

AMENDMENTS TO LB 561

Introduced by Ashford

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. Section 28-726, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:

5           28-726 Except as provided in this section and sections  
6 28-722 and 81-3126, no person, official, or agency shall have  
7 access to information in the tracking system of child protection  
8 cases maintained pursuant to section 28-715 or in records in the  
9 central register of child protection cases maintained pursuant to  
10 section 28-718 unless in furtherance of purposes directly connected  
11 with the administration of the Child Protection Act. Such persons,  
12 officials, and agencies having access to such information shall  
13 include, but not be limited to:

14           (1) A law enforcement agency investigating a report of  
15 known or suspected child abuse or neglect;

16           (2) A county attorney in preparation of a child abuse or  
17 neglect petition or termination of parental rights petition;

18           (3) A physician who has before him or her a child whom he  
19 or she reasonably suspects may be abused or neglected;

20           (4) An agency having the legal responsibility or  
21 authorization to care for, treat, or supervise an abused or  
22 neglected child or a parent, a guardian, or other person  
23 responsible for the abused or neglected child's welfare who is the

1 subject of the report of child abuse or neglect;

2 (5) Any person engaged in bona fide research or auditing.

3 No information identifying the subjects of the report of child  
4 abuse or neglect shall be made available to the researcher or  
5 auditor;

6 (6) The Foster Care Review Office and the designated  
7 local foster care review board when the information relates to a  
8 child in a foster care placement as defined in section 43-1301.  
9 The information provided to the office and local board shall not  
10 include the name or identity of any person making a report of  
11 suspected child abuse or neglect;

12 (7) The designated protection and advocacy system  
13 authorized pursuant to the Developmental Disabilities Assistance  
14 and Bill of Rights Act of 2000, 42 U.S.C. 15001, as the act  
15 existed on January 1, 2005, and the Protection and Advocacy for  
16 Mentally Ill Individuals Act, 42 U.S.C. 10801, as the act existed  
17 on September 1, 2001, acting upon a complaint received from or  
18 on behalf of a person with developmental disabilities or mental  
19 illness;

20 (8) The person or persons having custody of the abused or  
21 neglected child in situations of alleged out-of-home child abuse or  
22 neglect; ~~and~~

23 (9) For purposes of licensing providers of child care  
24 programs, the Department of Health and Human Services; ~~and-~~

25 (10) A probation officer administering juvenile intake  
26 services pursuant to section 29-2260.01, conducting court-ordered  
27 predispositional investigations prior to adjudication, or

1 supervising a juvenile upon disposition.

2           Sec. 2. Section 29-2204, Revised Statutes Cumulative  
3 Supplement, 2012, is amended to read:

4           29-2204 (1) Except when a term of life imprisonment is  
5 required by law, in imposing an indeterminate sentence upon an  
6 offender the court shall:

7           (a)(i) Until July 1, 1998, fix the minimum and maximum  
8 limits of the sentence to be served within the limits provided by  
9 law, except that when a maximum limit of life is imposed by the  
10 court for a Class IB felony, the minimum limit may be any term of  
11 years not less than the statutory mandatory minimum; and

12           (ii) Beginning July 1, 1998:

13           (A) Fix the minimum and maximum limits of the sentence  
14 to be served within the limits provided by law for any class of  
15 felony other than a Class IV felony, except that when a maximum  
16 limit of life is imposed by the court for a Class IB felony, the  
17 minimum limit may be any term of years not less than the statutory  
18 mandatory minimum. If the criminal offense is a Class IV felony,  
19 the court shall fix the minimum and maximum limits of the sentence,  
20 but the minimum limit fixed by the court shall not be less than  
21 the minimum provided by law nor more than one-third of the maximum  
22 term and the maximum limit shall not be greater than the maximum  
23 provided by law; or

24           (B) Impose a definite term of years, in which event the  
25 maximum term of the sentence shall be the term imposed by the court  
26 and the minimum term shall be the minimum sentence provided by law;

27           (b) Advise the offender on the record the time the

1 offender will serve on his or her minimum term before attaining  
2 parole eligibility assuming that no good time for which the  
3 offender will be eligible is lost; and

4 (c) Advise the offender on the record the time the  
5 offender will serve on his or her maximum term before attaining  
6 mandatory release assuming that no good time for which the offender  
7 will be eligible is lost.

8 If any discrepancy exists between the statement of  
9 the minimum limit of the sentence and the statement of parole  
10 eligibility or between the statement of the maximum limit of the  
11 sentence and the statement of mandatory release, the statements  
12 of the minimum limit and the maximum limit shall control the  
13 calculation of the offender's term. If the court imposes more  
14 than one sentence upon an offender or imposes a sentence upon  
15 an offender who is at that time serving another sentence, the  
16 court shall state whether the sentences are to be concurrent or  
17 consecutive.

18 (2) (a) When the court is of the opinion that imprisonment  
19 may be appropriate but desires more detailed information as a  
20 basis for determining the sentence to be imposed than has been  
21 provided by the presentence report required by section 29-2261, the  
22 court shall commit an offender to the Department of Correctional  
23 Services for a period not exceeding ninety days. The department  
24 shall conduct a complete study of the offender during that time,  
25 inquiring into such matters as his or her previous delinquency or  
26 criminal experience, social background, capabilities, and mental,  
27 emotional, and physical health and the rehabilitative resources

1 or programs which may be available to suit his or her needs. By  
2 the expiration of the period of commitment or by the expiration  
3 of such additional time as the court shall grant, not exceeding  
4 a further period of ninety days, the offender shall be returned  
5 to the court for sentencing and the court shall be provided  
6 with a written report of the results of the study, including  
7 whatever recommendations the department believes will be helpful to  
8 a proper resolution of the case. After receiving the report and the  
9 recommendations, the court shall proceed to sentence the offender  
10 in accordance with subsection (1) of this section. The term of the  
11 sentence shall run from the date of original commitment under this  
12 subsection.

