody. Programs and
23 treatment services shall address:

24 (a) Behavioral impairments, severe emotional
25 disturbances, sex offender behaviors, and other mental health or

1 psychiatric disorders;

2 (b) Drug and alcohol addiction;

3 (c) Health and medical needs;

4 (d) Education, special education, and related services;

5 (e) Individual, group, and family counseling services as
6 appropriate with any treatment plan related to subdivisions (a)
7 through (d) of this subsection. Services shall also be made available
8 for juveniles who have been physically or sexually abused;

9 (f) A case management and coordination process, designed
10 to assure appropriate reintegration of the juvenile to his or her
11 family, school, and community. This process shall follow
12 individualized planning which shall begin at intake and evaluation.
13 Structured programming shall be scheduled for all juveniles. This
14 programming shall include a strong academic program as well as
15 classes in health education, living skills, vocational training,
16 behavior management and modification, money management, family and
17 parent responsibilities, substance abuse awareness, physical
18 education, job skills training, and job placement assistance.
19 Participation shall be required of all juveniles if such programming
20 is determined to be age and developmentally appropriate. The goal of
21 such structured programming shall be to provide the academic and life
22 skills necessary for a juvenile to successfully return to his or her
23 home and community upon release; and

24 (g) The design and delivery of treatment programs through
25 the youth rehabilitation and treatment centers as well as any

1 licensing or certification requirements, and the office shall follow
2 the requirements as stated within Title XIX and Title IV-E of the
3 federal Social Security Act, as such act existed on May 25, 2007, the
4 Special Education Act, or other funding guidelines as appropriate. It
5 is the intent of the Legislature that these funding sources shall be
6 utilized to support service needs of eligible juveniles.

7 (2) This subsection applies to all juveniles committed to
8 the Office of Juvenile Services for placement at a youth
9 rehabilitation and treatment center on or after July 1, 2013. The
10 Office of Juvenile Services shall design and make available programs
11 and treatment services through the Youth Rehabilitation and Treatment
12 Center-Kearney and Youth Rehabilitation and Treatment Center-Geneva.
13 The programs and treatment services shall be based upon the
14 individual or family evaluation process and treatment plan. The
15 treatment plan shall be developed within fourteen days after
16 admission. If a juvenile placed at the Youth Rehabilitation and
17 Treatment Center-Kearney or Youth Rehabilitation and Treatment
18 Center-Geneva is assessed as needing inpatient or subacute substance
19 abuse or behavioral health residential treatment, the Office of
20 Juvenile Services may arrange for such treatment to be provided at
21 the Hastings Regional Center or may transition the juvenile to
22 another inpatient or subacute residential treatment facility in the
23 State of Nebraska. Except in a case requiring emergency admission to
24 an inpatient facility, the juvenile shall not be discharged by the
25 Office of Juvenile Services until the juvenile has been returned to

1 the court for a review of his or her conditions of probation and the
2 juvenile has been transitioned to the clinically appropriate level of
3 care. Programs and treatment services shall address:

4 (a) Behavioral impairments, severe emotional
5 disturbances, sex offender behaviors, and other mental health or
6 psychiatric disorders;

7 (b) Drug and alcohol addiction;

8 (c) Health and medical needs;

9 (d) Education, special education, and related services;

10 (e) Individual, group, and family counseling services as
11 appropriate with any treatment plan related to subdivisions (a)
12 through (d) of this subsection. Services shall also be made available
13 for juveniles who have been physically or sexually abused;

14 (f) A case management and coordination process, designed
15 to assure appropriate reintegration of the juvenile to his or her
16 family, school, and community. This process shall follow
17 individualized planning which shall begin at intake and evaluation.
18 Structured programming shall be scheduled for all juveniles. This
19 programming shall include a strong academic program as well as
20 classes in health education, living skills, vocational training,
21 behavior management and modification, money management, family and
22 parent responsibilities, substance abuse awareness, physical
23 education, job skills training, and job placement assistance.
24 Participation shall be required of all juveniles if such programming
25 is determined to be age and developmentally appropriate. The goal of

1 such structured programming shall be to provide the academic and life
2 skills necessary for a juvenile to successfully return to his or her
3 home and community upon release; and

4 (g) The design and delivery of treatment programs through
5 the youth rehabilitation and treatment centers as well as any
6 licensing or certification requirements, and the office shall follow
7 the requirements as stated within Title XIX and Title IV-E of the
8 federal Social Security Act, as such act existed on January 1, 2013,
9 the Special Education Act, or other funding guidelines as
10 appropriate. It is the intent of the Legislature that these funding
11 sources shall be utilized to support service needs of eligible
12 juveniles.

