

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 670

FINAL READING

Introduced by Krist, 10.

Read first time January 03, 2018

Committee: Judiciary

1 A BILL FOR AN ACT relating to juveniles; to amend sections 43-248,
2 43-250, 43-251.01, 43-251.02, 43-260.01, 43-1238, 43-2401,
3 43-2404.01, 43-2404.02, 43-2409, 43-2411, and 43-2412, Reissue
4 Revised Statutes of Nebraska, sections 71-1940, 83-4,125, and
5 83-4,134.01, Revised Statutes Cumulative Supplement, 2016, and
6 sections 43-253 and 43-286, Revised Statutes Supplement, 2017; to
7 eliminate obsolete provisions; to change provisions relating to
8 temporary custody of a juvenile, referral of children and parents to
9 community-based providers, and procedures for alleged violations of
10 probation, supervision, or court orders by juveniles; to change
11 provisions relating to placement and detention of juveniles; to
12 provide for an additional use of funds under the Community-based
13 Juvenile Services Aid Program; to provide for jurisdiction under the
14 Uniform Child Custody Jurisdiction and Enforcement Act to make
15 factual findings as prescribed; to change provisions relating to the
16 membership, powers, and duties of the Nebraska Coalition for
17 Juvenile Justice; to change grounds for licensure and disciplinary
18 actions under the Children's Residential Facilities and Placing
19 Licensure Act; to redefine a term; to change provisions relating to
20 room confinement of juveniles; to eliminate the position of
21 coordinator for the Nebraska Coalition for Juvenile Justice; to
22 harmonize provisions; to provide operative dates; to repeal the

1 original sections; to outright repeal section 43-2413, Reissue
2 Revised Statutes of Nebraska; and to declare an emergency.
3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-248, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-248 A peace officer may take a juvenile into temporary custody
4 without a warrant or order of the court and proceed as provided in
5 section 43-250 when:

6 ~~(1) A (1)(a) Until July 1, 2017, a juvenile has violated a state law~~
7 ~~or municipal ordinance and the officer has reasonable grounds to believe~~
8 ~~such juvenile committed such violation or (b) beginning July 1, 2017, a~~
9 juvenile has violated a state law or municipal ordinance and such
10 juvenile was eleven years of age or older at the time of the violation,
11 and the officer has reasonable grounds to believe such juvenile committed
12 such violation and was eleven years of age or older at the time of the
13 violation;

14 (2) A juvenile is seriously endangered in his or her surroundings
15 and immediate removal appears to be necessary for the juvenile's
16 protection;

17 (3) The officer believes the juvenile to be mentally ill and
18 dangerous as defined in section 71-908 and that the harm described in
19 that section is likely to occur before proceedings may be instituted
20 before the juvenile court;

21 (4) The officer has reasonable grounds to believe that the juvenile
22 has run away from his or her parent, guardian, or custodian;

23 (5) A probation officer has reasonable cause to believe that a
24 juvenile is in violation of probation and that the juvenile will attempt
25 to leave the jurisdiction or place lives or property in danger;

26 (6) The officer has reasonable grounds to believe the juvenile is
27 truant from school;

28 (7) The officer has reasonable grounds to believe the juvenile is
29 immune from prosecution for prostitution under subsection (5) of section
30 28-801; or

31 (8) ~~A Beginning July 1, 2017, the juvenile has committed an act or~~

1 engaged in behavior described in subdivision (1), (2), (3)(b), or (4) of
2 section 43-247 and such juvenile was under eleven years of age at the
3 time of such act or behavior, and the officer has reasonable cause to
4 believe such juvenile committed such act or engaged in such behavior and
5 was under eleven years of age at such time.

6 Sec. 2. Section 43-250, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 43-250 (1) A peace officer who takes a juvenile into temporary
9 custody under section 29-401 or subdivision (1), (4), ~~or (5),~~ or (8) of
10 section 43-248 shall immediately take reasonable measures to notify the
11 juvenile's parent, guardian, custodian, or relative and shall proceed as
12 follows:

13 (a) The peace officer may release a juvenile taken into temporary
14 custody under section 29-401 or subdivision (1), ~~or (4),~~ or (8) of
15 section 43-248;

16 (b) The peace officer may require a juvenile taken into temporary
17 custody under section 29-401 or subdivision (1) or (4) of section 43-248
18 to appear before the court of the county in which such juvenile was taken
19 into custody at a time and place specified in the written notice prepared
20 in triplicate by the peace officer or at the call of the court. The
21 notice shall also contain a concise statement of the reasons such
22 juvenile was taken into custody. The peace officer shall deliver one copy
23 of the notice to such juvenile and require such juvenile or his or her
24 parent, guardian, other custodian, or relative, or both, to sign a
25 written promise that such signer will appear at the time and place
26 designated in the notice. Upon the execution of the promise to appear,
27 the peace officer shall immediately release such juvenile. The peace
28 officer shall, as soon as practicable, file one copy of the notice with
29 the county attorney or city attorney and, when required by the court,
30 also file a copy of the notice with the court or the officer appointed by
31 the court for such purpose; or

1 (c) The peace officer may retain temporary custody of a juvenile
2 taken into temporary custody under section 29-401 or subdivision (1),
3 (4), or (5) of section 43-248 and deliver the juvenile, if necessary, to
4 the probation officer and communicate all relevant available information
5 regarding such juvenile to the probation officer. The probation officer
6 shall determine the need for detention of the juvenile as provided in
7 section 43-260.01. Upon determining that the juvenile should be placed in
8 detention or an alternative to detention and securing placement in such
9 setting by the probation officer, the peace officer shall implement the
10 probation officer's decision to release or to detain and place the
11 juvenile. When secure detention of a juvenile is necessary, such
12 detention shall occur within a juvenile detention facility except:

13 (i) When a juvenile described in subdivision (1) or (2) of section
14 43-247, except for a status offender, is taken into temporary custody
15 within a metropolitan statistical area and where no juvenile detention
16 facility is reasonably available, the juvenile may be delivered, for
17 temporary custody not to exceed six hours, to a secure area of a jail or
18 other facility intended or used for the detention of adults solely for
19 the purposes of identifying the juvenile and ascertaining his or her
20 health and well-being and for safekeeping while awaiting transport to an
21 appropriate juvenile placement or release to a responsible party;

22 (ii) When a juvenile described in subdivision (1) or (2) of section
23 43-247, except for a status offender, is taken into temporary custody
24 outside of a metropolitan statistical area and where no juvenile
25 detention facility is reasonably available, the juvenile may be
26 delivered, for temporary custody not to exceed twenty-four hours
27 excluding nonjudicial days and while awaiting an initial court
28 appearance, to a secure area of a jail or other facility intended or used
29 for the detention of adults solely for the purposes of identifying the
30 juvenile and ascertaining his or her health and well-being and for
31 safekeeping while awaiting transport to an appropriate juvenile placement

1 or release to a responsible party;

2 (iii) Whenever a juvenile is held in a secure area of any jail or
3 other facility intended or used for the detention of adults, there shall
4 be no verbal, visual, or physical contact between the juvenile and any
5 incarcerated adult and there shall be adequate staff to supervise and
6 monitor the juvenile's activities at all times. This subdivision shall
7 not apply to a juvenile charged with a felony as an adult in county or
8 district court if he or she is sixteen years of age or older;

9 (iv) If a juvenile is under sixteen years of age or is a juvenile as
10 described in subdivision (3) of section 43-247, he or she shall not be
11 placed within a secure area of a jail or other facility intended or used
12 for the detention of adults;

13 (v) If, within the time limits specified in subdivision (1)(c)(i) or
14 (1)(c)(ii) of this section, a felony charge is filed against the juvenile
15 as an adult in county or district court, he or she may be securely held
16 in a jail or other facility intended or used for the detention of adults
17 beyond the specified time limits;

18 (vi) A status offender or nonoffender taken into temporary custody
19 shall not be held in a secure area of a jail or other facility intended
20 or used for the detention of adults. Until January 1, 2013, a status
21 offender accused of violating a valid court order may be securely
22 detained in a juvenile detention facility longer than twenty-four hours
23 if he or she is afforded a detention hearing before a court within
24 twenty-four hours, excluding nonjudicial days, and if, prior to a
25 dispositional commitment to secure placement, a public agency, other than
26 a court or law enforcement agency, is afforded an opportunity to review
27 the juvenile's behavior and possible alternatives to secure placement and
28 has submitted a written report to the court; and

29 (vii) A juvenile described in subdivision (1) or (2) of section
30 43-247, except for a status offender, may be held in a secure area of a
31 jail or other facility intended or used for the detention of adults for

1 up to six hours before and six hours after any court appearance.