13 (b) In order to encourage the use of this procedure  
14 in appropriate cases, all costs incurred during the period the  
15 defendant is held in a state institution under this subsection  
16 shall be a responsibility of the state and the county shall  
17 be liable only for the cost of delivering the defendant to the  
18 institution and the cost of returning him or her to the appropriate  
19 court for sentencing or such other disposition as the court may  
20 then deem appropriate.

21 (3) Except when a term of life is required by law,  
22 whenever the defendant was under eighteen years of age at the time  
23 he or she committed the crime for which he or she was convicted,  
24 the court may, in its discretion, instead of imposing the penalty  
25 provided for the crime, make such disposition of the defendant  
26 as the court deems proper under the Nebraska Juvenile Code. ~~Prior~~  
27 Until October 1, 2013, prior to making a disposition which commits

1 the juvenile to the Office of Juvenile Services, the court shall  
2 order the juvenile to be evaluated by the office if the juvenile  
3 has not had an evaluation within the past twelve months.

4 Sec. 3. Section 29-2257, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 29-2257 The Nebraska Probation System is established  
7 which shall consist of the probation administrator, chief  
8 probation officers, probation officers, and support staff.  
9 The system shall be responsible for juvenile intake services,  
10 preadjudication juvenile supervision services under section 43-254  
11 beginning October 1, 2013, for presentence and other probation  
12 investigations, for the direct supervision of persons placed  
13 on probation, and for non-probation-based programs and services  
14 authorized by an interlocal agreement pursuant to subdivision (16)  
15 of section 29-2252. The system shall be sufficient in size to  
16 assure that no probation officer carries a caseload larger than is  
17 compatible with adequate probation investigation or supervision.  
18 Probation officers shall be compensated with salaries substantially  
19 equal to other state employees who have similar responsibilities.

20 This provision for salary equalization shall apply only  
21 to probation officers and support staff and shall not apply to  
22 chief probation officers, the probation administrator, the chief  
23 deputy administrator, the deputy probation administrator, or any  
24 other similarly established management positions.

25 Sec. 4. Section 29-2258, Revised Statutes Cumulative  
26 Supplement, 2012, is amended to read:

27 29-2258 A district probation officer shall:

1           (1) Conduct juvenile intake interviews and investigations  
2 in accordance with sections 43-253 and 43-260.01 and, beginning  
3 October 1, 2013, supervise delivery of preadjudication juvenile  
4 services under subdivision (6) of section 43-254;

5           (2) Make presentence and other investigations, as may be  
6 required by law or directed by a court in which he or she is  
7 serving;

8           (3) Supervise probationers in accordance with the rules  
9 and regulations of the office and the directions of the sentencing  
10 court;

11           (4) Advise the sentencing court, in accordance with  
12 the Nebraska Probation Administration Act and such rules and  
13 regulations of the office, of violations of the conditions of  
14 probation by individual probationers;

15           (5) Advise the sentencing court, in accordance with the  
16 rules and regulations of the office and the direction of the court,  
17 when the situation of a probationer may require a modification of  
18 the conditions of probation or when a probationer's adjustment is  
19 such as to warrant termination of probation;

20           (6) Provide each probationer with a statement of the  
21 period and conditions of his or her probation;

22           (7) Whenever necessary, exercise the power of arrest or  
23 temporary custody as provided in section 29-2266 or 43-286.01;

24           (8) Establish procedures for the direction and guidance  
25 of deputy probation officers under his or her jurisdiction and  
26 advise such officers in regard to the most effective performance of  
27 their duties;

1                   (9) Supervise and evaluate deputy probation officers  
2 under his or her jurisdiction;

3                   (10) Delegate such duties and responsibilities to a  
4 deputy probation officer as he or she deems appropriate;

5                   (11) Make such reports as required by the administrator,  
6 the judges of the probation district in which he or she serves, or  
7 the Supreme Court;

8                   (12) Keep accurate and complete accounts of all money or  
9 property collected or received from probationers and give receipts  
10 therefor;

11                   (13) Cooperate fully with and render all reasonable  
12 assistance to other probation officers;

13                   (14) In counties with a population of less than  
14 twenty-five thousand people, participate in pretrial diversion  
15 programs established pursuant to sections 29-3601 to 29-3604  
16 and juvenile pretrial diversion programs established pursuant to  
17 sections 43-260.02 to 43-260.07 as requested by judges of the  
18 probation district in which he or she serves or as requested by  
19 a county attorney and approved by the judges of the probation  
20 district in which he or she serves, except that participation in  
21 such programs shall not require appointment of additional personnel  
22 and shall be consistent with the probation officer's current  
23 caseload;

24                   (15) Participate, at the direction of the probation  
25 administrator pursuant to an interlocal agreement which meets the  
26 requirements of section 29-2255, in non-probation-based programs  
27 and services;

1           (16) Perform such other duties not inconsistent with the  
2 Nebraska Probation Administration Act or the rules and regulations  
3 of the office as a court may from time to time direct; and

4           (17) Exercise all powers and perform all duties necessary  
5 and proper to carry out his or her responsibilities.

6           Sec. 5. Section 42-364, Revised Statutes Cumulative  
7 Supplement, 2012, is amended to read:

8           42-364 (1)(a) In an action under Chapter 42 involving  
9 child support, child custody, parenting time, visitation, or other  
10 access, the parties and their counsel, if represented, shall  
11 develop a parenting plan as provided in the Parenting Act. If  
12 the parties and counsel do not develop a parenting plan, the  
13 complaint shall so indicate as provided in section 42-353 and  
14 ~~before July 1, 2010, the case may be referred to mediation,~~  
15 ~~specialized alternative dispute resolution, or other alternative~~  
16 ~~dispute resolution process and on or after such date the case~~  
17 shall be referred to mediation or specialized alternative dispute  
18 resolution as provided in the Parenting Act. For good cause shown  
19 and (i) when both parents agree and such parental agreement is  
20 bona fide and not asserted to avoid the purposes of the Parenting  
21 Act, or (ii) when mediation or specialized alternative dispute  
22 resolution is not possible without undue delay or hardship to  
23 either parent, the mediation or specialized alternative dispute  
24 resolution requirement may be waived by the court. In such a case  
25 where waiver of the mediation or specialized alternative dispute  
26 resolution is sought, the court shall hold an evidentiary hearing  
27 and the burden of proof for the party or parties seeking waiver is

1 by clear and convincing evidence.