13 (3)(a) The Office of Juvenile Services shall begin
14 implementing evidence-based practices, policies, and procedures by
15 January 15, 2016, as determined by the office. Thereafter, on
16 November 1 of each year, the office shall submit to the Governor, the
17 Legislature, and the Chief Justice of the Supreme Court, a
18 comprehensive report on its efforts to implement evidence-based
19 practices. The report to the Legislature shall be by electronic
20 transmission. The report may be attached to preexisting reporting
21 duties. The report shall include at a minimum:

22 (i) The percentage of juveniles being supervised in
23 accordance with evidence-based practices;

24 (ii) The percentage of state funds expended by each
25 respective department for programs that are evidence-based, and a

1 list of all programs which are evidence-based;

2 (iii) Specification of supervision policies, procedures,
3 programs, and practices that were created, modified, or eliminated;
4 and

5 (iv) Recommendations of the office for any additional
6 collaboration with other state, regional, or local public agencies,
7 private entities, or faith-based and community organizations.

8 (b) Each report and executive summary shall be available
9 to the general public on the web site of the office.

10 (c) The Executive Board of the Legislative Council may
11 request the Consortium for Crime and Justice Research and Juvenile
12 Justice Institute at the University of Nebraska at Omaha to review,
13 study, and make policy recommendations on the reports assigned by the
14 executive board.

15 Sec. 28. Section 43-413, Revised Statutes Supplement,
16 2013, is amended to read:

17 43-413 (1) This section applies to all juveniles placed
18 with the Office of Juvenile Services for evaluation prior to October
19 1, 2013. A court may, pursuant to section 43-281, place a juvenile
20 with the Office of Juvenile Services or the Department of Health and
21 Human Services for an evaluation to aid the court in the disposition.

22 (2) A juvenile convicted as an adult shall be placed with
23 the Office of Juvenile Services for evaluation prior to sentencing as
24 provided by subsection (3) of section 29-2204.

25 (3) All juveniles shall be evaluated prior to commitment

1 to the Office of Juvenile Services unless the court finds that (a)
2 there has been a substantially equivalent evaluation within the last
3 twelve months that makes reevaluation unnecessary or (b) an addendum
4 to a previous evaluation rather than a reevaluation would be
5 appropriate. The court shall not commit such juvenile to the
6 temporary custody of the Office of Juvenile Services prior to
7 disposition. The office may place a juvenile in residential or
8 nonresidential community-based evaluation services for purposes of
9 evaluation to assist the court in determining the initial level of
10 treatment for the juvenile.

11 (4) During any period of detention or evaluation prior to
12 adjudication, costs incurred on behalf of a juvenile shall be paid as
13 provided in section 21 of this act. disposition:

14 ~~(a) Except as provided in subdivision (4)(b) of this~~
15 ~~section, the county in which the case is pending is responsible for~~
16 ~~all detention costs incurred before and after an evaluation period~~
17 ~~prior to disposition, the cost of delivering the juvenile to the~~
18 ~~facility or institution for an evaluation, and the cost of returning~~
19 ~~the juvenile to the court for disposition; and~~

20 ~~(b) The state is responsible for (i) the costs incurred~~
21 ~~during an evaluation unless otherwise ordered by the court pursuant~~
22 ~~to section 43-290 and (ii) the preevaluation detention costs for any~~
23 ~~days over the first ten days from the date the evaluation is ordered~~
24 ~~by the court.~~

25 ~~(5) The Office of Juvenile Services and the Department of~~

1 ~~Health and Human Services are not responsible for predisposition~~
2 ~~costs except as provided in subdivision (4)(b) of this section.~~

3 Sec. 29. Section 43-425, Revised Statutes Supplement,
4 2013, is amended to read:

5 43-425 (1) The Community and Family Reentry Process is
6 hereby created. This process is created in order to reduce recidivism
7 and promote safe and effective reentry for the juvenile and his or
8 her family to the community from the juvenile justice system. This
9 process applies to all juveniles committed to the Office of Juvenile
10 Services for placement at a youth rehabilitation and treatment center
11 on or after July 1, 2013.

12 (2) While a juvenile is committed to a youth
13 rehabilitation and treatment center, family team meetings shall be
14 conducted in person or via videoconferencing at least once per month
15 with the juvenile's support system to discuss the juvenile's
16 transition back to the community. A juvenile's support system should
17 be made up of any of the following: The juvenile himself or herself,
18 any immediate family members or guardians, informal and formal
19 supports, the juvenile's guardian ad litem appointed by the court,
20 the juvenile's probation officer, Office of Juvenile Services
21 personnel employed by the facility, and any additional personnel as
22 appropriate. Once developed, individualized reentry plans should be
23 discussed at the family team meetings with the juvenile and other
24 members of the juvenile's support system and shall include
25 discussions on the juvenile's placement after leaving the facility.

1 The probation officer and the Office of Juvenile Services personnel
2 should discuss progress and needs of the juvenile and should help the
3 juvenile follow his or her individual reentry plan to help with his
4 or her transition back to the community.