2 (2) When a juvenile is taken into temporary custody pursuant to
3 subdivision (2), (7), or (8) of section 43-248, and not released under
4 subdivision (1)(a) of this section, the peace officer shall deliver the
5 custody of such juvenile to the Department of Health and Human Services
6 which shall make a temporary placement of the juvenile in the least
7 restrictive environment consistent with the best interests of the
8 juvenile as determined by the department. The department shall supervise
9 such placement and, if necessary, consent to any necessary emergency
10 medical, psychological, or psychiatric treatment for such juvenile. The
11 department shall have no other authority with regard to such temporary
12 custody until or unless there is an order by the court placing the
13 juvenile in the custody of the department. If the peace officer delivers
14 temporary custody of the juvenile pursuant to this subsection, the peace
15 officer shall make a full written report to the county attorney within
16 twenty-four hours of taking such juvenile into temporary custody. If a
17 court order of temporary custody is not issued within forty-eight hours
18 of taking the juvenile into custody, the temporary custody by the
19 department shall terminate and the juvenile shall be returned to the
20 custody of his or her parent, guardian, custodian, or relative.

21 (3) If the peace officer takes the juvenile into temporary custody
22 pursuant to subdivision (3) of section 43-248, the peace officer may
23 place the juvenile at a mental health facility for evaluation and
24 emergency treatment or may deliver the juvenile to the Department of
25 Health and Human Services as provided in subsection (2) of this section.
26 At the time of the admission or turning the juvenile over to the
27 department, the peace officer responsible for taking the juvenile into
28 custody pursuant to subdivision (3) of section 43-248 shall execute a
29 written certificate as prescribed by the Department of Health and Human
30 Services which will indicate that the peace officer believes the juvenile
31 to be mentally ill and dangerous, a summary of the subject's behavior

1 supporting such allegations, and that the harm described in section
2 71-908 is likely to occur before proceedings before a juvenile court may
3 be invoked to obtain custody of the juvenile. A copy of the certificate
4 shall be forwarded to the county attorney. The peace officer shall notify
5 the juvenile's parents, guardian, custodian, or relative of the
6 juvenile's placement.

7 (4) When a juvenile is taken into temporary custody pursuant to
8 subdivision (6) of section 43-248, the peace officer shall deliver the
9 juvenile to the enrolled school of such juvenile.

10 (5) A juvenile taken into custody pursuant to a legal warrant of
11 arrest shall be delivered to a probation officer who shall determine the
12 need for detention of the juvenile as provided in section 43-260.01. If
13 detention is not required, the juvenile may be released without bond if
14 such release is in the best interests of the juvenile, the safety of the
15 community is not at risk, and the court that issued the warrant is
16 notified that the juvenile had been taken into custody and was released.

17 (6) In determining the appropriate temporary placement or
18 alternative to detention of a juvenile under this section, the peace
19 officer shall select the placement or alternative which is least
20 restrictive of the juvenile's freedom so long as such placement or
21 alternative is compatible with the best interests of the juvenile and the
22 safety of the community. Any alternative to detention shall cause the
23 least restriction of the juvenile's freedom of movement consistent with
24 the best interest of the juvenile and the safety of the community.

25 Sec. 3. Section 43-251.01, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 43-251.01 All placements and commitments of juveniles for
28 evaluations or as temporary or final dispositions are subject to the
29 following:

30 (1) No juvenile shall be confined in an adult correctional facility
31 as a disposition of the court;

1 (2) A juvenile who is found to be a juvenile as described in
2 subdivision (3) of section 43-247 shall not be placed in an adult
3 correctional facility, the secure youth confinement facility operated by
4 the Department of Correctional Services, or a youth rehabilitation and
5 treatment center or committed to the Office of Juvenile Services;

6 (3) A juvenile who is found to be a juvenile as described in
7 subdivision (1), (2), or (4) of section 43-247 shall not be assigned or
8 transferred to an adult correctional facility or the secure youth
9 confinement facility operated by the Department of Correctional Services;

10 (4) A juvenile under the age of fourteen years shall not be placed
11 with or committed to a youth rehabilitation and treatment center;

12 (5)(a) Before July 1, 2019, a ~~(5)~~ A juvenile shall not be detained
13 in secure detention or placed at a youth rehabilitation and treatment
14 center unless detention or placement of such juvenile is a matter of
15 immediate and urgent necessity for the protection of such juvenile or the
16 person or property of another or if it appears that such juvenile is
17 likely to flee the jurisdiction of the court; and

18 (b) On and after July 1, 2019:

19 (i) A juvenile shall not be detained unless the physical safety of
20 persons in the community would be seriously threatened or detention is
21 necessary to secure the presence of the juvenile at the next hearing, as
22 evidenced by a demonstrable record of willful failure to appear at a
23 scheduled court hearing within the last twelve months;

24 (ii) A child twelve years of age or younger shall not be placed in
25 detention under any circumstances; and

26 (iii) A juvenile shall not be placed into detention:

27 (A) To allow a parent or guardian to avoid his or her legal
28 responsibility;

29 (B) To punish, treat, or rehabilitate such juvenile;

30 (C) To permit more convenient administrative access to such
31 juvenile;

1 (D) To facilitate further interrogation or investigation; or

2 (E) Due to a lack of more appropriate facilities;

3 (6) A juvenile alleged to be a juvenile as described in subdivision
4 (3) of section 43-247 shall not be placed in a juvenile detention
5 facility, including a wing labeled as staff secure at such facility,
6 unless the designated staff secure portion of the facility fully complies
7 with subdivision (5) of section 83-4,125 and the ingress and egress to
8 the facility are restricted solely through staff supervision; and

9 (7) A juvenile alleged to be a juvenile as described in subdivision
10 (1), (2), (3)(b), or (4) of section 43-247 shall not be placed out of his
11 or her home as a dispositional order of the court unless:

12 (a) All available community-based resources have been exhausted to
13 assist the juvenile and his or her family; and

14 (b) Maintaining the juvenile in the home presents a significant risk
15 of harm to the juvenile or community.

16 Sec. 4. Section 43-251.02, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 43-251.02 A peace officer, upon making contact with a child ~~who has~~
19 ~~not committed a criminal offense but who appears to be a juvenile as~~
20 ~~described in subdivision (3)(b) of section 43-247 and~~ who is in need of
21 assistance, may refer the child and child's parent or parents or guardian
22 to a clinically credentialed community-based provider for immediate
23 crisis intervention, de-escalation, and respite care services.

24 Sec. 5. Section 43-253, Revised Statutes Supplement, 2017, is
25 amended to read:

26 43-253 (1) Upon delivery to the probation officer of a juvenile who
27 has been taken into temporary custody under section 29-401, 43-248, or
28 43-250, the probation officer shall immediately investigate the situation
29 of the juvenile and the nature and circumstances of the events
30 surrounding his or her being taken into custody. Such investigation may
31 be by informal means when appropriate.

1 (2) The probation officer's decision to release the juvenile from
2 custody or place the juvenile in detention or an alternative to detention
3 shall be based upon the results of the standardized juvenile detention
4 screening instrument described in section 43-260.01.