2 (b) The decree in an action involving the custody of  
3 a minor child shall include the determination of legal custody  
4 and physical custody based upon the best interests of the  
5 child, as defined in the Parenting Act, and child support. Such  
6 determinations shall be made by incorporation into the decree of  
7 (i) a parenting plan developed by the parties, if approved by the  
8 court, or (ii) a parenting plan developed by the court based upon  
9 evidence produced after a hearing in open court if no parenting  
10 plan is developed by the parties or the plan developed by the  
11 parties is not approved by the court. The decree shall conform to  
12 the Parenting Act.

13 (c) The social security number of each parent and the  
14 minor child shall be furnished to the clerk of the district court  
15 but shall not be disclosed or considered a public record.

16 (2) In determining legal custody or physical custody,  
17 the court shall not give preference to either parent based on the  
18 sex of the parent and, except as provided in section 43-2933, no  
19 presumption shall exist that either parent is more fit or suitable  
20 than the other. Custody shall be determined on the basis of the  
21 best interests of the child, as defined in the Parenting Act.  
22 Unless parental rights are terminated, both parents shall continue  
23 to have the rights stated in section 42-381.

24 (3) Custody of a minor child may be placed with both  
25 parents on a joint legal custody or joint physical custody basis,  
26 or both, (a) when both parents agree to such an arrangement in the  
27 parenting plan and the court determines that such an arrangement is

1 in the best interests of the child or (b) if the court specifically  
2 finds, after a hearing in open court, that joint physical custody  
3 or joint legal custody, or both, is in the best interests of the  
4 minor child regardless of any parental agreement or consent.

5 (4) In determining the amount of child support to be  
6 paid by a parent, the court shall consider the earning capacity  
7 of each parent and the guidelines provided by the Supreme Court  
8 pursuant to section 42-364.16 for the establishment of child  
9 support obligations. Upon application, hearing, and presentation of  
10 evidence of an abusive disregard of the use of child support money  
11 or cash medical support paid by one party to the other, the court  
12 may require the party receiving such payment to file a verified  
13 report with the court, as often as the court requires, stating  
14 the manner in which child support money or cash medical support is  
15 used. Child support money or cash medical support paid to the party  
16 having physical custody of the minor child shall be the property of  
17 such party except as provided in section 43-512.07. The clerk of  
18 the district court shall maintain a record, separate from all other  
19 judgment dockets, of all decrees and orders in which the payment  
20 of child support, cash medical support, or spousal support has  
21 been ordered, whether ordered by a district court, county court,  
22 separate juvenile court, or county court sitting as a juvenile  
23 court. Orders for child support or cash medical support in cases  
24 in which a party has applied for services under Title IV-D of  
25 the federal Social Security Act, as amended, shall be reviewed as  
26 provided in sections 43-512.12 to 43-512.18.

27 (5) Whenever termination of parental rights is placed

1 in issue: ~~(a) The~~ the court shall transfer jurisdiction to a  
2 juvenile court established pursuant to the Nebraska Juvenile Code  
3 unless a showing is made that the county court or district court  
4 is a more appropriate forum. In making such determination, the  
5 court may consider such factors as cost to the parties, undue  
6 delay, congestion of dockets, and relative resources available for  
7 investigative and supervisory assistance. A determination that the  
8 county court or district court is a more appropriate forum shall  
9 not be a final order for the purpose of enabling an appeal. If  
10 no such transfer is made, the court shall ~~appoint an attorney as~~  
11 ~~guardian ad litem to protect the interests of any minor child.~~  
12 ~~The court may terminate the parental rights of one or both parents~~  
13 ~~after notice and hearing when the court finds such action to be in~~  
14 ~~the best interests of the minor child, as defined in the Parenting~~  
15 ~~Act, and it appears by the evidence that one or more of the~~  
16 ~~grounds for termination of parental rights stated in section 43-292~~  
17 ~~exist; and~~ conduct the termination of parental rights proceeding as  
18 provided in the Nebraska Juvenile Code.

19 (b) The court shall inform a parent who does not have  
20 legal counsel of the parent's right to retain counsel and of  
21 the parent's right to retain legal counsel at county expense if  
22 such parent is unable to afford legal counsel. If such parent  
23 is unable to afford legal counsel and requests the court to  
24 appoint legal counsel, the court shall immediately appoint an  
25 attorney to represent the parent in the termination proceedings.  
26 The court shall order the county to pay the attorney's fees and  
27 all reasonable expenses incurred by the attorney in protecting the

1 ~~rights of the parent. At such hearing, the guardian ad litem shall~~  
2 ~~take all action necessary to protect the interests of the minor~~  
3 ~~child. The court shall fix the fees and expenses of the guardian ad~~  
4 ~~litem and tax the same as costs but may order the county to pay on~~  
5 ~~finding the responsible party indigent and unable to pay.~~

6 (6) Modification proceedings relating to support,  
7 custody, parenting time, visitation, other access, or removal of  
8 children from the jurisdiction of the court shall be commenced  
9 by filing a complaint to modify. Modification of a parenting  
10 plan is governed by the Parenting Act. Proceedings to modify a  
11 parenting plan shall be commenced by filing a complaint to modify.  
12 Such actions may be referred to mediation, specialized alternative  
13 dispute resolution, or other alternative dispute resolution process  
14 before July 1, 2010, and on and after such date shall be referred  
15 to mediation or specialized alternative dispute resolution as  
16 provided in the Parenting Act. For good cause shown and (a) when  
17 both parents agree and such parental agreement is bona fide and  
18 not asserted to avoid the purposes of the Parenting Act, or (b)  
19 when mediation or specialized alternative dispute resolution is not  
20 possible without undue delay or hardship to either parent, the  
21 mediation or specialized alternative dispute resolution requirement  
22 may be waived by the court. In such a case where waiver of the  
23 mediation or specialized alternative dispute resolution is sought,  
24 the court shall hold an evidentiary hearing and the burden of proof  
25 for the party or parties seeking waiver is by clear and convincing  
26 evidence. Service of process and other procedure shall comply with  
27 the requirements for a dissolution action.

