LB995
2026

LEGISLATURE OF NEBRASKA

ONE HUNDRED NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 995

Introduced by Rountree, 3.

Read first time January 13, 2026

Committee: Judiciary

A BILL FOR AN ACT relating to juvenile justice; to amend sections 43-272, 43-279, and 43-3102, Revised Statutes Cumulative Supplement, 2024; to require appointment of counsel for juveniles as prescribed; to require juvenile courts to present written materials concerning the right to counsel to parties as prescribed; to change provisions relating to waivers of the right to counsel; to harmonize provisions; and to repeal the original sections.

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

LB995
2026

Section 1. Section 43-272, Revised Statutes Cumulative Supplement, 2024, is amended to read:

43-272 ~~(1)(a) In counties having a population of less than one hundred fifty thousand inhabitants:~~

~~(i) When any juvenile court petition is filed alleging jurisdiction of a juvenile pursuant to subdivision (2) of section 43-247, counsel shall be appointed for such juvenile; and~~

~~(ii) In any other instance in which a juvenile is brought without counsel before a juvenile court, the court shall advise such juvenile and his or her parent or guardian of their right to retain counsel and shall inquire of such juvenile and his or her parent or guardian as to whether they desire to retain counsel.~~

(1)(a) When ~~(b) In counties having a population of one hundred fifty thousand or more inhabitants, when~~ any juvenile court petition is filed alleging jurisdiction of a juvenile pursuant to subdivision (1), (2), (3)(b), or (4) of section 43-247, counsel shall be appointed for such juvenile. At any subsequent hearing or proceeding before the juvenile court concerning such allegations, such juvenile shall have the right to counsel appointed under this subsection.

(b) In any case not described in subdivision (1)(a) of this section, if a juvenile is brought without counsel before a juvenile court, the court shall advise such juvenile and his or her parent or guardian of their right to retain counsel and shall inquire of such juvenile and his or her parent or guardian as to whether they desire to retain counsel.

(c) The court shall inform any juvenile described in subdivision (1)(a) of this section ~~this subsection~~ and his or her parent or guardian of such juvenile's right to counsel at county expense if none of them is able to afford counsel. If the juvenile or his or her parent or guardian desires to have counsel appointed for such juvenile, or the parent or guardian of such juvenile cannot be located, and the court ascertains that none of such persons are able to afford an attorney, the court shall

LB995
2026

forthwith appoint an attorney to represent such juvenile for all proceedings before the juvenile court, except that if an attorney is appointed to represent such juvenile and the court later determines that a parent of such juvenile is able to afford an attorney, the court shall order such parent or juvenile to pay for services of the attorney to be collected in the same manner as provided by section 43-290. If the parent willfully refuses to pay any such sum, the court may commit him or her for contempt, and execution may issue at the request of the appointed attorney or the county attorney or by the court without a request.

(2) The court, on its own motion or upon application of a party to the proceedings, shall appoint a guardian ad litem for the juvenile: (a) If the juvenile has no parent or guardian of his or her person or if the parent or guardian of the juvenile cannot be located or cannot be brought before the court; (b) if the parent or guardian of the juvenile is excused from participation in all or any part of the proceedings; (c) if the parent is a juvenile or an incompetent; (d) if the parent is indifferent to the interests of the juvenile; or (e) in any proceeding pursuant to the provisions of subdivision (3)(a) of section 43-247.

A guardian ad litem shall have the duty to protect the interests of the juvenile for whom he or she has been appointed guardian, and shall be deemed a parent of the juvenile as to those proceedings with respect to which his or her guardianship extends.

(3) The court shall appoint an attorney as guardian ad litem. A guardian ad litem shall act as his or her own counsel and as counsel for the juvenile, unless there are special reasons in a particular case why the guardian ad litem or the juvenile or both should have separate counsel. In such cases the guardian ad litem shall have the right to counsel, except that the guardian ad litem shall be entitled to appointed counsel without regard to his or her financial ability to retain counsel. Whether such appointed counsel shall be provided at the cost of the county shall be determined as provided in subsection (1) of this section.

LB995
2026

(4) By July 1, 2015, the Supreme Court shall provide by court rule standards for guardians ad litem for juveniles in juvenile court proceedings.

(5) By July 1, 2017, the Supreme Court shall provide guidelines setting forth standards for all attorneys who practice in juvenile court.