5 (3) No juvenile who has been taken into temporary custody under
6 subdivision (1)(c) of section 43-250 or subsection (6) of section
7 43-286.01 or pursuant to an alleged violation of an order for conditional
8 release shall be detained in any detention facility or be subject to an
9 alternative to detention infringing upon the juvenile's liberty interest
10 for longer than twenty-four hours, excluding nonjudicial days, after
11 having been taken into custody unless such juvenile has appeared
12 personally before a court of competent jurisdiction for a hearing to
13 determine if continued detention, services, or supervision is necessary.
14 The juvenile shall be represented by counsel at the hearing. Whether such
15 counsel shall be provided at the cost of the county shall be determined
16 as provided in subsection (1) of section 43-272. If continued secure
17 detention is ordered, such detention shall be in a juvenile detention
18 facility, except that a juvenile charged with a felony as an adult in
19 county or district court may be held in an adult jail as set forth in
20 subdivision (1)(c)(v) of section 43-250. A juvenile placed in an
21 alternative to detention, but not in detention, may waive this hearing
22 through counsel.

23 (4) When the probation officer deems it to be in the best interests
24 of the juvenile, the probation officer shall immediately release such
25 juvenile to the custody of his or her parent. If the juvenile has both a
26 custodial and a noncustodial parent and the probation officer deems that
27 release of the juvenile to the custodial parent is not in the best
28 interests of the juvenile, the probation officer shall, if it is deemed
29 to be in the best interests of the juvenile, attempt to contact the
30 noncustodial parent, if any, of the juvenile and to release the juvenile
31 to such noncustodial parent. If such release is not possible or not

1 deemed to be in the best interests of the juvenile, the probation officer
2 may release the juvenile to the custody of a legal guardian, a
3 responsible relative, or another responsible person.

4 (5) The court may admit such juvenile to bail by bond in such amount
5 and on such conditions and security as the court, in its sole discretion,
6 shall determine, or the court may proceed as provided in section 43-254.
7 In no case shall the court or probation officer release such juvenile if
8 it appears that:

9 (a) Before July 1, 2019, further detention or placement of such
10 juvenile is a matter of immediate and urgent necessity for the protection
11 of such juvenile or the person or property of another or if it appears
12 that such juvenile is likely to flee the jurisdiction of the court; and -

13 (b) On or after July 1, 2019, the physical safety of persons in the
14 community would be seriously threatened or that detention is necessary to
15 secure the presence of the juvenile at the next hearing, as evidenced by
16 a demonstrable record of willful failure to appear at a scheduled court
17 hearing within the last twelve months.

18 Sec. 6. Section 43-260.01, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 43-260.01 The need for preadjudication placement, services, or
21 supervision and the need for detention of a juvenile and whether
22 detention or an alternative to detention is indicated shall be subject to
23 subdivision (5) of section 43-251.01 and shall ~~may~~ be determined as
24 follows:

25 (1) The standardized juvenile detention screening instrument shall
26 be used to evaluate the juvenile;

27 (2) If the results indicate that detention is not required, the
28 juvenile shall be released without restriction or released to an
29 alternative to detention; and

30 (3) If the results indicate that detention is required, detention
31 shall be pursued.

1 Sec. 7. Section 43-286, Revised Statutes Supplement, 2017, is
2 amended to read:

3 43-286 (1) When any juvenile is adjudicated to be a juvenile
4 described in subdivision (1), (2), or (4) of section 43-247:

5 (a)(i) This subdivision applies until October 1, 2013. The court may
6 continue the dispositional portion of the hearing, from time to time upon
7 such terms and conditions as the court may prescribe, including an order
8 of restitution of any property stolen or damaged or an order requiring
9 the juvenile to participate in community service programs, if such order
10 is in the interest of the juvenile's reformation or rehabilitation, and,
11 subject to the further order of the court, may:

12 (A) Place the juvenile on probation subject to the supervision of a
13 probation officer;

14 (B) Permit the juvenile to remain in his or her own home or be
15 placed in a suitable family home, subject to the supervision of the
16 probation officer; or

17 (C) Cause the juvenile to be placed in a suitable family home or
18 institution, subject to the supervision of the probation officer. If the
19 court has committed the juvenile to the care and custody of the
20 Department of Health and Human Services, the department shall pay the
21 costs of the suitable family home or institution which are not otherwise
22 paid by the juvenile's parents.

23 Under subdivision (1)(a)(i) of this section, upon a determination by
24 the court that there are no parental, private, or other public funds
25 available for the care, custody, and maintenance of a juvenile, the court
26 may order a reasonable sum for the care, custody, and maintenance of the
27 juvenile to be paid out of a fund which shall be appropriated annually by
28 the county where the petition is filed until a suitable provision may be
29 made for the juvenile without such payment.

30 (ii) This subdivision applies beginning October 1, 2013. The court
31 may continue the dispositional portion of the hearing, from time to time

1 upon such terms and conditions as the court may prescribe, including an
2 order of restitution of any property stolen or damaged or an order
3 requiring the juvenile to participate in community service programs, if
4 such order is in the interest of the juvenile's reformation or
5 rehabilitation, and, subject to the further order of the court, may:

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

8 (B) Permit the juvenile to remain in his or her own home or be
9 placed in a suitable family home or institution, subject to the
10 supervision of the probation officer;

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

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

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

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

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

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

5 (II) All options for community-based services have been exhausted;

6 and

7 (III) Placement at a youth rehabilitation and treatment center is a
8 matter of immediate and urgent necessity for the protection of the
9 juvenile or the person or property of another or if it appears that such
10 juvenile is likely to flee the jurisdiction of the court.

11 After the hearing, the court may commit such juvenile to the Office
12 of Juvenile Services for placement at a youth rehabilitation and
13 treatment center as a condition of an order of intensive supervised
14 probation. Upon commitment by the court to the Office of Juvenile
15 Services, the court shall immediately notify the Office of Juvenile
16 Services of the commitment. Intensive supervised probation for purposes
17 of this subdivision means that the Office of Juvenile Services shall be
18 responsible for the care and custody of the juvenile until the Office of
19 Juvenile Services discharges the juvenile from commitment to the Office
20 of Juvenile Services. Upon discharge of the juvenile, the court shall
21 hold a review hearing on the conditions of probation and enter any order
22 allowed under subdivision (1)(a) of this section.

23 The Office of Juvenile Services shall notify those required to be
24 served by sections 43-262 to 43-267, all interested parties, and the
25 committing court of the pending discharge of a juvenile from the youth
26 rehabilitation and treatment center sixty days prior to discharge and
27 again in every case not less than thirty days prior to discharge. Upon
28 notice of pending discharge by the Office of Juvenile Services, the court
29 shall set a continued disposition hearing in anticipation of reentry. The
30 Office of Juvenile Services shall work in collaboration with the Office
31 of Probation Administration in developing an individualized reentry plan

1 for the juvenile as provided in section 43-425. The Office of Juvenile
2 Services shall provide a copy of the individualized reentry plan to the
3 juvenile, the juvenile's attorney, and the county attorney or city
4 attorney prior to the continued disposition hearing. At the continued
5 disposition hearing, the court shall review and approve or modify the
6 individualized reentry plan, place the juvenile under probation
7 supervision, and enter any other order allowed by law. No hearing is
8 required if all interested parties stipulate to the individualized
9 reentry plan by signed motion. In such a case, the court shall approve
10 the conditions of probation, approve the individualized reentry plan, and
11 place the juvenile under probation supervision.

12 The Office of Juvenile Services is responsible for transportation of
13 the juvenile to and from the youth rehabilitation and treatment center.
14 The Office of Juvenile Services may contract for such services. A plan
15 for a juvenile's transport to return to the community shall be a part of
16 the individualized reentry plan. The Office of Juvenile Services may
17 approve family to provide such transport when specified in the
18 individualized reentry plan; or

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

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

28 (3) When any juvenile is adjudicated to be a juvenile described in
29 subdivision (1), (2), (3)(b), or (4) of section 43-247 because of a
30 nonviolent act or acts and the juvenile has not previously been
31 adjudicated to be such a juvenile because of a violent act or acts, the

1 court may, with the agreement of the victim, order the juvenile to attend
2 juvenile offender and victim mediation with a mediator or at an approved
3 center selected from the roster made available pursuant to section
4 25-2908.