5 (3) Within sixty days prior to discharge from a youth
6 rehabilitation and treatment center, or as soon as possible if the
7 juvenile's remaining time at the youth rehabilitation and treatment
8 center is less than sixty days, an evidence-based risk screening and
9 needs assessment should be conducted on the juvenile in order to
10 determine the juvenile's risk of reoffending and the juvenile's
11 individual needs upon reentering the community.

12 (4) Individualized reentry plans shall be developed with
13 input from the juvenile and his or her support system in conjunction
14 with a risk assessment process. Individualized reentry plans shall be
15 finalized thirty days prior to the juvenile leaving the youth
16 rehabilitation and treatment center or as soon as possible if the
17 juvenile's remaining time at the center is less than thirty days.
18 Individualized reentry plans should include specifics about the
19 juvenile's placement upon return to the community, an education
20 transition plan, a treatment plan with any necessary appointments
21 being set prior to the juvenile leaving the center, and any other
22 formal and informal supports for the juvenile and his or her family.
23 The district probation officer and Office of Juvenile Services
24 personnel shall review the individualized reentry plan and the
25 expected outcomes as a result of the plan with the juvenile and his

1 or her support system within thirty days prior to the juvenile's
2 discharge from the center.

3 (5) The probation officer shall have contact with the
4 juvenile and the juvenile's support system within forty-eight hours
5 after the juvenile returns to the community and continue to assist
6 the juvenile and the juvenile's support system in implementing and
7 following the individualized reentry plan and monitoring the
8 juvenile's risk through ongoing assessment updates.

9 (6) The Office of Probation Administration shall
10 establish an evidence-based reentry process that utilizes risk
11 assessment to determine the juvenile's supervision level upon return
12 to the community. They shall establish supervision strategies based
13 on risk levels of the juvenile and supervise accordingly, with
14 ongoing reassessment to assist in determining eligibility for release
15 from probation. The Office of Probation Administration shall develop
16 a formal matrix of graduated sanctions to be utilized prior to
17 requesting the county attorney to file for probation revocation. The
18 Office of Probation Administration shall provide training to its
19 workers on risk-based supervision strategies, motivational
20 interviewing, family engagement, community-based resources, and other
21 evidence-based reentry strategies.

22 Sec. 30. Section 43-2404.02, Revised Statutes Supplement,
23 2013, is amended to read:

24 43-2404.02 (1) There is created a separate and distinct
25 budgetary program within the commission to be known as the Community-

1 based Juvenile Services Aid Program. Funding acquired from
2 participation in the federal act, state General Funds, and funding
3 acquired from other sources which may be used for purposes consistent
4 with the Juvenile Services Act and the federal act shall be used to
5 aid in the establishment and provision of community-based services
6 for juveniles who come in contact with the juvenile justice system.

7 (2) The annual General Fund appropriation to the
8 Community-based Juvenile Services Aid Program shall be apportioned as
9 aid in accordance with a formula established in rules and regulations
10 adopted and promulgated by the commission. The formula shall be based
11 on the total number of residents per county and federally recognized
12 or state-recognized Indian tribe who are twelve years of age through
13 eighteen years of age and other relevant factors as determined by the
14 commission. The commission may require a local match of up to forty
15 percent from the county, multiple counties, federally recognized or
16 state-recognized Indian tribe or tribes, or any combination of the
17 three which is receiving aid under such program. Any local
18 expenditures for community-based programs for juveniles may be
19 applied toward such match requirement.

20 ~~(3) Funds provided under the Community-based Juvenile~~
21 ~~Services Aid Program shall be used exclusively to assist the aid~~
22 ~~recipient in the implementation and operation of programs or the~~
23 ~~provision of services identified in the aid recipient's comprehensive~~
24 ~~juvenile services plan, including programs for local planning and~~
25 ~~service coordination; screening, assessment, and evaluation;~~

1 ~~diversion; alternatives to detention; family support services;~~
2 ~~treatment services; reentry services; truancy prevention and~~
3 ~~intervention programs; and other services that will positively impact~~
4 ~~juveniles and families in the juvenile justice system. In~~
5 ~~distributing funds provided under the Community based Juvenile~~
6 ~~Services Aid Program, aid recipients shall prioritize programs and~~
7 ~~services that will divert juveniles from the juvenile justice system,~~
8 ~~reduce the population of juveniles in juvenile detention and secure~~
9 ~~confinement, and assist in transitioning juveniles from out of home~~
10 ~~placements. No funds appropriated or distributed under the Community-~~
11 ~~based Juvenile Services Aid Program shall be used for construction of~~
12 ~~secure detention facilities, secure youth treatment facilities, or~~
13 ~~secure youth confinement facilities. Aid received under this section~~
14 ~~shall not be used for capital construction or the lease or~~
15 ~~acquisition of facilities except for additional probation offices~~
16 ~~associated with carrying out the expanded probation duties in Laws~~
17 ~~2013, LB561, and shall not be used to replace existing funding for~~
18 ~~programs or services. Any funds not distributed to counties under~~
19 ~~this subsection shall be retained by the commission to be distributed~~
20 ~~on a competitive basis under the Community based Juvenile Services~~
21 ~~Aid Program for a county, multiple counties, federally recognized or~~
22 ~~state recognized Indian tribes, or any combination of the three~~
23 ~~demonstrating additional need in the funding areas identified in this~~
24 ~~subsection.~~