Sec. 2. Section 43-279, Revised Statutes Cumulative Supplement, 2024, is amended to read:

43-279 (1) The adjudication portion of hearings shall be conducted before the court without a jury, applying the customary rules of evidence in use in trials without a jury. When the petition alleges the juvenile to be within the provisions of subdivision (1), (2), (3)(b), or (4) of section 43-247 and the juvenile or his or her parent, guardian, or custodian appears with or without counsel, the court shall:

(a) Inform ~~inform~~ the parties:

(i) ~~(a)~~ Of the nature of the proceedings and the possible consequences or dispositions pursuant to sections 43-284 to 43-286, 43-289, and 43-290 that may apply to the juvenile's case following an adjudication of jurisdiction;

(ii) ~~(b)~~ Of such juvenile's right to counsel as provided in sections 43-272 and 43-273;

(iii) ~~(c)~~ Of the privilege against self-incrimination by advising the juvenile, parent, guardian, or custodian that the juvenile may remain silent concerning the charges against the juvenile and that anything said may be used against the juvenile;

(iv) ~~(d)~~ Of the right to confront anyone who testifies against the juvenile and to cross-examine any persons who appear against the juvenile;

(v) ~~(e)~~ Of the right of the juvenile to testify and to compel other witnesses to attend and testify in his or her own behalf;

(vi) ~~(f)~~ Of the right of the juvenile to a speedy adjudication hearing; and

LB995
2026

(vii) ~~(g)~~ Of the right to appeal and have a transcript for such purpose; and ~~.~~

(b) Provide each such person with written materials explaining the juvenile's right to counsel. Such materials shall be written at a level understandable to the juvenile and shall be developed using best practices designed to ensure comprehension by the juvenile.

(2) After informing the parties and providing the written materials as required by subsection (1) of this section ~~giving such warnings and admonitions~~, the court may accept an in-court admission or answer of no contest by the juvenile of all or any part of the allegations in the petition if the court has determined from examination of the juvenile and those present that such admission or answer of no contest is intelligently, voluntarily, and understandingly made and with an affirmative waiver of rights and that a factual basis for such admission or answer of no contest exists. The waiver of the right to counsel shall satisfy section 43-3102. The court may base its adjudication provided in subsection (3) ~~(2)~~ of this section on such admission or answer of no contest.

(3) ~~(2)~~ If the juvenile denies the petition or stands mute the court shall first allow a reasonable time for preparation if needed and then consider only the question of whether the juvenile is a person described by section 43-247. After hearing the evidence on such question, the court shall make a finding and adjudication, to be entered on the records of the court, whether or not the juvenile is a person described by subdivision (1), (2), (3)(b), or (4) of section 43-247 based upon proof beyond a reasonable doubt. If an Indian child is involved, the standard of proof shall be in compliance with the Nebraska Indian Child Welfare Act, if applicable.

(4) ~~(3)~~ If the court shall find that the juvenile named in the petition is not within the provisions of section 43-247, it shall dismiss the case. If the court finds that the juvenile named in the petition is

LB995
2026

such a juvenile, it shall make and enter its findings and adjudication accordingly, designating which subdivision or subdivisions of section 43-247 such juvenile is within; the court shall allow a reasonable time for preparation if needed and then proceed to an inquiry into the proper disposition to be made of such juvenile.

Sec. 3. Section 43-3102, Revised Statutes Cumulative Supplement, 2024, is amended to read:

43-3102 (1) In any court proceeding, any waiver of the right to counsel by a juvenile shall be made in open court, shall be recorded, and shall be confirmed in a writing signed by the juvenile.

(2) A court shall not accept a juvenile's waiver of the right to counsel unless:

(a) The ~~the~~ waiver satisfies subsection (1) of this section;

(b) The waiver ~~and~~ is an affirmative waiver that is made intelligently, voluntarily, and understandingly. In determining whether such waiver was made intelligently, voluntarily, and understandingly, the court shall consider, among other things: (i) ~~(a)~~ The age, intelligence, and education of the juvenile, (ii) ~~(b)~~ the juvenile's emotional stability, and (iii) ~~(c)~~ the complexity of the proceedings; and ~~.~~

(c) The juvenile has been provided the written materials required by subdivision (1)(b) of section 43-279.

(3) On or before July 1, 2022, the Supreme Court shall provide, by court rule, a process to ensure that a juvenile has consulted with counsel, and if not, is provided the opportunity to consult with counsel prior to the juvenile exercising their right to waive their right to counsel.

(4) The court shall ensure that a juvenile represented by an attorney consults with his or her attorney before any waiver of counsel.

(5) No parent, guardian, custodian, or other person may waive the juvenile's right to counsel.

(6) A juvenile's right to be represented by counsel may not be

LB995
2026

waived in the following circumstances:

(a) If the juvenile is under the age of fourteen;

(b) For a detention hearing;

(c) For any dispositional hearing where out-of-home placement is sought; or

(d) If there is a motion to transfer the juvenile from juvenile court to county court or district court.

Sec. 4. Original sections 43-272, 43-279, and 43-3102, Revised Statutes Cumulative Supplement, 2024, are repealed.