5 (4) When a juvenile is placed on probation and a probation officer
6 has reasonable cause to believe that such juvenile has committed a
7 violation of a condition of his or her probation, the probation officer
8 shall take appropriate measures as provided in section 43-286.01.

9 (5)(a) When a juvenile is placed on probation or under the
10 supervision of the court and it is alleged that the juvenile is again a
11 juvenile described in subdivision (1), (2), (3)(b), or (4) of section
12 43-247, a petition may be filed and the same procedure followed and
13 rights given at a hearing on the original petition. If an adjudication is
14 made that the allegations of the petition are true, the court may make
15 any disposition authorized by this section for such adjudications and the
16 county attorney may file a motion to revoke the juvenile's probation.

17 (b) When a juvenile is placed on probation or under the supervision
18 of the court for conduct under subdivision (1), (2), (3)(b), or (4) of
19 section 43-247 and it is alleged that the juvenile has violated a term of
20 probation or supervision or that the juvenile has violated an order of
21 the court, a motion to revoke probation or supervision or to change the
22 disposition may be filed and proceedings held as follows:

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

26 (ii) The juvenile shall be entitled to a hearing before the court to
27 determine the validity of the allegations. At such hearing the juvenile
28 shall be entitled to those rights relating to counsel provided by section
29 43-272 and those rights relating to detention provided by sections 43-254
30 to 43-256. The juvenile shall also be entitled to speak and present
31 documents, witnesses, or other evidence on his or her own behalf. He or

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

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

13 (iv) The juvenile shall not be confined, detained, or otherwise
14 significantly deprived of his or her liberty pursuant to the filing of a
15 motion described in this section unless the requirements of subdivision
16 (5) of section 43-251.01 and section 43-260.01 have been met. In all
17 cases when the requirements of subdivision (5) of section 43-251.01 and
18 section 43-260.01 have been met and the juvenile is confined, detained,
19 or otherwise significantly deprived of his or her liberty as a result of
20 his or her alleged violation of probation, supervision, or a court order,
21 the juvenile shall be given a preliminary hearing. ~~Such preliminary~~
22 ~~hearing shall be held before an impartial person other than his or her~~
23 ~~probation officer or any person directly involved with the case.~~ If, as a
24 result of such preliminary hearing, probable cause is found to exist, the
25 juvenile shall be entitled to a hearing before the court in accordance
26 with this subsection;

27 (v) If the juvenile is found by the court to have violated the terms
28 of his or her probation or supervision or an order of the court, the
29 court may modify the terms and conditions of the probation, supervision,
30 or other court order, extend the period of probation, supervision, or
31 other court order, or enter any order of disposition that could have been

1 made at the time the original order was entered; and

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

5 (6) Costs incurred on behalf of a juvenile under this section shall
6 be paid as provided in section 43-290.01.

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

11 Sec. 8. Section 43-1238, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 43-1238 (a) Except as otherwise provided in section 43-1241, a court
14 of this state has jurisdiction to make an initial child custody
15 determination only if:

16 (1) this state is the home state of the child on the date of the
17 commencement of the proceeding or was the home state of the child within
18 six months before the commencement of the proceeding and the child is
19 absent from this state but a parent or person acting as a parent
20 continues to live in this state;

21 (2) a court of another state does not have jurisdiction under
22 subdivision (a)(1) of this section, or a court of the home state of the
23 child has declined to exercise jurisdiction on the ground that this state
24 is the more appropriate forum under section 43-1244 or 43-1245, and:

25 (A) the child and the child's parents, or the child and at least one
26 parent or a person acting as a parent, have a significant connection with
27 this state other than mere physical presence; and

28 (B) substantial evidence is available in this state concerning the
29 child's care, protection, training, and personal relationships;

30 (3) all courts having jurisdiction under subdivision (a)(1) or (a)
31 (2) of this section have declined to exercise jurisdiction on the ground

1 that a court of this state is the more appropriate forum to determine the
2 custody of the child under section 43-1244 or 43-1245; or

3 (4) no court of any other state would have jurisdiction under the
4 criteria specified in subdivision (a)(1), (a)(2), or (a)(3) of this
5 section.

6 (b) Subsection (a) of this section is the exclusive jurisdictional
7 basis for making a child custody determination by a court of this state.
8 In addition to having jurisdiction to make judicial determinations about
9 the custody and care of the child, a court of this state with exclusive
10 jurisdiction under subsection (a) of this section has jurisdiction and
11 authority to make factual findings regarding (1) the abuse, abandonment,
12 or neglect of the child, (2) the nonviability of reunification with at
13 least one of the child's parents due to such abuse, abandonment, neglect,
14 or a similar basis under state law, and (3) whether it would be in the
15 best interests of such child to be removed from the United States to a
16 foreign country, including the child's country of origin or last habitual
17 residence. If there is sufficient evidence to support such factual
18 findings, the court shall issue an order containing such findings when
19 requested by one of the parties or upon the court's own motion.

20 (c) Physical presence of, or personal jurisdiction over, a party or
21 a child is not necessary or sufficient to make a child custody
22 determination.

23 Sec. 9. Section 43-2401, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 43-2401 Sections 43-2401 to 43-2412 ~~43-2413~~ shall be known and may
26 be cited as the Juvenile Services Act.

27 Sec. 10. Section 43-2404.01, Reissue Revised Statutes of Nebraska,
28 is amended to read:

29 43-2404.01 (1) To be eligible for participation in either the
30 Commission Grant Program or the Community-based Juvenile Services Aid
31 Program, a comprehensive juvenile services plan shall be developed,

1 adopted, and submitted to the commission in accordance with the federal
2 act and rules and regulations adopted and promulgated by the commission
3 in consultation with the Director of the Community-based Juvenile
4 Services Aid Program, the Director of Juvenile Diversion Programs, the
5 Office of Probation Administration, and the University of Nebraska at
6 Omaha, Juvenile Justice Institute. Such plan may be developed by eligible
7 applicants for the Commission Grant Program and by individual counties,
8 by multiple counties, by federally recognized or state-recognized Indian
9 tribes, or by any combination of the three for the Community-based
10 Juvenile Services Aid Program. Comprehensive juvenile services plans
11 shall:

12 (a) Be developed by a comprehensive community team representing
13 juvenile justice system stakeholders;

14 (b) Be based on data relevant to juvenile and family issues,
15 including an examination of disproportionate minority contact in order to
16 identify juvenile delinquency prevention efforts and system improvement
17 efforts designed to reduce, without establishing or requiring numerical
18 standards or quotas, the disproportionate number of juvenile members of
19 minority groups who come into contact with the juvenile justice system;

20 (c) Identify policies and practices that are research-based or
21 standardized and reliable and are implemented with fidelity and which
22 have been researched and demonstrate positive outcomes;

23 (d) Identify clear implementation strategies; and

24 (e) Identify how the impact of the program or service will be
25 measured.

26 (2) Any portion of the comprehensive juvenile services plan dealing
27 with administration, procedures, and programs of the juvenile court shall
28 not be submitted to the commission without the concurrence of the
29 presiding judge or judges of the court or courts having jurisdiction in
30 juvenile cases for the geographic area to be served. Programs or services
31 established by such plans shall conform to the family policy tenets

1 prescribed in sections 43-532 and 43-533 and shall include policies and
2 practices that are research-based or standardized and reliable and are
3 implemented with fidelity and which have been researched and demonstrate
4 positive outcomes.

