

SIMPLIFIED INDEX TO THE NEBRASKA JUVENILE CODE

* * *

INTRODUCTION AND ADDITIONAL RESOURCES

This appendix contains a simplified index to the Nebraska Juvenile Code. This appendix also contains a glossary of some commonly-used legal terms that are often used in the code (and in this index).

The Nebraska Juvenile Code is found in sections 43-245 to 43-2,129 of the Nebraska Revised Statutes. These statutes are available on the Nebraska Legislature's website at the following [link](#).¹

There is also a larger and more comprehensive index to all of Nebraska's statutes. It is contained in two print volumes and can also be found at the following [link](#) (scroll down to "Books for Download" and then click on "Index").²

If you have further questions about the Nebraska Juvenile Code and related issues, there are guides and resources available on the Nebraska Supreme Court's website. These include:

- The *Court Improvement Project* – A website with many resources ([link](#))³
- *What Now? A Guide for Young People in Nebraska's Juvenile Court System* – While this publication is written for juveniles, it provides a very helpful overview of the law and

¹ <https://bit.ly/nebjcode>

² <https://bit.ly/indxpage>

³ <https://bit.ly/4cHcAN2>

procedures in this area. This publication comes in two different versions.

- Child welfare version ([link](#))⁴
- Juvenile justice version ([link](#))⁵

* * *

GLOSSARY OF SELECTED JUVENILE LAW TERMS

Adjudication – This word is used in two ways: (1) To refer to a court proceeding, like a trial, and (2) to refer to the overall process through which the judge decides the juvenile case.

- Through the adjudication of a juvenile case, the judge will decide whether the facts alleged in the petition are true. For example, in a delinquency case, the judge will determine if the juvenile has committed an act that would be a crime if committed by an adult.
- Juvenile cases are often referred to as proceeding in certain parts or phases: Preadjudication, adjudication, and disposition.

Delinquency case – When a person under the age of 18 commits an act that is a crime, they can be brought before the juvenile court. This type of juvenile court case is sometimes referred to as a "delinquency" case.

- The term "delinquency" is not used formally in the statutes. Instead, this phrase is used by people when talking about juvenile court cases.
- A person under the age of 18 can also sometimes be charged as an adult. When this happens, the person can request the court to transfer the case to juvenile court. (The opposite can also happen—a case can be initially filed in juvenile court and then transferred to adult court.)

Disposition – This is similar to sentencing in the adult criminal context or a judgment in a civil case. In the dispositional phase of

⁴ <https://bit.ly/3Z6yfed>

⁵ <https://bit.ly/3AHuIZH>

a juvenile case, the court decides what services or rehabilitative efforts a juvenile will receive.

- There are many possible disposition options. Some of these include ordering participation in outpatient treatment or services, ordering payment of restitution, placement in a group or foster home, probation, or commitment to certain institutions, such as a youth rehabilitation and treatment center (often referred to as a "YRTC").

Guardian ad litem (GAL) – An attorney appointed by the judge to act on behalf of a person (here, typically a juvenile) and to protect that person's interests.

Juvenile – In Nebraska law, "juvenile" means a person who is under the age of 18.

- However, the age of majority in Nebraska (with some exceptions) is 19. In some cases, this means the court will retain jurisdiction over a juvenile until they are 19.

Jurisdiction – Generally this means the power or authority of a court to hear and decide a case.

- A juvenile can be within the jurisdiction of a juvenile court due to delinquency, a status offense, or an abuse or neglect (child welfare) case.
- Parents, guardians, and custodians of a juvenile can also be within the court's jurisdiction.
- In some delinquency cases, both adult court (county court or district court) and the juvenile court may have "concurrent" (shared) jurisdiction over a juvenile.
- The term "jurisdiction" can also refer to the geographical limits of a court's authority.

Petition – Like a complaint or indictment in a criminal case, this is the document filed by the county attorney (or city attorney) that alleges why the juvenile is being brought to court.

Status offense / status case – A juvenile may be brought to court for conduct that would not be a crime if the juvenile was an adult.

- For example, this includes not going to school, running away from home, or being uncontrollable by parents.

**SIMPLIFIED INDEX TO
THE NEBRASKA JUVENILE CODE**

A

ADJUDICATION

Abuse or neglect cases, 43-279.01

Deadlines, 43-277

Delinquency or status cases, 43-279

Effect of adjudication, civil disabilities not to result, 43-280

Hearings, 43-277 to 43-280

Petition, admission, answer of no contest, or denial, 43-279; 43-279.01

Standard of proof

Abuse or neglect cases, preponderance of the evidence, 43-279.01

Delinquency or status cases, beyond a reasonable doubt, 43-279

Indian child involved, 43-279; 43-279.01. *See also* INDIAN CHILD WELFARE ACT, NEBRASKA (MAIN INDEX)