25 (3)(a) In distributing funds provided under the

1 Community-based Juvenile Services Aid Program, aid recipients shall
2 prioritize programs and services that will divert juveniles from the
3 juvenile justice system, reduce the population of juveniles in
4 juvenile detention and secure confinement, and assist in
5 transitioning juveniles from out-of-home placements.

6 (b) Funds received under the Community-based Juvenile
7 Services Aid Program shall be used exclusively to assist the aid
8 recipient in the implementation and operation of programs or the
9 provision of services identified in the aid recipient's comprehensive
10 juvenile services plan, including programs for local planning and
11 service coordination; screening, assessment, and evaluation;
12 diversion; alternatives to detention; family support services;
13 treatment services; truancy prevention and intervention programs;
14 pilot projects approved by the commission; payment of transportation
15 costs to and from placements, evaluations, or services; personnel
16 when the personnel are aligned with evidence-based treatment
17 principles, programs, or practices; contracting with other state
18 agencies or private organizations that provide evidence-based
19 treatment or programs; preexisting programs that are aligned with
20 evidence-based practices or best practices; and other services that
21 will positively impact juveniles and families in the juvenile justice
22 system.

23 (c) Funds received under the Community-based Juvenile
24 Services Aid Program shall not be used for the following:
25 Construction of secure detention facilities, secure youth treatment

1 facilities, or secure youth confinement facilities; capital
2 construction or the lease or acquisition of facilities; programs,
3 services, treatments, evaluations, or other preadjudication services
4 that are not based on or grounded in evidence-based practices,
5 principles, and research, except that the commission may approve
6 pilot projects that authorize the use of such aid; or office
7 equipment, office supplies, or office space.

8 (d) Any aid not distributed to counties under this
9 subsection shall be retained by the commission to be distributed on a
10 competitive basis under the Community-based Juvenile Services Aid
11 Program for a county, multiple counties, federally recognized or
12 state-recognized Indian tribe or tribes, or any combination of the
13 three demonstrating additional need in the funding areas identified
14 in this subsection.

15 (e) If a county, multiple counties, or a federally
16 recognized or state-recognized Indian tribe or tribes is denied aid
17 under this section or receives no aid under this section, the entity
18 may request an appeal pursuant to the appeal process in rules and
19 regulations adopted and promulgated by the commission. The commission
20 shall establish appeal and hearing procedures by December 15, 2014.
21 The commission shall make appeal and hearing procedures available on
22 its web site.

23 (4) Any recipient of ~~funding~~ aid under the Community-
24 based Juvenile Services Aid Program shall file an annual report as
25 required by rules and regulations adopted and promulgated by the

1 commission. The report shall include, but not be limited to, the type
2 of juvenile service, how the service met the goals of the
3 comprehensive juvenile services plan, demographic information on the
4 total number of juveniles served, program success rates, the total
5 number of juveniles sent to secure juvenile detention or residential
6 treatment and secure confinement, and a listing of the expenditures
7 for detention, residential treatment, and nonresidential treatment.

8 (5) The commission shall report annually to the Governor
9 and the Legislature on the distribution and use of funds for aid
10 appropriated under the Community-based Juvenile Services Aid Program.
11 The report shall include, but not be limited to, an aggregate report
12 of the use of the Community-based Juvenile Services Aid Program
13 funds, including the types of juvenile services and programs that
14 were funded, demographic information on the total number of juveniles
15 served, program success rates, the total number of juveniles sent to
16 secure juvenile detention or residential treatment and secure
17 confinement, and a listing of the expenditures of all counties and
18 federally recognized or state-recognized Indian tribes for detention,
19 residential treatment, and secure confinement. The report submitted
20 to the Legislature shall be submitted electronically.