5 (3) The commission, in consultation with the University of Nebraska
6 at Omaha, Juvenile Justice Institute, shall contract for the development
7 and administration of a statewide system to monitor and evaluate the
8 effectiveness of plans and programs receiving funds from (a) the
9 Commission Grant Program and (b) the Community-based Juvenile Services
10 Aid Program in preventing persons from entering the juvenile justice
11 system and in rehabilitating juvenile offenders, including an examination
12 of disproportionate minority contact in order to identify juvenile
13 delinquency prevention efforts and system improvement efforts designed to
14 reduce, without establishing or requiring numerical standards or quotas,
15 the disproportionate number of juvenile members of minority groups who
16 come into contact with the juvenile justice system.

17 (4) There is established within the commission the position of
18 Director of the Community-based Juvenile Services Aid Program, appointed
19 by the executive director of the commission. The director shall have
20 extensive experience in developing and providing community-based
21 services.

22 (5) The director shall be supervised by the executive director of
23 the commission. The director shall:

24 (a) Provide technical assistance and guidance for the development of
25 comprehensive juvenile services plans;

26 (b) Coordinate the review of the Community-based Juvenile Services
27 Aid Program application as provided in section 43-2404.02 and make
28 recommendations for the distribution of funds provided under the
29 Community-based Juvenile Services Aid Program, giving priority to those
30 grant applications funding programs and services that will divert
31 juveniles from the juvenile justice system, impact and effectively treat

1 juveniles within the juvenile justice system, and reduce the juvenile
2 detention population or assist juveniles in transitioning from out-of-
3 home placements to in-home treatments. The director shall ensure that no
4 funds appropriated or distributed under the Community-based Juvenile
5 Services Aid Program are used for purposes prohibited under subsection
6 (3) of section 43-2404.02;

7 (c) Develop data collection and evaluation protocols, oversee
8 statewide data collection, and generate an annual report on the
9 effectiveness of juvenile services that receive funds from the Community-
10 based Juvenile Services Aid Program, including an examination of
11 disproportionate minority contact in order to identify juvenile
12 delinquency prevention efforts and system improvement efforts designed to
13 reduce, without establishing or requiring numerical standards or quotas,
14 the disproportionate number of juvenile members of minority groups who
15 come into contact with the juvenile justice system;

16 (d) Develop relationships and collaborate with juvenile justice
17 system stakeholders, provide education and training as necessary, and
18 serve on boards and committees when approved by the commission;

19 (e) Assist juvenile justice system stakeholders in developing
20 policies and practices that are research-based or standardized and
21 reliable and are implemented with fidelity and which have been researched
22 and demonstrate positive outcomes, including an examination of
23 disproportionate minority contact in order to identify juvenile
24 delinquency prevention efforts and system improvement efforts designed to
25 reduce, without establishing or requiring numerical standards or quotas,
26 the disproportionate number of juvenile members of minority groups who
27 come into contact with the juvenile justice system;

28 (f) Develop and coordinate a statewide working group as a
29 subcommittee of the coalition to assist in regular strategic planning
30 related to supporting, funding, monitoring, and evaluating the
31 effectiveness of plans and programs receiving funds from the Community-

1 based Juvenile Services Aid Program; and

2 (g) Work with ~~the coordinator for~~ the coalition in facilitating the
3 coalition's obligations under the Community-based Juvenile Services Aid
4 Program.

5 Sec. 11. Section 43-2404.02, Reissue Revised Statutes of Nebraska,
6 is amended to read:

7 43-2404.02 (1) There is created a separate and distinct budgetary
8 program within the commission to be known as the Community-based Juvenile
9 Services Aid Program. Funding acquired from participation in the federal
10 act, state General Funds, and funding acquired from other sources which
11 may be used for purposes consistent with the Juvenile Services Act and
12 the federal act shall be used to aid in the establishment and provision
13 of community-based services for juveniles who come in contact with the
14 juvenile justice system.

15 (2)(a) Ten percent of the annual General Fund appropriation to the
16 Community-based Juvenile Services Aid Program, excluding administrative
17 budget funds, shall be set aside for the development of a common data set
18 and evaluation of the effectiveness of the Community-based Juvenile
19 Services Aid Program. The intent in creating this common data set is to
20 allow for evaluation of the use of the funds and the effectiveness of the
21 programs or outcomes in the Community-based Juvenile Services Aid
22 Program.

23 (b) The common data set shall be developed and maintained by the
24 commission and shall serve as a primary data collection site for any
25 intervention funded by the Community-based Juvenile Services Aid Program
26 designed to serve juveniles and deter involvement in the formal juvenile
27 justice system. The commission shall work with agencies and programs to
28 enhance existing data sets. To ensure that the data set permits
29 evaluation of recidivism and other measures, the commission shall work
30 with the Office of Probation Administration, juvenile diversion programs,
31 law enforcement, the courts, and others to compile data that demonstrates

1 whether a youth has moved deeper into the juvenile justice system. The
2 University of Nebraska at Omaha, Juvenile Justice Institute, shall assist
3 with the development of common definitions, variables, and training
4 required for data collection and reporting into the common data set by
5 juvenile justice programs. The common data set maintained by the
6 commission shall be provided to the University of Nebraska at Omaha,
7 Juvenile Justice Institute, to assess the effectiveness of the Community-
8 based Juvenile Services Aid Program.

9 (c) Providing the commission access to records and information for,
10 as well as the commission granting access to records and information
11 from, the common data set is not a violation of confidentiality
12 provisions under any law, rule, or regulation if done in good faith for
13 purposes of evaluation. Records and documents, regardless of physical
14 form, that are obtained or produced or presented to the commission for
15 the common data set are not public records for purposes of sections
16 84-712 to 84-712.09.

17 (d) The ten percent of the annual General Fund appropriation to the
18 Community-based Juvenile Services Aid Program, excluding administrative
19 budget funds, shall be appropriated as follows: In fiscal year 2015-16,
20 seven percent shall go to the commission for development of the common
21 data set and three percent shall go to the University of Nebraska at
22 Omaha, Juvenile Justice Institute, for evaluation. In fiscal year
23 2016-17, six percent shall go to the commission for development and
24 maintenance of the common data set and four percent shall go to the
25 University of Nebraska at Omaha, Juvenile Justice Institute, for
26 evaluation. Every fiscal year thereafter, beginning in fiscal year
27 2017-18, five percent shall go to the commission for development and
28 maintenance of the common data set and five percent shall go to the
29 University of Nebraska at Omaha, Juvenile Justice Institute, for
30 evaluation.

31 (e) The remaining funds in the annual General Fund appropriation to

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

13 (3)(a) In distributing funds provided under the Community-based
14 Juvenile Services Aid Program, aid recipients shall prioritize programs
15 and services that will divert juveniles from the juvenile justice system,
16 reduce the population of juveniles in juvenile detention and secure
17 confinement, and assist in transitioning juveniles from out-of-home
18 placements.

19 (b) Funds received under the Community-based Juvenile Services Aid
20 Program shall be used exclusively to assist the aid recipient in the
21 implementation and operation of programs or the provision of services
22 identified in the aid recipient's comprehensive juvenile services plan,
23 including programs for local planning and service coordination;
24 screening, assessment, and evaluation; diversion; alternatives to
25 detention; family support services; treatment services; truancy
26 prevention and intervention programs; pilot projects approved by the
27 commission; payment of transportation costs to and from placements,
28 evaluations, or services; personnel when the personnel are aligned with
29 evidence-based treatment principles, programs, or practices; contracting
30 with other state agencies or private organizations that provide evidence-
31 based treatment or programs; preexisting programs that are aligned with

1 evidence-based practices or best practices; and other services that will
2 positively impact juveniles and families in the juvenile justice system.

3 (c) Funds received under the Community-based Juvenile Services Aid
4 Program may be used one time by an aid recipient:

5 (i) To convert an existing juvenile detention facility or other
6 existing structure for use as an alternative to detention as defined in
7 section 43-245;

8 (ii) To invest in capital construction, including both new
9 construction and renovations, for a facility for use as an alternative to
10 detention; or

11 (iii) For the initial lease of a facility for use as an alternative
12 to detention.