1           (7) In any proceeding under this section relating to  
2 custody of a child of school age, certified copies of school  
3 records relating to attendance and academic progress of such child  
4 are admissible in evidence.

5           Sec. 6. Section 43-245, Revised Statutes Cumulative  
6 Supplement, 2012, is amended to read:

7           43-245 For purposes of the Nebraska Juvenile Code, unless  
8 the context otherwise requires:

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

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

13          (3) Civil citation means a noncriminal notice which  
14 cannot result in a criminal record and is described in section  
15 43-248.02;

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

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

22          (6) Criminal street gang member means a person who  
23 willingly or voluntarily becomes and remains a member of a criminal  
24 street gang;

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

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

5           ~~(7)~~ (9) Juvenile means any person under the age of  
6 eighteen;

7           ~~(8)~~ (10) Juvenile court means the separate juvenile court  
8 where it has been established pursuant to sections 43-2,111 to  
9 43-2,127 and the county court sitting as a juvenile court in all  
10 other counties. Nothing in the Nebraska Juvenile Code shall be  
11 construed to deprive the district courts of their habeas corpus,  
12 common-law, or chancery jurisdiction or the county courts and  
13 district courts of jurisdiction of domestic relations matters as  
14 defined in section 25-2740;

15           ~~(9)~~ (11) Juvenile detention facility has the same meaning  
16 as in section 83-4,125;

17           (12) Legal custody has the same meaning as in section  
18 43-2922;

19           ~~(10)~~ (13) Mediator for juvenile offender and victim  
20 mediation means a person who (a) has completed at least thirty  
21 hours of training in conflict resolution techniques, neutrality,  
22 agreement writing, and ethics set forth in section 25-2913, (b) has  
23 an additional eight hours of juvenile offender and victim mediation  
24 training, and (c) meets the apprenticeship requirements set forth  
25 in section 25-2913;

26           ~~(11)~~ (14) Mental health facility means a treatment  
27 facility as defined in section 71-914 or a government, private, or

1 state hospital which treats mental illness;

2 ~~(12)~~ (15) Nonoffender means a juvenile who is subject  
3 to the jurisdiction of the juvenile court for reasons other  
4 than legally prohibited conduct, including, but not limited to,  
5 juveniles described in subdivision (3)(a) of section 43-247;

6 ~~(13)~~ (16) Nonsecure detention means detention  
7 characterized by the absence of restrictive hardware, construction,  
8 and procedure. Nonsecure detention services may include a range  
9 of placement and supervision options, such as home detention,  
10 electronic monitoring, day reporting, drug court, tracking and  
11 monitoring supervision, staff secure and temporary holdover  
12 facilities, and group homes;

13 ~~(14)~~ (17) Parent means one or both parents or a  
14 ~~stepparent~~ stepparents when such ~~the~~ stepparent is married to  
15 ~~the custodial~~ a parent who has physical custody of the juvenile as  
16 of the filing of the petition;

17 ~~(15)~~ (18) Parties means the juvenile as described in  
18 section 43-247 and his or her parent, guardian, or custodian;

19 (19) Physical custody has the same meaning as in section  
20 43-2922;

21 ~~(16)~~ (20) Except in proceedings under the Nebraska Indian  
22 Child Welfare Act, relative means father, mother, grandfather,  
23 grandmother, brother, sister, stepfather, stepmother, stepbrother,  
24 stepsister, uncle, aunt, first cousin, nephew, or niece;

25 ~~(17)~~ (21) Seal a record means that a record shall not be  
26 available to the public except upon the order of a court upon good  
27 cause shown;

1           ~~(18)~~ (22) Secure detention means detention in a highly  
2 structured, residential, hardware-secured facility designed to  
3 restrict a juvenile's movement;

4           (23) Staff secure juvenile facility means a juvenile  
5 residential facility operated by a political subdivision (a) which  
6 does not include construction designed to physically restrict  
7 the movements and activities of juveniles who are in custody in  
8 the facility, (b) in which physical restriction of movement or  
9 activity of juveniles is provided solely through staff, (c) which  
10 may establish reasonable rules restricting ingress to and egress  
11 from the facility, and (d) in which the movements and activities  
12 of individual juvenile residents may, for treatment purposes, be  
13 restricted or subject to control through the use of intensive staff  
14 supervision. Staff secure juvenile facility does not include any  
15 institution operated by the department;

16           ~~(19)~~ (24) Status offender means a juvenile who has been  
17 charged with or adjudicated for conduct which would not be a crime  
18 if committed by an adult, including, but not limited to, juveniles  
19 charged under subdivision (3)(b) of section 43-247 and sections  
20 53-180.01 and 53-180.02; and

21           ~~(20)~~ (25) Traffic offense means any nonfelonious act in  
22 violation of a law or ordinance regulating vehicular or pedestrian  
23 travel, whether designated a misdemeanor or a traffic infraction.

24           Sec. 7. Section 43-247, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26           43-247 The juvenile court shall have exclusive original  
27 jurisdiction as to any juvenile defined in subdivision (1) of this

1 section who is under the age of sixteen, as to any juvenile defined  
2 in subdivision (3) of this section, and as to the parties and  
3 proceedings provided in subdivisions (5), (6), and ~~(8)~~ (7) of this  
4 section. As used in this section, all references to the juvenile's  
5 age shall be the age at the time the act which occasioned the  
6 juvenile court action occurred. The juvenile court shall have  
7 concurrent original jurisdiction with the district court as to any  
8 juvenile defined in subdivision (2) of this section. The juvenile  
9 court shall have concurrent original jurisdiction with the district  
10 court and county court as to any juvenile defined in subdivision  
11 (1) of this section who is age sixteen or seventeen, any juvenile  
12 defined in subdivision (4) of this section, and any proceeding  
13 under subdivision ~~(7)~~ (6) or ~~(11)~~ (10) of this section. The  
14 juvenile court shall have concurrent original jurisdiction with the  
15 county court as to any proceeding under subdivision ~~(9)~~ (8) or ~~(10)~~  
16 (9) of this section. Notwithstanding any disposition entered by  
17 the juvenile court under the Nebraska Juvenile Code, the juvenile  
18 court's jurisdiction over any individual adjudged to be within  
19 the provisions of this section shall continue until the individual  
20 reaches the age of majority or the court otherwise discharges the  
21 individual from its jurisdiction.