21 (6) The commission shall adopt and promulgate rules and
22 regulations for the Community-based Juvenile Services Aid Program in
23 consultation with the Director of the Community-based Juvenile
24 Services Aid Program, the Director of Juvenile Diversion Programs,
25 the Office of Probation Administration, the Nebraska Association of

1 County Officials, and the University of Nebraska at Omaha, Juvenile
2 Justice Institute. The rules and regulations shall include, but not
3 be limited to:

4 (a) The required elements of a comprehensive juvenile
5 services plan and planning process;

6 (b) The Community-based Juvenile Services Aid Program
7 formula, review process, match requirements, and fund distribution.
8 The distribution process shall ensure a conflict of interest policy;

9 (c) A distribution process for funds retained under
10 subsection (3) of this section;

11 (d) A plan for evaluating the effectiveness of plans and
12 programs receiving funding;

13 (e) A reporting process for aid recipients; and

14 (f) A reporting process for the commission to the
15 Governor and Legislature. The report shall be made electronically to
16 the Governor and the Legislature.

17 Sec. 31. It is the intent of the Legislature to
18 appropriate five million dollars to the Community-based Juvenile
19 Services Aid Program.

20 Sec. 32. Section 43-4102, Revised Statutes Supplement,
21 2013, is amended to read:

22 43-4102 (1) It is the intent of the Legislature that the
23 Nebraska Juvenile Service Delivery Project, established as a pilot
24 program under section 43-4101 within the Office of Probation
25 Administration, be expanded statewide in a three-step, phase-in

1 process beginning July 1, 2013, with full implementation by July 1,
2 2014. The expansion of the project will result in the Office of
3 Probation Administration taking over the duties of the Office of
4 Juvenile Services with respect to its previous functions of community
5 supervision and parole of juvenile law violators and of evaluations
6 for such juveniles. The Office of Juvenile Services shall continue
7 for the purpose of operating the youth rehabilitation and treatment
8 centers and the care and custody of the juveniles placed at such
9 centers. Expansion of the project shall be funded by the transfer of
10 funds from the Department of Health and Human Services and the Office
11 of Juvenile Services used to fully fund community-based services and
12 juvenile parole to the Office of Probation Administration.

13 (2) There shall be established through the use of
14 technology an information-sharing process to support and enhance the
15 exchange of information between the Department of Health and Human
16 Services, the Office of Probation Administration, and the Nebraska
17 Commission on Law Enforcement and Criminal Justice. It is the intent
18 of the Legislature to appropriate two hundred fifty thousand dollars
19 from the General Fund to the Office of Probation Administration to
20 facilitate the information-sharing process.

21 ~~(3) It is the intent of the Legislature that detention~~
22 ~~costs for a juvenile shall be paid by the county containing the court~~
23 ~~which issued the order to detain in the following situations:~~

24 ~~(a) A juvenile has no prior contact with the juvenile~~
25 ~~justice system and is placed in predisposition detention; or~~

1 ~~(b) A juvenile is placed in predisposition detention for~~
2 ~~a new violation of law while under the supervision of the Office of~~
3 ~~Probation Administration.~~

4 ~~(4) It is the intent of the Legislature that detention~~
5 ~~costs for a juvenile shall be paid by the Office of Probation~~
6 ~~Administration in the following situations:~~

7 ~~(a) A juvenile is placed in detention as the result of an~~
8 ~~alleged violation of probation; or~~

9 ~~(b) A juvenile is placed in post-disposition detention~~
10 ~~under the supervision of the Office of Probation Administration while~~
11 ~~awaiting placement.~~

12 ~~(5) For purposes of this section, detention means a~~
13 ~~secure juvenile detention facility or staff secure juvenile facility.~~

14 (3) Costs incurred on behalf of juveniles under the
15 Nebraska Juvenile Service Delivery Project shall be paid as provided
16 in section 21 of this act.

17 Sec. 33. Section 43-4203, Revised Statutes Supplement,
18 2013, is amended to read:

19 43-4203 (1) The Nebraska Children's Commission shall work
20 with administrators from each of the service areas designated
21 pursuant to section 81-3116, the teams created pursuant to section
22 28-728, local foster care review boards, child advocacy centers, the
23 teams created pursuant to the Supreme Court's Through the Eyes of the
24 Child Initiative, community stakeholders, and advocates for child
25 welfare programs and services to establish networks in each of such

1 service areas. Such networks shall permit collaboration to strengthen
2 the continuum of services available to child welfare agencies and to
3 provide resources for children and juveniles outside the child
4 protection system. Each service area shall develop its own unique
5 strategies to be included in the statewide strategic plan. The
6 Department of Health and Human Services shall assist in identifying
7 the needs of each service area.

8 (2)(a) The commission shall create a committee to examine
9 state policy regarding the prescription of psychotropic drugs for
10 children who are wards of the state and the administration of such
11 drugs to such children. Such committee shall review the policy and
12 procedures for prescribing and administering such drugs and make
13 recommendations to the commission for changes in such policy and
14 procedures.