Termination of parental rights, clear and convincing evidence, 43-279.01

Termination of parental rights, 43-279.01

APPEALS

Generally, 43-2,106.01

Termination of parental rights, 43-293

C

CIVIL CITATIONS

Form of citation, 43-248.03

Generally, 43-248.02

CODE, NEBRASKA JUVENILE

Definitions, 43-245

How cited, 43-2,129

How construed, 43-2,128; 43-246; 43-299

COSTS

Appeals, 43-2,106.01

Care, treatment, or detention, 43-2,101; 43-290; 43-290.01

Counsel, appointed, 43-272; 43-273

Guardian ad litem, appointed, 43-272.01; 43-273

COURT APPOINTED SPECIAL ADVOCATES (CASA)

Appointment, 43-272.02

Generally. *See* COURT APPOINTED SPECIAL ADVOCATE ACT (MAIN INDEX)

D

DETENTION, CUSTODY, OR PLACEMENT PENDING ADJUDICATION

Factors considered in necessity and type of detention, custody, or placement, 43-250; 43-251.01; 43-253; 43-254; 43-260; 43-260.01

Generally, 43-250; 43-251; 43-253 to 43-259

Hearing

Required within forty-eight hours upon request after placement in detention or alternative to detention, 43-256

Required within twenty-four hours of detention or placement in alternative to detention, 43-253

Illegal, penalty, 43-257

Immediate custody, when, 43-266

Jails or other adult detention facilities, restrictions on use for juveniles, 43-250

Juvenile intake probation officers

Administer standardized juvenile detention screening instrument, 43-260

Notification when juvenile taken into custody for criminal violation, 43-250.01

Limitations, 43-255 to 43-257
Mental health placements, 43-251; 43-251.01; 43-254.01; 43-258
Notifications required, 43-250; 43-250.01
Options for placement, release, or evaluation, 43-250; 43-254; 43-258
Preadjudication procedures, 43-253 to 43-258
Probation, detention upon motion alleging violation, 43-286; 43-286.01
Release
Conditions, 43-253
Required within forty-eight hours, when, 43-255
Requirements, 43-250 to 43-250.01
Restrictions on location, manner, or length of detention, 43-250; 43-251; 43-251.01; 43-253
Standardized juvenile detention screening instrument, use, 43-253; 43-260; 43-260.01
Temporary custody without warrant
Bail, 43-253
Generally, 43-248 to 43-250; 43-253
Release, when, 43-253

DISPOSITION OF ADJUDICATED JUVENILE

Absence from school, excessive, fine imposed on parents, 43-287
Commitment to Office of Juvenile Services, limitations, 43-247.02; 43-286
Driver's license, impoundment, prohibition from obtaining, certain adjudications, 43-287
Family reunification, reasonable efforts, when required, 43-283.01
Generally, 43-283 to 43-290
Hearing, requirements, 43-277.01; 43-283
Home
Conditions and requirements for juvenile to remain in home as disposition, court may impose, 43-288
Removal from, requirements, 43-284
Independent living transition proposal, 43-285
Juvenile in need of assistance or special supervision
Disposition options, 43-247.02; 43-284; 43-285; 43-286
Removal from home, restrictions, 43-284

Juvenile violator or juvenile in need of special supervision, disposition options, 43-247.02; 43-286
Placement plan and report, 43-285
Placement with or commitment to Department of Health and Human Services, limitations, 43-247.02; 43-250; 43-284
Probation. See PROBATION (THIS INDEX)
Records, confidential, 43-2,108
Rehabilitative services, court order, use, 43-2,106.03
Religious preference of parents, considered in placement, 43-298
Relinquishment, voluntary, 43-284.01
Restrictions, 43-247.02; 43-251; 43-251.01
Treatment options, 43-284
Youth rehabilitation and treatment center, commitment to, 43-286

E

EVALUATIONS

After adjudication, 43-281
Before adjudication, 43-258
Costs, 43-290.01
Mental evaluation, 43-250; 43-254.01; 43-258
Mental or physical evaluation, court may order, 43-258
Placement restrictions, 43-251.01; 43-281
Release, motion for, placement for evaluation pending adjudication, 43-259

F

FOSTER CARE

See FOSTER CARE (MAIN INDEX)
Placement, 43-285

G

GUARDIAN AD LITEM

Appointment

For juvenile, 43-265; 43-272; 43-272.01

For parent alleged to be incompetent in termination proceedings, 43-292.01

Compensation, 43-272.01

Consultation, 43-272.01

Fees, 43-273

Powers and duties, 43-272; 43-272.01

Standards, 43-272

GUARDIANS

See GUARDIANS (MAIN INDEX)

