

AMENDMENTS TO LB273

(Amendments to Standing Committee amendments, AM600)

Introduced by Lowe, 37.

1 1. Strike sections 3 and 4 and insert the following new sections:

2 Sec. 3. Section 43-407, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 43-407 (1) The Office of Juvenile Services shall design and make
5 available programs and treatment services through youth rehabilitation
6 and treatment centers. The programs and treatment services shall be
7 evidence-based and based upon the individual or family evaluation process
8 using evidence-based, validated risk and needs assessments to create an
9 individualized treatment plan. The treatment plan shall be developed
10 within fourteen days after admission and provided to the committing court
11 and interested parties. The court may, on its own motion or upon the
12 motion of an interested party, set a hearing to review the treatment
13 plan.

14 (2) A juvenile may be committed by a court to the Office of Juvenile
15 Services for placement at a youth rehabilitation and treatment center
16 operated and utilized in compliance with state law pursuant to a hearing
17 described in subdivision (1)(b)(iii) of section 43-286. The office shall
18 not change a juvenile's placement except as provided in this section. If
19 a juvenile placed at a youth rehabilitation and treatment center is
20 assessed as needing inpatient or subacute substance abuse or behavioral
21 health residential treatment, the Office of Juvenile Services may arrange
22 for such treatment to be provided at the Hastings Regional Center or may
23 transition the juvenile to another inpatient or subacute residential
24 treatment facility licensed as a treatment facility in the State of
25 Nebraska and shall provide notice of the change in placement pursuant to
26 subsection (3) of this section. Except in a case requiring emergency

1 admission to an inpatient facility, the juvenile shall not be discharged
2 by the Office of Juvenile Services until the juvenile has been returned
3 to the court for a review of his or her conditions of probation and the
4 juvenile has been transitioned to the clinically appropriate level of
5 care. Programs and treatment services shall address:

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

8 (b) Drug and alcohol addiction;

9 (c) Health and medical needs;

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

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

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

29 (g) The design and delivery of treatment programs through the youth
30 rehabilitation and treatment centers as well as any licensing or
31 certification requirements, and the office shall follow the requirements

1 as stated within Title XIX and Title IV-E of the federal Social Security
2 Act, as such act existed on January 1, 2020, the Special Education Act,
3 or other funding guidelines as appropriate. It is the intent of the
4 Legislature that these funding sources shall be utilized to support
5 service needs of eligible juveniles.

6 (3) When the Office of Juvenile Services has arranged for treatment
7 of a juvenile as provided in subsection (2) of this section, the office
8 shall file a report and notice of placement change with the court and
9 shall send copies of the notice to all interested parties, including any
10 parent or guardian of the juvenile, at least seven days before the
11 placement of the juvenile is changed from the order of the committing
12 court. The court, on its own motion or upon the filing of an objection to
13 the change by an interested party, may order a hearing to review such
14 change in placement and may order the change be stayed until the
15 completion of the hearing. When filing a report and notice of placement
16 change pursuant to this subsection, or upon a court order to set a
17 hearing to review a change in placement or stay a change in placement
18 pursuant to this subsection, the office may file a motion for immediate
19 change of placement pursuant to subsection (4) of section 43-408.

20 (4)(a) The Office of Juvenile Services shall provide evidence-based
21 services and operate the youth rehabilitation and treatment centers in
22 accordance with evidence-based policies, practices, and procedures. On
23 December 15 of each year, the office shall electronically submit to the
24 Governor, the Legislature, and the Chief Justice of the Supreme Court, a
25 comprehensive report of the evidence-based services, policies, practices,
26 and procedures by which such centers operate, and efforts the office has
27 taken to ensure fidelity to evidence-based models. The report may be
28 attached to preexisting reporting duties. The report shall include at a
29 minimum:

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

1 (ii) The percentage of state funds expended by each respective
2 department for programs that are evidence-based, and a list of all
3 programs which are evidence-based;

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

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

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

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

15 Sec. 4. Section 43-408, Revised Statutes Cumulative Supplement,
16 2020, is amended to read:

17 43-408 (1) Whenever any juvenile is committed to the Office of
18 Juvenile Services, the juvenile shall also be considered committed to the
19 care and custody of the Department of Health and Human Services for the
20 purpose of obtaining health care and treatment services.