22           The juvenile court in each county as herein provided  
23 shall have jurisdiction of:

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

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

3           (3) Any juvenile (a) who is homeless or destitute, or  
4 without proper support through no fault of his or her parent,  
5 guardian, or custodian; who is abandoned by his or her parent,  
6 guardian, or custodian; who lacks proper parental care by reason of  
7 the fault or habits of his or her parent, guardian, or custodian;  
8 whose parent, guardian, or custodian neglects or refuses to provide  
9 proper or necessary subsistence, education, or other care necessary  
10 for the health, morals, or well-being of such juvenile; whose  
11 parent, guardian, or custodian is unable to provide or neglects  
12 or refuses to provide special care made necessary by the mental  
13 condition of the juvenile; or who is in a situation or engages  
14 in an occupation dangerous to life or limb or injurious to the  
15 health or morals of such juvenile, (b) who, by reason of being  
16 wayward or habitually disobedient, is uncontrolled by his or her  
17 parent, guardian, or custodian; who deports himself or herself  
18 so as to injure or endanger seriously the morals or health of  
19 himself, herself, or others; or who is habitually truant from home  
20 or school, or (c) who is mentally ill and dangerous as defined in  
21 section 71-908;

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

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

26           (6) The proceedings for termination of parental rights;  
27 ~~as provided in the Nebraska Juvenile Code;~~

1           ~~(7) The proceedings for termination of parental rights as~~  
2 ~~provided in section 42-364;~~

3           ~~(8)~~ (7) Any juvenile who has been voluntarily  
4 relinquished, pursuant to section 43-106.01, to the Department of  
5 Health and Human Services or any child placement agency licensed by  
6 the Department of Health and Human Services;

7           ~~(9)~~ (8) Any juvenile who was a ward of the juvenile court  
8 at the inception of his or her guardianship and whose guardianship  
9 has been disrupted or terminated;

10          ~~(10)~~ (9) The adoption or guardianship proceedings for a  
11 child over which the juvenile court already has jurisdiction under  
12 another provision of the Nebraska Juvenile Code; and

13          ~~(11)~~ (10) The paternity or custody determination for a  
14 child over which the juvenile court already has jurisdiction.

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

20                 Sec. 8. Section 43-251, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22                 43-251 (1) When a juvenile is taken into custody pursuant  
23 to sections 43-248 and 43-250, the court or magistrate may take any  
24 action for preadjudication placement or detention prescribed in the  
25 Nebraska Juvenile Code.

26                 (2) Any juvenile taken into custody under the Nebraska  
27 Juvenile Code for allegedly being mentally ill and dangerous

1 shall not be placed in a staff secure juvenile facility, jail,  
2 or detention facility designed for juveniles who are accused of  
3 criminal acts or for juveniles as described in subdivision (1),  
4 (2), or (4) of section 43-247 either as a temporary placement by  
5 a peace officer, as a temporary placement by a court, or as an  
6 adjudication placement by the court.

7 Sec. 9. Section 43-251.01, Revised Statutes Cumulative  
8 Supplement, 2012, is amended to read:

9 43-251.01 All placements and commitments of juveniles for  
10 evaluations or as temporary or final dispositions are subject to  
11 the following:

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

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

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

25 (4) A juvenile under the age of fourteen years shall not  
26 be placed with or committed to a youth rehabilitation and treatment  
27 center; and except as provided in section 43-286.

1           (5) A juvenile shall not be detained in secure detention  
2 or placed at a youth rehabilitation and treatment center unless  
3 detention or placement of such juvenile is a matter of immediate  
4 and urgent necessity for the protection of such juvenile or the  
5 person or property of another or if it appears that such juvenile  
6 is likely to flee the jurisdiction of the court.

7           Sec. 10. Section 43-254, Revised Statutes Cumulative  
8 Supplement, 2012, is amended to read:

9           43-254 Pending the adjudication of any case, and subject  
10 to subdivision (5) of section 43-251.01, if it appears that the  
11 need for placement or further detention exists, the juvenile may  
12 be (1) placed or detained a reasonable period of time on order  
13 of the court in the temporary custody of either the person having  
14 charge of the juvenile or some other suitable person, (2) kept in  
15 some suitable place provided by the city or county authorities,  
16 (3) placed in any proper and accredited charitable institution,  
17 (4) placed in a state institution, except any adult correctional  
18 facility, when proper facilities are available and the only local  
19 facility is a city or county jail, at the expense of the committing  
20 county on a per diem basis as determined from time to time by  
21 the head of the particular institution, or (5) placed in the  
22 temporary care and custody of the Department of Health and Human  
23 Services when (a) it does not appear that there is any need for  
24 secure detention and (b) beginning October 1, 2013, the juvenile  
25 is alleged to be a juvenile described in subdivision (3)(a) or  
26 (3)(c) of section 43-247, or (6) beginning October 1, 2013, offered  
27 supervision options as determined pursuant to section 43-260.01,

1 through the Office of Probation Administration as ordered by the  
2 court and agreed to in writing by the parties, if the juvenile is  
3 alleged to be a juvenile described in subdivision (1), (2), (3) (b),  
4 or (4) of section 43-247 and it does not appear that there is any  
5 need for secure detention. The court may assess the cost of such  
6 placement or detention in whole or in part to the parent of the  
7 juvenile as provided in section 43-290.

8           If a juvenile has been removed from his or her parent,  
9 guardian, or custodian pursuant to subdivision (2) of section  
10 43-248, the court may enter an order continuing detention or  
11 placement upon a written determination that continuation of the  
12 juvenile in his or her home would be contrary to the health,  
13 safety, or welfare of such juvenile and that reasonable efforts  
14 were made to preserve and reunify the family if required under  
15 subsections (1) through (4) of section 43-283.01.