H

HEARINGS

Adjudication hearings, 43-277 to 43-280

Bridge order, 43-246.02

Custody, probable cause hearing, 43-256

Deadlines, 43-256; 43-271; 43-277 to 43-280

Detention review hearing, 43-271

Disposition, strict rules of evidence not applied, 43-283

Evaluation, release from custody, 43-259

Findings, 43-279

Independence hearing, 43-285

Mental health hearing, 43-277.01

Parental rights, termination, 43-291; 43-292.03

Permanency hearing, 43-283.01; 43-285

Probable cause hearing, 43-256

Probation, alleged violation, 43-286

Rehabilitative services, amenability of juvenile, 43-2,106.03

Restraining order, 43-2,107

Rights of parties, 43-279

Sealing of records, 43-2,108.04
Telephonic or videoconference hearing, when, 43-278
Transfer of criminal case filed in adult court to juvenile court, 29-1816 (SECTION OUTSIDE OF JUVENILE CODE)

J

JURISDICTION OF JUVENILE COURTS

Appeal of case from county court sitting as juvenile court, continuing jurisdiction, stays, 43-2,106
Bases for jurisdiction, 43-247
Continuing jurisdiction over juvenile, 43-295
Transfer
District court or county court to be tried as adult, 43-274
District court via bridge order, 43-246.02
When case may be filed in juvenile court (instead of county or district court), 43-246.01

JUVENILE JUSTICE SYSTEM

See JUVENILE JUSTICE SYSTEM (MAIN INDEX)

P

PETITION

Admission, answer of no contest, or denial, 43-279; 43-279.01
Contents, specificity required, 43-261
Filing, 43-261
Generally, 43-274 to 43-276
Status offense, duty to make reasonable efforts to refer juvenile and family to community-based resources prior to filing petition, 43-276

PLACEMENT

See DISPOSITION OF ADJUDICATED JUVENILE (THIS INDEX)

POST-DISPOSITIONAL MATTERS

Appeals, 43-2,106; 43-2,106.01

Bridge orders (transfer to district court), 43-246.02

Sealing of records, 43-2,108.01 to 43-2,108.05

PRETRIAL DIVERSION PROGRAMS

Generally, 43-260.02 to 43-260.07

PROBATION

Comprehensive supervision probationer, designation of juvenile as, 43-286.02

Disposition, 43-286; 43-297.01

Expiration of probation term, progress report and requirements for county attorney seeking to revoke prior to expiration, 43-286.03

Initial placement and level of care, 43-297.01

List of juvenile probationers, provided to law enforcement monthly, 43-286.04

Modification of conditions of probation or level of supervision, 43-286.01; 43-297.01

Violation, administrative sanctions or revocation, 43-286; 43-286.01

PROSECUTOR

Deadline for filing motion, petition, or complaint when juvenile is detained or placed in alternative to detention, 43-255

Factors considered when deciding whether to file juvenile petition or criminal charges or offer pretrial diversion or restorative justice, 43-2,106.03; 43-276

Preadjudication powers and duties, 43-274 to 43-276

R

RECORDS

Confidentiality

Generally, 43-2,108

Pretrial diversion program participation, 43-260.04

Sealing of records

Generally, 43-2,108.01 to 43-2,108.05

Pretrial diversion program, 43-260.04

RESTORATIVE JUSTICE PRACTICES AND PROGRAMS

Confidentiality, 43-247.03; 43-274

Factors considered in allowing participation, 43-276; 43-286

Generally, 43-274 to 43-276; 43-286

Options, 43-247.03

RIGHTS OF JUVENILE OR PARTIES

Confidentiality of records, 43-2,108

Counsel

Appointment at county expense, 43-272

Right to call or consult, 43-248.01; 43-272; 43-279; 43-279.01

Waiver of right, 43-3102 (SECTION OUTSIDE OF JUVENILE CODE)

Duty of court to inform juvenile and parties of rights

Abuse or neglect cases, 43-279.01

Delinquency or status offense cases, 43-279

Fingerprints, limitations on use, 43-252

Firearm, right to possess, consequences of adjudication for felony or misdemeanor crime of domestic violence, 43-261.01

Generally, 43-279; 43-279.01

Jury, no right to, 43-279

Restraints, limitation on use in court proceedings, 43-251.03

Statements made to mental health experts relating to transfer proceeding, privileged, 43-274

Statements or confessions privileged and inadmissible,
43-280

T

TERMINATION OF PARENTAL RIGHTS

Appeal, 43-293

Effect of termination, 43-293

Grounds for termination, 43-292

Guardian ad litem, appointment for parent alleged to be incompetent, 43-292.01

Pleadings, allegations

How made, 43-291

When filing of petition is required by law or discretionary, 43-292.02; 43-292.03

Procedures, 43-291

TRANSFER OF CASE

For criminal trial in adult court, 43-274; 43-276; 43-2,106.03. *See also* 29-1816 (SECTION OUTSIDE OF JUVENILE CODE)

To county of juvenile's residence, 43-282

Y

YOUTH REHABILITATION AND TREATMENT CENTERS (YRTC)

Commitment to YRTC as disposition, when permitted, 43-286

Restrictions on placement, 43-247.02; 43-251.01; 43-286