15 (b) The commission shall create a committee to examine
16 the structure and responsibilities of the Office of Juvenile Services
17 as they exist on April 12, 2012. Such committee shall review the role
18 and effectiveness of the youth rehabilitation and treatment centers
19 in the juvenile justice system and make recommendations to the
20 commission on the future role of the youth rehabilitation and
21 treatment centers in the juvenile justice continuum of care,
22 including what populations they should serve and what treatment
23 services should be provided at the centers in order to appropriately
24 serve those populations. Such committee shall also review how mental
25 and behavioral health services are provided to juveniles in secure

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

16 (c) The commission may organize committees as it deems
17 necessary. Members of the committees may be members of the commission
18 or may be appointed, with the approval of the majority of the
19 commission, from individuals with knowledge of the committee's
20 subject matter, professional expertise to assist the committee in
21 completing its assigned responsibilities, and the ability to
22 collaborate within the committee and with the commission to carry out
23 the powers and duties of the commission.

24 (d) The Title IV-E Demonstration Project Committee
25 created pursuant to section 43-4208 and the Foster Care Reimbursement

1 Rate Committee created pursuant to section 43-4212 are under the
2 jurisdiction of the commission.

3 (3) The commission shall work with the office of the
4 State Court Administrator, as appropriate, and entities which
5 coordinate facilitated conferencing as described in section
6 ~~43-247.01.10 of this act.~~ Facilitated conferencing shall be included
7 in statewide strategic plan discussions by the commission.
8 Facilitated conferencing shall continue to be utilized and maximized,
9 as determined by the court of jurisdiction, during the development of
10 the statewide strategic plan. Funding and contracting ~~of~~ with
11 mediation centers approved by the Office of Dispute Resolution to
12 provide facilitated conferencing ~~entities~~ shall continue to be
13 provided by the ~~Department of Health and Human Services to at least~~
14 the same extent as such funding and contracting are being provided on
15 April 12, 2012. ~~office of the State Court Administrator at an amount~~
16 of no less than the General Fund transfer under subsection (1) of
17 section 11 of this act.

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

24 (5) The commission shall coordinate and gather
25 information about the progress and outcomes of the Nebraska Juvenile

1 Service Delivery Project established pursuant to section 43-4101.

2 Sec. 34. Section 79-209, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 79-209 (1) In all school districts in this state, any
5 superintendent, principal, teacher, or member of the school board who
6 knows of any violation of subsection (2) of section 79-201 ~~on the~~
7 ~~part of any child of school age, his or her parent, the person in~~
8 ~~actual or legal control of such child, or any other person shall~~
9 within three days report such violation to the attendance officer of
10 the school, who shall immediately investigate the case. When of his
11 or her personal knowledge, or by report or complaint from any
12 resident of the district, ~~or by report or complaint as provided in~~
13 ~~this section,~~ the attendance officer believes that ~~any child is~~
14 ~~unlawfully absent from school,~~ there is a violation of subsection (2)
15 of section 79-201, the attendance officer shall immediately
16 investigate such alleged violation.

17 (2) All school ~~districts~~ boards shall have a written
18 policy on ~~excessive absenteeism~~ attendance developed and annually
19 reviewed in collaboration with the county attorney of the county in
20 which the principal office of the school district is located. The
21 policy shall include a provision indicating how the school district
22 ~~and the county attorney will handle cases in which excessive absences~~
23 ~~are due to documented illness, that makes attendance impossible or~~
24 ~~impracticable, and the~~ The policy shall also state the circumstances
25 and number of absences or the hourly equivalent upon the occurrence

1 ~~of which the school shall render all services in its power to compel~~
2 ~~such child to attend some public, private, denominational, or~~
3 ~~parochial school, which the person having control of the child shall~~
4 ~~designate, in an attempt to address the problem of excessive~~
5 ~~absenteeism. The number of absences in the policy shall not exceed~~
6 ~~five days per quarter or the hourly equivalent. School districts may~~
7 ~~use excused and unexcused absences for purposes of the policy. to~~
8 address barriers to attendance. Such services shall include, but need
9 not be limited to:

10 (a) Verbal or written communication by school officials
11 with the person or persons who have legal or actual charge or control
12 of any child; and

13 ~~(a)-(b) One or more meetings between, at a minimum, a~~
14 ~~school attendance officer, a school social worker, or a school~~
15 ~~administrator or his or her designee, the person who has legal or~~
16 ~~actual charge or control of the child, or the school principal or a~~
17 ~~member of the school administrative staff designated by the school~~
18 ~~administration if such school does not have a school social worker,~~
19 ~~the child's parent or guardian, and the child, if necessary, when~~
20 ~~appropriate, to report and to attempt to solve the problem of~~
21 ~~excessive absenteeism; address the barriers to attendance. The result~~
22 ~~of the meeting or meetings shall be to develop a collaborative plan~~
23 ~~to reduce barriers identified to improve regular attendance. The plan~~
24 ~~shall consider, but not be limited to:~~

25 (i) Illness related to physical or behavioral health of

1 the child;

2 (ii) Educational counseling;

3 (iii) Educational evaluation;

4 (iv) Referral to community agencies for economic

5 services;

6 (v) Family or individual counseling; and

7 (vi) Assisting the family in working with other community

8 services.