16           Sec. 11. Section 43-260.01, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18           43-260.01 The need for preadjudication placement or  
19 supervision and the need for detention of a juvenile and whether  
20 secure or nonsecure detention is indicated shall be subject to  
21 subdivision (5) of section 43-251.01 and may be determined as  
22 follows:

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

25           (2) If the results indicate that secure detention is  
26 not required, nonsecure detention placement or supervision options  
27 shall be pursued; and

1           (3) If the results indicate that secure detention is  
2 required, detention at the secure level as indicated by the  
3 instrument shall be pursued.

4           Sec. 12. Section 43-260.04, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           43-260.04 A juvenile pretrial diversion program shall:

7           (1) Be an option available for the county attorney or  
8 city attorney based upon his or her determination under this  
9 subdivision. The county attorney or city attorney may use the  
10 following information:

11           (a) The juvenile's age;

12           (b) The nature of the offense and role of the juvenile in  
13 the offense;

14           (c) The number and nature of previous offenses involving  
15 the juvenile;

16           (d) The dangerousness or threat posed by the juvenile to  
17 persons or property; or

18           (e) The recommendations of the referring agency, victim,  
19 and advocates for the juvenile;

20           (2) Permit participation by a juvenile only on a  
21 voluntary basis and shall include a juvenile diversion agreement  
22 described in section 43-260.06;

23           (3) Allow the juvenile to consult with counsel prior to a  
24 decision to participate in the program;

25           (4) Be offered to the juvenile when practicable prior to  
26 an adjudication the filing of a juvenile petition or a criminal  
27 charge but after the arrest of the juvenile or issuance of a

1 citation to the juvenile if after the arrest or citation a decision  
2 has been made by the county attorney or city attorney that the  
3 offense will support the filing of a juvenile petition or criminal  
4 charges;

5 (5) Provide screening services for use in creating a  
6 diversion plan utilizing appropriate services for the juvenile;

7 ~~(5)~~ (6) Result in dismissal of the juvenile petition  
8 or criminal charges if the juvenile successfully completes the  
9 program;

10 ~~(6)~~ (7) Be designed and operated to further the goals  
11 stated in section 43-260.03 and comply with sections 43-260.04 to  
12 43-260.07; and

13 ~~(7)~~ (8) Require information received by the program  
14 regarding the juvenile to remain confidential unless a release of  
15 information is signed upon admission to the program or is otherwise  
16 authorized by law.

17 Sec. 13. Section 43-260.05, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 43-260.05 A juvenile pretrial diversion program may:

20 (1) Provide screening services to the court and county  
21 attorney or city attorney to help identify likely candidates for  
22 the program;

23 (2) Establish goals for diverted juvenile offenders and  
24 monitor performance of the goals;

25 (3) ~~Perform~~ Coordinate chemical dependency assessments  
26 of diverted juvenile offenders when indicated, make appropriate  
27 referrals for treatment, and monitor treatment and aftercare;

1           (4) ~~Provide~~ Coordinate individual, group, and family  
2 counseling services;

3           (5) Oversee the payment of victim restitution by diverted  
4 juvenile offenders;

5           (6) Assist diverted juvenile offenders in identifying and  
6 contacting appropriate community resources;

7           (7) ~~Provide~~ Coordinate educational services to diverted  
8 juvenile offenders to enable them to earn a high school diploma or  
9 general education development diploma; and

10           (8) Provide accurate information on how diverted juvenile  
11 offenders perform in the program to the juvenile courts, county  
12 attorneys, city attorneys, defense attorneys, and probation  
13 officers.

14           Sec. 14. Section 43-260.07, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           43-260.07 (1) ~~Beginning December 1, 2003, and every~~  
17 ~~December 1 thereafter,~~ On January 30 of each year, every county  
18 attorney or city attorney of a county or city which has a  
19 juvenile pretrial diversion program shall report to the Director  
20 of Juvenile Diversion Programs the information pertaining to the  
21 program required by rules and regulations adopted and promulgated  
22 by the Nebraska Commission on Law Enforcement and Criminal Justice.  
23 ~~to the commission.~~

24           (2) Juvenile pretrial diversion program data shall be  
25 maintained and compiled by the Director of Juvenile Diversion  
26 Programs. ~~the Nebraska Commission on Law Enforcement and Criminal~~  
27 ~~Justice.~~

1           Sec. 15. Section 43-272.01, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

3           43-272.01 (1) A guardian ad litem as provided for in  
4 subsections (2) and (3) of section 43-272 shall be appointed  
5 when a child is removed from his or her surroundings pursuant  
6 to subdivision (2) or (3) of section 43-248, subsection (2) of  
7 section 43-250, or section 43-251. If removal has not occurred, a  
8 guardian ad litem shall be appointed at the commencement of all  
9 cases brought under subdivision (3)(a) or ~~(8)~~ (7) of section 43-247  
10 and section 28-707.

11           (2) In the course of discharging duties as guardian ad  
12 litem, the person so appointed shall consider, but not be limited  
13 to, the criteria provided in this subsection. The guardian ad  
14 litem:

15           (a) Is appointed to stand in lieu of a parent for a  
16 protected juvenile who is the subject of a juvenile court petition,  
17 shall be present at all hearings before the court in such matter  
18 unless expressly excused by the court, and may enter into such  
19 stipulations and agreements concerning adjudication and disposition  
20 deemed by him or her to be in the juvenile's best interests;

21           (b) Is not appointed to defend the parents or other  
22 custodian of the protected juvenile but shall defend the legal  
23 and social interests of such juvenile. Social interests shall  
24 be defined generally as the usual and reasonable expectations of  
25 society for the appropriate parental custody and protection and  
26 quality of life for juveniles without regard to the socioeconomic  
27 status of the parents or other custodians of the juvenile;

1           (c) May at any time after the filing of the petition  
2 move the court of jurisdiction to provide medical or psychological  
3 treatment or evaluation as set out in section 43-258. The guardian  
4 ad litem shall have access to all reports resulting from any  
5 examination ordered under section 43-258, and such reports shall be  
6 used for evaluating the status of the protected juvenile;