13 (d) {e} Funds received under the Community-based Juvenile Services
14 Aid Program shall not be used for the following:

15 (i) Construction of secure detention facilities, secure youth
16 treatment facilities, or secure youth confinement facilities;

17 (ii) Capital ~~capital~~ construction or the lease or acquisition of
18 facilities beyond the one-time use described in subdivision (3)(c) of
19 this section;

20 (iii) Programs ~~programs~~, services, treatments, evaluations, or other
21 preadjudication services that are not based on or grounded in evidence-
22 based practices, principles, and research, except that the commission may
23 approve pilot projects that authorize the use of such aid; or

24 (iv) Office ~~office~~ equipment, office supplies, or office space.

25 (e) {d} Any aid not distributed to counties under this subsection
26 shall be retained by the commission to be distributed on a competitive
27 basis under the Community-based Juvenile Services Aid Program for a
28 county, multiple counties, federally recognized or state-recognized
29 Indian tribe or tribes, or any combination of the three demonstrating
30 additional need in the funding areas identified in this subsection.

31 (f) {e} If a county, multiple counties, or a federally recognized or

1 state-recognized Indian tribe or tribes is denied aid under this section
2 or receives no aid under this section, the entity may request an appeal
3 pursuant to the appeal process in rules and regulations adopted and
4 promulgated by the commission. The commission shall establish appeal and
5 hearing procedures by December 15, 2014. The commission shall make appeal
6 and hearing procedures available on its web site.

7 (4)(a) Any recipient of aid under the Community-based Juvenile
8 Services Aid Program shall electronically file an annual report as
9 required by rules and regulations adopted and promulgated by the
10 commission. Any program funded through the Community-based Juvenile
11 Services Aid Program that served juveniles shall report data on the
12 individual youth served. Any program that is not directly serving youth
13 shall include program-level data. In either case, data collected shall
14 include, but not be limited to, the following: The type of juvenile
15 service, how the service met the goals of the comprehensive juvenile
16 services plan, demographic information on the juveniles served, program
17 outcomes, the total number of juveniles served, and the number of
18 juveniles who completed the program or intervention.

19 (b) Any recipient of aid under the Community-based Juvenile Services
20 Aid Program shall be assisted by the University of Nebraska at Omaha,
21 Juvenile Justice Institute, in reporting in the common data set, as set
22 forth in the rules and regulations adopted and promulgated by the
23 commission. Community-based aid utilization and evaluation data shall be
24 stored and maintained by the commission.

25 (c) Evaluation of the use of funds and the evidence of the
26 effectiveness of the programs shall be completed by the University of
27 Nebraska at Omaha, Juvenile Justice Institute, specifically:

28 (i) The varying rates of recidivism, as defined by rules and
29 regulations adopted and promulgated by the commission, and other measures
30 for juveniles participating in community-based programs; and

31 (ii) Whether juveniles are sent to staff secure or secure juvenile

1 detention after participating in a program funded by the Community-based
2 Juvenile Services Aid Program.

3 (5) The commission shall report annually to the Governor and the
4 Legislature on the distribution and use of funds for aid appropriated
5 under the Community-based Juvenile Services Aid Program. The report shall
6 include, but not be limited to, an aggregate report of the use of the
7 Community-based Juvenile Services Aid Program funds, including the types
8 of juvenile services and programs that were funded, whether any
9 recipients used the funds for a purpose described in subdivision (3)(c)
10 of this section, demographic information on the total number of juveniles
11 served, program success rates, the total number of juveniles sent to
12 secure juvenile detention or residential treatment and secure
13 confinement, and a listing of the expenditures of all counties and
14 federally recognized or state-recognized Indian tribes for detention,
15 residential treatment, and secure confinement. The report submitted to
16 the Legislature shall be submitted electronically.

17 (6) The commission shall adopt and promulgate rules and regulations
18 for the Community-based Juvenile Services Aid Program in consultation
19 with the Director of the Community-based Juvenile Services Aid Program,
20 the Director of Juvenile Diversion Programs, the Office of Probation
21 Administration, the Nebraska Association of County Officials, and the
22 University of Nebraska at Omaha, Juvenile Justice Institute. The rules
23 and regulations shall include, but not be limited to:

24 (a) The required elements of a comprehensive juvenile services plan
25 and planning process;

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

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

31 (d) A plan for evaluating the effectiveness of plans and programs

1 receiving funding;

2 (e) A reporting process for aid recipients;

3 (f) A reporting process for the commission to the Governor and
4 Legislature. The report shall be made electronically to the Governor and
5 the Legislature; and

6 (g) Requirements regarding the use of the common data set.

7 Sec. 12. Section 43-2409, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 43-2409 (1) The coalition shall review periodically the performance
10 of eligible applicants participating under the Commission Grant Program
11 and the federal act to determine if substantial compliance criteria are
12 being met. The commission shall establish criteria for defining
13 substantial compliance.

14 (2) Grants received by an eligible applicant under the Commission
15 Grant Program shall not be used to replace or supplant any funds
16 currently being used to support existing programs for juveniles.

17 (3) Grants received under the Commission Grant Program shall not be
18 used for capital construction or the lease or acquisition of facilities
19 except as provided in subdivision (3)(c) of section 43-2404.02.

20 Sec. 13. Section 43-2411, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 43-2411 (1) The Nebraska Coalition for Juvenile Justice is created.
23 ~~As provided in the federal act, there shall be no less than fifteen nor~~
24 ~~more than thirty-three members of the coalition.~~ Coalition members who
25 are members of the judicial branch of government shall be nonvoting
26 members of the coalition. The coalition members shall be appointed by the
27 Governor and shall include the members required under subsection (2) or
28 (3) of this section. ÷

29 (2) Before June 15, 2018:

30 (a) As provided in the federal act, there shall be no less than
31 fifteen nor more than thirty-three members of the coalition;

- 1 (b) The coalition shall include:
- 2 (i) ~~(a)~~ The Administrator of the Office of Juvenile Services;
- 3 (ii) ~~(b)~~ The chief executive officer of the Department of Health and
4 Human Services or his or her designee;
- 5 (iii) ~~(c)~~ The Commissioner of Education or his or her designee;
- 6 (iv) ~~(d)~~ The executive director of the Nebraska Commission on Law
7 Enforcement and Criminal Justice or his or her designee;
- 8 (v) ~~(e)~~ The executive director ~~Executive Director~~ of the Nebraska
9 Association of County Officials or his or her designee;
- 10 (vi) ~~(f)~~ The probation administrator of the Office of Probation
11 Administration or his or her designee;
- 12 (vii) ~~(g)~~ One county commissioner or supervisor;
- 13 (viii) ~~(h)~~ One person with data analysis experience;
- 14 (ix) ~~(i)~~ One police chief;
- 15 (x) ~~(j)~~ One sheriff;
- 16 (xi) ~~(k)~~ The executive director of the Foster Care Review Office;
- 17 (xii) ~~(l)~~ One separate juvenile court judge;
- 18 (xiii) ~~(m)~~ One county court judge;
- 19 (xiv) ~~(n)~~ One representative of mental health professionals who
20 works directly with juveniles;
- 21 (xv) ~~(o)~~ Three representatives, one from each congressional
22 district, from community-based, private nonprofit organizations who work
23 with juvenile offenders and their families;
- 24 (xvi) ~~(p)~~ One volunteer who works with juvenile offenders or
25 potential juvenile offenders;
- 26 (xvii) ~~(q)~~ One person who works with an alternative to a detention
27 program for juveniles;
- 28 (xviii) ~~(r)~~ The director or his or her designee from a youth
29 rehabilitation and treatment center;
- 30 (xix) ~~(s)~~ The director or his or her designee from a secure juvenile
31 detention facility;

1 ~~(xx)~~ ~~(t)~~ The director or his or her designee from a staff secure
2 youth confinement facility;

3 ~~(xxi)~~ ~~(u)~~ At least five members who are under twenty-four years of
4 age when appointed;