21 (2) The committing court may order placement at a youth
22 rehabilitation and treatment center for a juvenile committed to the
23 Office of Juvenile Services following a commitment hearing pursuant to
24 subdivision (1)(b)(iii) of section 43-286. The court shall continue to
25 maintain jurisdiction over any juvenile committed to the Office of
26 Juvenile Services, and the office shall provide the court and parties of
27 record with the initial treatment plan and monthly updates regarding the
28 progress of the juvenile.

29 (3) In addition to the hearings set forth in section 43-285, during
30 a juvenile's term of commitment, any party may file a motion for
31 commitment review to bring the case before the court for consideration of

1 the juvenile's commitment to a youth rehabilitation and treatment center.
2 A hearing shall be scheduled no later than thirty days after the filing
3 of such motion. No later than five days prior to the hearing, the office
4 shall provide information to the parties regarding the juvenile's
5 individualized treatment plan and progress. A representative of the
6 office or facility shall be physically present at the hearing to provide
7 information to the court unless the court allows the representative to
8 appear telephonically or by video. The juvenile and the juvenile's parent
9 or guardian shall have the right to be physically present at the hearing.
10 The court may enter such orders regarding the juvenile's care and
11 treatment as are necessary and in the best interests of the juvenile,
12 including an order for early discharge from commitment when appropriate.
13 In entering an order for early discharge from commitment to intensive
14 supervised probation in the community, the court shall consider to what
15 extent:

16 (a) The juvenile has completed the goals of the juvenile's
17 individualized treatment plan or received maximum benefit from
18 institutional treatment;

19 (b) The juvenile would benefit from continued services under
20 community supervision;

21 (c) The juvenile can function in a community setting with
22 appropriate supports; and

23 (d) There is reason to believe that the juvenile will not commit
24 further violations of law and will comply with the terms of intensive
25 supervised probation.

26 (4) When filing a motion pursuant to subsection (3) of this section,
27 the office may also file a motion for immediate change of placement to
28 another youth rehabilitation and treatment center operated and utilized
29 in compliance with state law. When filing a report and notice of
30 placement change pursuant to subsection (3) of section 43-407, or upon a
31 court order to set a hearing to review a change in placement or stay a

1 change in placement pursuant to subsection (3) of section 43-407, the
2 office may file a motion for immediate change of placement to the
3 inpatient or subacute residential treatment facility licensed as a
4 treatment facility in the State of Nebraska. The motion shall set forth
5 with reasonable particularity the grounds for an immediate change of
6 placement. A motion for immediate change of placement under this
7 subsection shall be heard within twenty-four hours, excluding nonjudicial
8 days, and may be heard telephonically or by videoconferencing. Prior to
9 filing a motion for immediate change of placement, the office shall make
10 a reasonable attempt to provide notice of the motion to the juvenile's
11 parent or guardian, including notice that the motion will be set for
12 hearing within twenty-four hours. The court shall promptly provide the
13 notice of hearing to all parties of record. In advance of the hearing,
14 the office shall provide to the other parties of record any exhibits it
15 intends to offer, if any, and the identity of its witnesses. The office
16 shall provide the juvenile an opportunity before the hearing to consult
17 with the juvenile's counsel and review the motion and the exhibits and
18 witnesses. The court shall order the immediate change of placement
19 pending an order pursuant to subsection (3) of this section or subsection
20 (3) of section 43-407 if the court determines that an immediate change is
21 in the best interests of the juvenile and further delay would be contrary
22 to the juvenile's well-being, physical health, emotional health, or
23 mental health.

24 (5) (4) Each juvenile committed to the Office of Juvenile Services
25 for placement at a youth rehabilitation and treatment center shall also
26 be entitled to an annual review of such commitment and placement for as
27 long as the juvenile remains so committed and placed. At an annual review
28 hearing, the court shall consider the factors described in subsection (3)
29 of this section to assess the juvenile's progress and determine whether
30 commitment remains in the best interests of the juvenile.

31 (6) (5) If a juvenile is placed in detention while awaiting

1 placement at a youth rehabilitation and treatment center and the
2 placement has not occurred within fourteen days, the committing court
3 shall hold a hearing every fourteen days to review the status of the
4 juvenile. Placement of a juvenile in detention shall not be considered a
5 treatment service.