7           (d) Shall make every reasonable effort to become  
8 familiar with the needs of the protected juvenile which (i) shall  
9 include consultation with the juvenile within two weeks after the  
10 appointment and once every six months thereafter and inquiry of  
11 the most current caseworker, foster parent, or other custodian  
12 and (ii) may include inquiry of others directly involved with  
13 the juvenile or who may have information or knowledge about the  
14 circumstances which brought the juvenile court action or related  
15 cases and the development of the juvenile, including biological  
16 parents, physicians, psychologists, teachers, and clergy members;

17           (e) May present evidence and witnesses and cross-examine  
18 witnesses at all evidentiary hearings. In any proceeding under this  
19 section relating to a child of school age, certified copies of  
20 school records relating to attendance and academic progress of such  
21 child are admissible in evidence;

22           (f) Shall be responsible for making recommendations to  
23 the court regarding the temporary and permanent placement of the  
24 protected juvenile and shall submit a written report to the court  
25 at every dispositional or review hearing, or in the alternative,  
26 the court may provide the guardian ad litem with a checklist  
27 that shall be completed and presented to the court at every

1 dispositional or review hearing;

2 (g) Shall consider such other information as is warranted  
3 by the nature and circumstances of a particular case; and

4 (h) May file a petition in the juvenile court on behalf  
5 of the juvenile, including a supplemental petition as provided in  
6 section 43-291.

7 (3) Nothing in this section shall operate to limit the  
8 discretion of the juvenile court in protecting the best interests  
9 of a juvenile who is the subject of a juvenile court petition.

10 (4) For purposes of subdivision (2)(d) of this section,  
11 the court may order the expense of such consultation, if any, to be  
12 paid by the county in which the juvenile court action is brought  
13 or the court may, after notice and hearing, assess the cost of  
14 such consultation, if any, in whole or in part to the parents of  
15 the juvenile. The ability of the parents to pay and the amount  
16 of the payment shall be determined by the court by appropriate  
17 examination.

18 Sec. 16. Section 43-279.01, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 43-279.01 (1) When the petition alleges the juvenile  
21 to be within the provisions of subdivision (3)(a) of section  
22 43-247 or when termination of parental rights is sought pursuant  
23 to subdivision (6) ~~or (7)~~ of section 43-247 and the parent, ~~or~~  
24 custodian, or guardian appears with or without counsel, the court  
25 shall inform the parties of the:

26 (a) Nature of the proceedings and the possible  
27 consequences or dispositions pursuant to sections 43-284, 43-285,

1 and 43-288 to 43-295;

2 (b) Right of the parent to engage counsel of their choice  
3 at their own expense or to have counsel appointed if the parent is  
4 unable to afford to hire a lawyer;

5 (c) Right of a stepparent, custodian, or guardian to  
6 engage counsel of their choice and, if there are allegations  
7 against the stepparent, custodian, or guardian or when the petition  
8 is amended to include such allegations, to have counsel appointed  
9 if the stepparent, custodian, or guardian is unable to afford to  
10 hire a lawyer;

11 ~~(e)~~ (d) Right to remain silent as to any matter of  
12 inquiry if the testimony sought to be elicited might tend to prove  
13 the parent or custodian party guilty of any crime;

14 ~~(d)~~ (e) Right to confront and cross-examine witnesses;

15 ~~(e)~~ (f) Right to testify and to compel other witnesses to  
16 attend and testify;

17 ~~(f)~~ (g) Right to a speedy adjudication hearing; and

18 ~~(g)~~ (h) Right to appeal and have a transcript or record  
19 of the proceedings for such purpose.

20 (2) The court shall have the discretion as to whether  
21 or not to appoint counsel for a person who is not a party to  
22 the proceeding. If counsel is appointed, failure of the party to  
23 maintain contact with their court-appointed counsel or to keep such  
24 counsel advised of the party's current address can result in the  
25 counsel being discharged by the court.

26 ~~(2)~~ (3) After giving the parties the information  
27 prescribed in subsection (1) of this section, the court may accept

1 an in-court admission, an answer of no contest, or a denial from  
2 any parent, ~~or~~ custodian, or guardian as to all or any part of the  
3 allegations in the petition. The court shall ascertain a factual  
4 basis for an admission or an answer of no contest.

5 ~~(3)~~ (4) In the case of a denial, the court shall allow  
6 a reasonable time for preparation if needed and then proceed  
7 to determine the question of whether the juvenile falls under  
8 the provisions of section 43-247 as alleged. After hearing the  
9 evidence, the court shall make a finding and adjudication to be  
10 entered on the records of the court as to whether the allegations  
11 in the petition have been proven by a preponderance of the evidence  
12 in cases under subdivision (3) (a) of section 43-247 or by clear and  
13 convincing evidence in proceedings to terminate parental rights.  
14 If an Indian child is involved, the standard of proof shall be  
15 in compliance with the Nebraska Indian Child Welfare Act, if  
16 applicable.

17 ~~(4)~~ (5) If the court shall find that the allegations  
18 of the petition or motion have not been proven by the requisite  
19 standard of proof, it shall dismiss the case or motion. If the  
20 court sustains the petition or motion, it shall allow a reasonable  
21 time for preparation if needed and then proceed to inquire into the  
22 matter of the proper disposition to be made of the juvenile.

23 Sec. 17. Section 43-281, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 43-281 (1) This subsection applies until October 1,  
26 2013. Following an adjudication of jurisdiction and prior to final  
27 disposition, the court may place the juvenile with the Office of

1 Juvenile Services or the Department of Health and Human Services  
2 for evaluation. The office or department shall make arrangements  
3 for an appropriate evaluation.

4 (2) (a) This subsection applies beginning October 1, 2013.  
5 Following an adjudication of jurisdiction and prior to final  
6 disposition, the court may order an evaluation. The court may  
7 place the juvenile with the Department of Health and Human Services  
8 for the evaluation if the juvenile is adjudged to be a juvenile  
9 described in subdivisions (3) (a) or (3) (c) of section 43-247.