5 ~~(xxii)~~ ~~(v)~~ One person who works directly with juveniles who have
6 learning or emotional difficulties or are abused or neglected;

7 ~~(xxiii)~~ ~~(w)~~ One member of the Nebraska Commission on Law Enforcement
8 and Criminal Justice;

9 ~~(xxiv)~~ ~~(x)~~ One member of a regional behavioral health authority
10 established under section 71-808;

11 ~~(xxv)~~ ~~(y)~~ One county attorney; and

12 ~~(xxvi)~~ ~~(z)~~ One public defender; ~~-~~

13 ~~(c) A majority of the coalition members, including the chairperson,~~
14 ~~shall not be full-time employees of federal, state, or local government.~~
15 ~~At least one-fifth of the coalition members shall be under the age of~~
16 ~~twenty-four years at the time of appointment; and~~

17 ~~(d) Except as provided in subsection (4) of this section, the (2)~~
18 ~~The terms of members appointed pursuant to subdivisions (2)(b)(vii) (1)~~
19 ~~(g) through (2)(b)(xxvi) (1)(z) of this section shall be three years,~~
20 ~~except that the terms of the initial appointments of members of the~~
21 ~~coalition shall be staggered so that one-third of the members are~~
22 ~~appointed for terms of one year, one-third for terms of two years, and~~
23 ~~one-third for terms of three years, as determined by the Governor.—A~~
24 ~~majority of the coalition members, including the chairperson, shall not~~
25 ~~be full-time employees of federal, state, or local government. At least~~
26 ~~one-fifth of the coalition members shall be under the age of twenty-four~~
27 ~~at the time of appointment.—~~

28 ~~(3) On and after June 15, 2018, the coalition shall include:~~

29 ~~(a) The chief executive officer of the Department of Health and~~
30 ~~Human Services or his or her designee;~~

31 ~~(b) The Commissioner of Education or his or her designee;~~

1 (c) The executive director of the Nebraska Commission on Law
2 Enforcement and Criminal Justice or his or her designee;

3 (d) The executive director of the Nebraska Association of County
4 Officials or his or her designee;

5 (e) The probation administrator of the Office of Probation
6 Administration or his or her designee;

7 (f) One county commissioner or supervisor;

8 (g) One representative from law enforcement;

9 (h) The executive director of the Foster Care Review Office;

10 (i) One separate juvenile court judge;

11 (j) One county court judge;

12 (k) Three representatives, one from each congressional district,
13 from community-based, private nonprofit organizations who work with
14 juvenile offenders and their families;

15 (l) The director or his or her designee from a secure juvenile
16 detention facility or a staff secure youth confinement facility;

17 (m) At least one member who is under twenty-four years of age when
18 appointed, with juvenile justice experience preferred;

19 (n) One at-large member;

20 (o) One member of a regional behavioral health authority established
21 under section 71-808;

22 (p) One county attorney; and

23 (q) One juvenile public defender or defense attorney.

24 (4)(a) Except as provided in subdivisions (c) through (e) of this
25 subsection, members of the coalition serving prior to June 15, 2018,
26 shall continue to serve on the coalition as representatives of the entity
27 they were appointed to represent until their current terms of office
28 expire and their successors are appointed and confirmed.

29 (b) The terms of the members appointed pursuant to subdivisions (3)
30 (f) through (3)(q) of this section shall be three years.

31 (c) The positions created pursuant to subdivisions (2)(b)(i),

1 ~~(viii), (x), (xiv), (xvi), (xvii), (xviii), (xx), (xxii), and (xxiii) of~~
2 ~~this section shall cease to exist on June 15, 2018.~~

3 ~~(d) The police chief appointed pursuant to subdivision (2)(b)(ix) of~~
4 ~~this section shall continue to serve until the representative from law~~
5 ~~enforcement under subdivision (3)(g) of this section is appointed.~~

6 ~~(e) The director or his or her designee from a secure juvenile~~
7 ~~detention facility appointed pursuant to subdivision (2)(b)(xix) of this~~
8 ~~section shall continue to serve until the member under subdivision (3)(l)~~
9 ~~of this section is appointed.~~

10 ~~(5) Any vacancy on the coalition shall be filled by appointment by~~
11 ~~the Governor. The coalition shall select a chairperson, a vice-~~
12 ~~chairperson, and such other officers as it deems necessary.~~

13 ~~(6) (3) Members of the coalition shall be reimbursed for their~~
14 ~~actual and necessary expenses pursuant to sections 81-1174 to 81-1177.~~

15 ~~(7) (4) The coalition may appoint task forces or subcommittees to~~
16 ~~carry out its work. Task force and subcommittee members shall have~~
17 ~~knowledge of, responsibility for, or interest in an area related to the~~
18 ~~duties of the coalition.~~

19 Sec. 14. Section 43-2412, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 43-2412 (1) Consistent with the purposes and objectives of the
22 Juvenile Services Act and the federal act, the coalition shall:

23 (a) Make recommendations to the commission on the awarding of grants
24 under the Commission Grant Program to eligible applicants;

25 ~~(b) Identify juvenile justice issues, share information, and monitor~~
26 ~~and evaluate programs in the juvenile justice system;~~

27 ~~(c) Recommend guidelines and supervision procedures to be used to~~
28 ~~develop or expand local diversion programs for juveniles from the~~
29 ~~juvenile justice system;~~

30 ~~(b) (d) Prepare at least one an annual report annually to the~~
31 ~~Governor, the Legislature, the Office of Probation Administration, and~~

1 the Office of Juvenile Services ~~including recommendations on~~
2 ~~administrative and legislative actions which would improve the juvenile~~
3 ~~justice system.~~ The report submitted to the Legislature shall be
4 submitted electronically;

5 ~~(c) (e)~~ Ensure widespread citizen involvement in all phases of its
6 work; and

7 ~~(d) (f)~~ Meet at least two ~~four~~ times each year.

8 (2) Consistent with the purposes and objectives of the acts and
9 within the limits of available time and appropriations, the coalition
10 may:

11 (a) Assist and advise state and local agencies in the establishment
12 of volunteer training programs and the utilization of volunteers;

13 (b) Apply for and receive funds from federal and private sources for
14 carrying out its powers and duties; ~~and~~

15 (c) Provide technical assistance to eligible applicants; ~~and~~

16 (d) Identify juvenile justice issues, share information, and monitor
17 and evaluate programs in the juvenile justice system; and

18 (e) Recommend guidelines and supervision procedures to be used to
19 develop or expand local diversion programs for juveniles from the
20 juvenile justice system.

21 (3) In formulating, adopting, and promulgating the recommendations
22 and guidelines provided for in this section, the coalition shall consider
23 the differences among counties in population, in geography, and in the
24 availability of local resources.

25 Sec. 15. Section 71-1940, Revised Statutes Cumulative Supplement,
26 2016, is amended to read:

27 71-1940 The department may deny, refuse to renew, or take
28 disciplinary action against a license issued under the Children's
29 Residential Facilities and Placing Licensure Act on any of the following
30 grounds:

31 (1) Failure to meet or violation of any of the requirements of the

1 act or the rules and regulations adopted and promulgated under the act;

2 (2) Violation of an order of the department under the act;

3 (3) Conviction, admission, or substantial evidence of committing or
4 permitting, aiding, or abetting another to commit any unlawful act,
5 including, but not limited to, unlawful acts committed by an applicant or
6 licensee under the act, household members who reside at the place where
7 children's residential care or child-placing services are provided, or
8 employees of the applicant or licensee that involve:

9 (a) Physical abuse of children or vulnerable adults as defined in
10 section 28-371;

11 (b) Endangerment or neglect of children or vulnerable adults;

12 (c) Sexual abuse, sexual assault, or sexual misconduct;

13 (d) Homicide;

14 (e) Use, possession, manufacturing, or distribution of a controlled
15 substance listed in section 28-405;

16 (f) Property crimes, including, but not limited to, fraud,
17 embezzlement, and theft by deception; or