9 (3) The school may report to the county attorney of the
10 county in which the person resides when the school has documented the
11 efforts it has made as required by subsection (2) of this section
12 that the collaborative plan to reduce barriers identified to improve
13 regular attendance has not been successful and that the child has
14 been absent more than twenty days per year. The school shall notify
15 the child's family in writing prior to referring the child to the
16 county attorney. Failure by the school to document the efforts
17 required by subsection (2) of this section is a defense to
18 prosecution under section 79-201 and adjudication for educational
19 neglect under subdivision (3)(a) of section 43-247 and habitual
20 truancy under subdivision (3)(b) of section 43-247. Illness that
21 makes attendance impossible or impracticable shall not be the basis
22 for referral to the county attorney.

23 ~~(b) Educational counseling to determine whether~~
24 ~~curriculum changes, including, but not limited to, enrolling the~~
25 ~~child in an alternative education program that meets the specific~~

1 ~~educational and behavioral needs of the child, would help solve the~~
2 ~~problem of excessive absenteeism;~~

3 ~~(c) Educational evaluation, which may include a~~
4 ~~psychological evaluation, to assist in determining the specific~~
5 ~~condition, if any, contributing to the problem of excessive~~
6 ~~absenteeism, supplemented by specific efforts by the school to help~~
7 ~~remedy any condition diagnosed; and~~

8 ~~(d) Investigation of the problem of excessive absenteeism~~
9 ~~by the school social worker, or if such school does not have a school~~
10 ~~social worker, by the school principal or a member of the school~~
11 ~~administrative staff designated by the school administration, to~~
12 ~~identify conditions which may be contributing to the problem. If~~
13 ~~services for the child and his or her family are determined to be~~
14 ~~needed, the school social worker or the school principal or a member~~
15 ~~of the school administrative staff performing the investigation shall~~
16 ~~meet with the parent or guardian and the child to discuss any~~
17 ~~referral to appropriate community agencies for economic services,~~
18 ~~family or individual counseling, or other services required to remedy~~
19 ~~the conditions that are contributing to the problem of excessive~~
20 ~~absenteeism.~~

21 ~~(3) If the child is absent more than twenty days per year~~
22 ~~or the hourly equivalent and all of the absences are due to~~
23 ~~documented illness that makes attendance impossible or impracticable~~
24 ~~or are otherwise excused by school authorities, the attendance~~
25 ~~officer may report such information to the county attorney of the~~

1 ~~county in which the person resides. If the child is absent more than~~
2 ~~twenty days per year or the hourly equivalent and any of such~~
3 ~~absences are not excused, the attendance officer shall file a report~~
4 ~~with the county attorney of the county in which the person resides on~~
5 ~~a form which includes the following two statements, one of which must~~
6 ~~be designated by the school representative signing the report: (a)~~
7 ~~The school representative requests additional time to work with the~~
8 ~~student prior to intervention by the county attorney; and (b) the~~
9 ~~school representative believes that the school has used all~~
10 ~~reasonable efforts to resolve the student's excessive absenteeism~~
11 ~~without success and recommends county attorney intervention. If~~
12 ~~further action is necessary to address the child's attendance, the~~
13 ~~initial meeting between the parent or guardian of the child, the~~
14 ~~school, and the county attorney or his or her designee shall be at a~~
15 ~~location determined by the school.~~

16 (4) Nothing in this section shall preclude a county
17 attorney from being involved at any stage in the process to address
18 excessive absenteeism.

19 Sec. 35. Section 79-527.01, Revised Statutes Supplement,
20 2013, is amended to read:

21 79-527.01 (1)(a) ~~The Truancy Intervention Task Force~~
22 Council on Student Attendance is created. ~~The task force council~~
23 shall consist of:

24 (i) A member of a school board in any class of school
25 district to be appointed by the State Board of Education;

1 (ii) Two parents not related to each other who have
2 children attending school in this state to be appointed by the State
3 Board of Education;

4 (iii) A superintendent or his or her designee of a school
5 district to be appointed by the State Board of Education;

6 (iv) A student attending a public school in this state to
7 be appointed by the State Board of Education;

8 (v) A representative of a community or advocacy
9 organization to be appointed by the State Board of Education;

10 (vi) A county attorney to be appointed by the State Board
11 of Education;

12 ~~(a)~~ (vii) The probation administrator or his or her
13 designee;

14 ~~(b)~~ (viii) The Commissioner of Education or his or her
15 designee; and

16 ~~(c)~~ (ix) The chief executive officer of the Department of
17 Health and Human Services or his or her designee.

18 (b) The members of the council appointed by the State
19 Board of Education shall serve three-year staggered terms, as
20 designated by the board.

21 (c) The members of the council shall serve on the council
22 without any additional compensation, but they shall be entitled to
23 receive reimbursement for any actual expenses incurred as necessary
24 incident to such service as provided in sections 81-1174 to 81-1177.

25 (2) ~~The task force council shall: study~~

1 (a) Study and evaluate the data contained in the reports
2 required by subsection (2) of section 79-527; and shall develop

3 (b) Develop recommendations to reduce incidents of
4 excessive absenteeism; -

5 (c) Consider whether school district policies and
6 practices for addressing absenteeism are operational and effectively
7 working to address absenteeism and make recommendations for
8 improvements where necessary; and

9 (d) Review all school district policies developed under
10 subsection (2) of section 79-209 and make specific recommendations
11 for school district policy improvement.

12 The ~~task force council~~ may contact a school district or a
13 county attorney for additional information in order to carry out its
14 duties under this section. The ~~task force shall report electronically~~
15 ~~to the Legislature on or before October 1 of each year.~~

16 (3) The council shall report on its activities
17 electronically to the Legislature on or before October 1 of each
18 year.

19 Sec. 36. Section 81-1427, Revised Statutes Supplement,
20 2013, is amended to read:

21 81-1427 (1) There is established within the Nebraska
22 Commission on Law Enforcement and Criminal Justice the position of
23 Director of Juvenile Diversion Programs to be appointed by the
24 executive director of the commission.

25 (2) The Director of Juvenile Diversion Programs shall be

1 supervised by the executive director of the Nebraska Commission on
2 Law Enforcement and Criminal Justice. The director shall be
3 responsible for fostering, promoting, researching, and assessing
4 juvenile pretrial diversion programs and developing new programs in
5 collaboration with cities and counties pursuant to sections 43-260.02
6 to 43-260.07. The director shall:

7 (a) Provide technical assistance and guidance to juvenile
8 pretrial diversion programs for implementing evidence-based
9 strategies or standardized, replicable practices that have been
10 researched and have demonstrated positive outcomes;

11 (b) Develop a core juvenile pretrial diversion program
12 packet for utilization by counties without a juvenile pretrial
13 diversion program or counties without a district probation officer
14 acting under section 29-2258;

15 (c) Establish baseline program guidelines for juvenile
16 pretrial diversion programs ~~grounded in best practice~~ based on
17 evidence-based practices, principles, programs, and research, develop
18 data collection and evaluation protocols, oversee statewide data
19 collection, and generate an annual report on juvenile pretrial
20 diversion programs;

21 (d) Develop relationships and collaborate with juvenile
22 justice stakeholders involved in juvenile pretrial diversion
23 programs, provide education and training as necessary, and serve on
24 boards and committees when approved by the commission;

25 (e) Facilitate consistent communication and information-

1 sharing among juvenile pretrial diversion program directors;

2 (f) Assist juvenile pretrial diversion program directors,
3 county attorneys, district probation officers acting under section
4 29-2258, and county boards in developing policies and practices that
5 achieve the goals of quality juvenile pretrial diversion programs;

6 (g) Assist in comprehensive community planning efforts as
7 they relate to development of juvenile pretrial diversion programs;

8 (h) Develop and coordinate a statewide working group as a
9 subcommittee of the Nebraska Coalition for Juvenile Justice to assist
10 in regular strategic planning related to supporting, funding,
11 monitoring, and evaluating the effectiveness of plans and programs
12 receiving funds from the Community-based Juvenile Services Aid
13 Program; and

14 (i) Assist the Director of the Community-based Juvenile
15 Services Aid Program created under section 43-2404.01 in the review
16 of Community-based Juvenile Services Aid Program applications as
17 provided in section 43-2404.02.

18 Sec. 37. Sections 3, 4, 8, 9, 16, 17, and 38 of this act
19 become operative on January 1, 2015. The other sections of this act
20 become operative three calendar months after the adjournment of this
21 legislative session.

22 Sec. 38. Original sections 24-1007 and 43-274, Reissue
23 Revised Statutes of Nebraska, sections 29-1816 and 43-276, Revised
24 Statutes Cumulative Supplement, 2012, and section 43-247, Revised
25 Statutes Supplement, 2013, are repealed.

1 Sec. 39. Original sections 14-607, 43-247.01, 43-255,
2 43-264, 43-290, 43-2,106.03, and 43-2,108, Reissue Revised Statutes
3 of Nebraska, sections 24-517, 29-2269, and 79-209, Revised Statutes
4 Cumulative Supplement, 2012, and sections 43-245, 43-258, 43-281,
5 43-285, 43-286, 43-2,129, 43-407, 43-413, 43-425, 43-2404.02,
6 43-4102, 43-4203, 79-527.01, and 81-1427, Revised Statutes
7 Supplement, 2013, are repealed.