18 (g) Use of a weapon in the commission of an unlawful act;

19 (4) Conduct or practices detrimental to the health, safety, or
20 welfare of any individual residing in, served by, or employed at the
21 residential child-caring agency or child-placing agency;

22 (5) Failure to allow an agent or employee of the department access
23 to the residential child-caring agency or child-placing agency for the
24 purposes of inspection, investigation, or other information collection
25 activities necessary to carry out the duties of the department;

26 (6) Failure to allow local or state inspectors, investigators, or
27 law enforcement officers access to the residential child-caring agency or
28 child-placing agency for the purposes of investigation necessary to carry
29 out their duties;

30 (7) Failure to meet requirements relating to sanitation, fire
31 safety, and building codes;

1 (8) Failure to comply with or violation of the Medication Aide Act;

2 (9) Failure to file a report of suspected abuse or neglect as
3 required by sections 28-372 and 28-711;

4 (10) Violation of any city, village, or county rules, regulations,
5 resolutions, or ordinances regulating licensees;

6 (11) A history of misconduct or violations by an applicant or
7 licensee involving children or vulnerable adults; ~~or~~

8 (12) Violation of the requirements of section 83-4,134.01; or

9 (13) ~~(12)~~ Violation of any federal, state, or local law involving
10 care of children.

11 Sec. 16. Section 83-4,125, Revised Statutes Cumulative Supplement,
12 2016, is amended to read:

13 83-4,125 For purposes of sections 83-4,124 to 83-4,134.01:

14 (1) Criminal detention facility means any institution operated by a
15 political subdivision or a combination of political subdivisions for the
16 careful keeping or rehabilitative needs of adult or juvenile criminal
17 offenders or those persons being detained while awaiting disposition of
18 charges against them. Criminal detention facility does not include any
19 institution operated by the Department of Correctional Services. Criminal
20 detention facilities shall be classified as follows:

21 (a) Type I Facilities means criminal detention facilities used for
22 the detention of persons for not more than twenty-four hours, excluding
23 nonjudicial days;

24 (b) Type II Facilities means criminal detention facilities used for
25 the detention of persons for not more than ninety-six hours, excluding
26 nonjudicial days; and

27 (c) Type III Facilities means criminal detention facilities used for
28 the detention of persons beyond ninety-six hours;

29 (2) Juvenile detention facility means an institution operated by a
30 political subdivision or political subdivisions for the secure detention
31 and treatment of persons younger than eighteen years of age, including

1 persons under the jurisdiction of a juvenile court, who are serving a
2 sentence pursuant to a conviction in a county or district court or who
3 are detained while waiting disposition of charges against them. Juvenile
4 detention facility does not include any institution operated by the
5 department;

6 (3) Juvenile facility means a residential child-caring agency as
7 defined in section 71-1926, a juvenile detention facility or staff secure
8 juvenile facility as defined in this section, a facility operated by the
9 Department of Correctional Services that houses youth under the age of
10 majority, or a youth rehabilitation and treatment center;

11 (4) Room confinement means the involuntary restriction of a juvenile
12 placed alone in to a cell, alone in a room, or alone in another other
13 area, alone, including a juvenile's own room, except during normal
14 sleeping hours, whether or not such cell, room, or other area is subject
15 to video or other electronic monitoring; and

16 (5) Staff secure juvenile facility means a juvenile residential
17 facility operated by a political subdivision (a) which does not include
18 construction designed to physically restrict the movements and activities
19 of juveniles who are in custody in the facility, (b) in which physical
20 restriction of movement or activity of juveniles is provided solely
21 through staff, (c) which may establish reasonable rules restricting
22 ingress to and egress from the facility, and (d) in which the movements
23 and activities of individual juvenile residents may, for treatment
24 purposes, be restricted or subject to control through the use of
25 intensive staff supervision. Staff secure juvenile facility does not
26 include any institution operated by the department.

27 Sec. 17. Section 83-4,134.01, Revised Statutes Cumulative
28 Supplement, 2016, is amended to read:

29 83-4,134.01 (1) It is the intent of the Legislature to establish a
30 system of investigation and performance review in order to provide
31 increased accountability and oversight regarding the use of room

1 confinement for juveniles in a juvenile facility.

2 (2) The following shall apply regarding placement in room
3 confinement of a juvenile in a juvenile facility:

4 (a) Room confinement of a juvenile for longer than one hour shall be
5 documented and approved in writing by a supervisor in the juvenile
6 facility. Documentation of the room confinement shall include the date of
7 the occurrence; the race, ethnicity, age, and gender of the juvenile; the
8 reason for placement of the juvenile in room confinement; an explanation
9 of why less restrictive means were unsuccessful; the ultimate duration of
10 the placement in room confinement; facility staffing levels at the time
11 of confinement; and any incidents of self-harm or suicide committed by
12 the juvenile while he or she was isolated;

13 (b) If any physical or mental health clinical evaluation was
14 performed during the time the juvenile was in room confinement for longer
15 than one hour, the results of such evaluation shall be considered in any
16 decision to place a juvenile in room confinement or to continue room
17 confinement;

18 (c) The juvenile facility shall submit a report quarterly to the
19 Legislature on the ~~number~~ of juveniles placed in room confinement; the
20 length of time each juvenile was in room confinement; the race,
21 ethnicity, age, and gender of each juvenile placed in room confinement;
22 facility staffing levels at the time of confinement; and the reason each
23 juvenile was placed in room confinement. The report shall specifically
24 address each instance of room confinement of a juvenile for more than
25 four hours, including all reasons why attempts to return the juvenile to
26 the general population of the juvenile facility were unsuccessful. The
27 report shall also detail all corrective measures taken in response to
28 noncompliance with this section. The report shall redact all personal
29 identifying information but shall provide individual, not aggregate,
30 data. The report shall be delivered electronically to the Legislature.
31 The initial quarterly report shall be submitted within two weeks after

1 the quarter ending on September 30, 2016. Subsequent reports shall be
2 submitted for the ensuing quarters within two weeks after the end of each
3 quarter;~~and~~

4 (d) The Inspector General of Nebraska Child Welfare shall review all
5 data collected pursuant to this section in order to assess the use of
6 room confinement for juveniles in each juvenile facility and prepare an
7 annual report of his or her findings, including, but not limited to,
8 identifying changes in policy and practice which may lead to decreased
9 use of such confinement as well as model evidence-based criteria to be
10 used to determine when a juvenile should be placed in room confinement.
11 The report shall be delivered electronically to the Legislature on an
12 annual basis; and -

13 (e) Any juvenile facility which is not a residential child-caring
14 agency which fails to comply with the requirements of this section is
15 subject to disciplinary action as provided in section 83-4,134. Any
16 juvenile facility which is a residential child-caring agency which fails
17 to comply with the requirements of this section is subject to
18 disciplinary action as provided in section 71-1940.

19 Sec. 18. Sections 1, 2, 4, 7, 8, 15, 16, 17, and 20 of this act
20 become operative three calendar months after the adjournment of this
21 legislative session. The other sections of this act become operative on
22 their effective date.

23 Sec. 19. Original sections 43-251.01, 43-260.01, 43-2401,
24 43-2404.01, 43-2404.02, 43-2409, 43-2411, and 43-2412, Reissue Revised
25 Statutes of Nebraska, and section 43-253, Revised Statutes Supplement,
26 2017, are repealed.

27 Sec. 20. Original sections 43-248, 43-250, 43-251.02, and 43-1238,
28 Reissue Revised Statutes of Nebraska, sections 71-1940, 83-4,125, and
29 83-4,134.01, Revised Statutes Cumulative Supplement, 2016, and section
30 43-286, Revised Statutes Supplement, 2017, are repealed.

31 Sec. 21. The following section is outright repealed: Section

1 43-2413, Reissue Revised Statutes of Nebraska.

2 Sec. 22. Since an emergency exists, this act takes effect when
3 passed and approved according to law.