10 (b) Any evaluation ordered shall be completed and the  
11 juvenile shall be returned to the court within twenty-one days  
12 after the evaluation is ordered. The physician, psychologist,  
13 licensed mental health practitioner, licensed drug and alcohol  
14 counselor, or other provider responsible for completing the  
15 evaluation shall have up to ten days to complete the evaluation  
16 after receiving the referral authorizing the evaluation.

17 (c) When a juvenile receives such an evaluation, the  
18 juvenile shall not reside in a detention facility at the time of  
19 the evaluation or while waiting for the completed evaluation to  
20 be returned to the court unless detention of such juvenile is a  
21 matter of immediate and urgent necessity for the protection of such  
22 juvenile or the person or property of another or if it appears that  
23 such juvenile is likely to flee the jurisdiction of the court.

24 (d) When a juvenile is adjudged to be under subdivision  
25 (1), (2), (3) (b), or (4) of section 43-247, the Office of Probation  
26 Administration shall provide and pay for any evaluation ordered by  
27 the court under this section if the office determines that there

1 are no parental funds or private or public insurance available to  
2 pay for such evaluation.

3           Sec. 18. Section 43-284, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           43-284 When any juvenile is adjudged to be under  
6 subdivision (3), (4), or ~~(9)~~ (8) of section 43-247, the court  
7 may permit such juvenile to remain in his or her own home subject  
8 to supervision or may make an order committing the juvenile to (1)  
9 the care of some suitable institution, (2) inpatient or outpatient  
10 treatment at a mental health facility or mental health program, (3)  
11 the care of some reputable citizen of good moral character, (4) the  
12 care of some association willing to receive the juvenile embracing  
13 in its objects the purpose of caring for or obtaining homes for  
14 such juveniles, which association shall have been accredited as  
15 provided in section 43-296, (5) the care of a suitable family, or  
16 (6) the care and custody of the Department of Health and Human  
17 Services, except, beginning October 1, 2013, when a juvenile is  
18 adjudicated to be a juvenile described in subdivision (3)(b) or (4)  
19 of section 43-247.

20           Under subdivision (1), (2), (3), (4), or (5) of this  
21 section, upon a determination by the court that there are no  
22 parental, private, or other public funds available for the care,  
23 custody, education, and maintenance of a juvenile, the court may  
24 order a reasonable sum for the care, custody, education, and  
25 maintenance of the juvenile to be paid out of a fund which shall  
26 be appropriated annually by the county where the petition is filed  
27 until suitable provisions may be made for the juvenile without such

1 payment.

2           The amount to be paid by a county for education pursuant  
3 to this section shall not exceed the average cost for education  
4 of a public school student in the county in which the juvenile is  
5 placed and shall be paid only for education in kindergarten through  
6 grade twelve.

7           The court may enter a dispositional order removing a  
8 juvenile from his or her home upon a written determination that  
9 continuation in the home would be contrary to the health, safety,  
10 or welfare of such juvenile and that reasonable efforts to preserve  
11 and reunify the family have been made if required under section  
12 43-283.01.

13           Sec. 19. Section 43-284.01, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           43-284.01 Any juvenile adjudged to be under subdivision  
16 ~~(8)~~ (7) of section 43-247 shall remain in the custody of the  
17 Department of Health and Human Services or the licensed child  
18 placement agency to whom the juvenile has been relinquished unless  
19 the court finds by clear and convincing evidence that the best  
20 interests of the juvenile require that an alternative disposition  
21 be made. If the court makes such finding, then alternative  
22 disposition may be made as provided under section 43-284. Such  
23 alternative disposition shall relieve the department or licensed  
24 child placement agency of all responsibility with regard to such  
25 juvenile.

26           Sec. 20. Section 43-285, Revised Statutes Cumulative  
27 Supplement, 2012, is amended to read:

1           43-285 (1) When the court awards a juvenile to the care  
2 of the Department of Health and Human Services, an association,  
3 or an individual in accordance with the Nebraska Juvenile Code,  
4 the juvenile shall, unless otherwise ordered, become a ward and  
5 be subject to the guardianship of the department, association,  
6 or individual to whose care he or she is committed. Any such  
7 association and the department shall have authority, by and  
8 with the assent of the court, to determine the care, placement,  
9 medical services, psychiatric services, training, and expenditures  
10 on behalf of each juvenile committed to it. Such guardianship shall  
11 not include the guardianship of any estate of the juvenile.

12           (2)(a) This subdivision applies until October 1, 2013.  
13 Following an adjudication hearing at which a juvenile is adjudged  
14 to be under subdivision (3) of section 43-247, the court may  
15 order the department to prepare and file with the court a proposed  
16 plan for the care, placement, services, and permanency which  
17 are to be provided to such juvenile and his or her family.  
18 The health and safety of the juvenile shall be the paramount  
19 concern in the proposed plan. The department shall include in the  
20 plan for a juvenile who is sixteen years of age or older and  
21 subject to the guardianship of the department a written independent  
22 living transition proposal which meets the requirements of section  
23 43-1311.03. The court may approve the plan, modify the plan,  
24 order that an alternative plan be developed, or implement another  
25 plan that is in the juvenile's best interests. In its order the  
26 court shall include a finding regarding the appropriateness of  
27 the programs and services described in the proposal designed to

1 assist the juvenile in acquiring independent living skills. Rules  
2 of evidence shall not apply at the dispositional hearing when the  
3 court considers the plan that has been presented.

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

23 (3) Within thirty days after an order awarding a juvenile  
24 to the care of the department, an association, or an individual  
25 and until the juvenile reaches the age of majority, the department,  
26 association, or individual shall file with the court a report  
27 stating the location of the juvenile's placement and the needs of

1 the juvenile in order to effectuate the purposes of subdivision  
2 (1) of section 43-246. The department, association, or individual  
3 shall file a report with the court once every six months or at  
4 shorter intervals if ordered by the court or deemed appropriate  
5 by the department, association, or individual. The department,  
6 association, or individual shall file a report and notice of  
7 placement change with the court and shall send copies of the  
8 notice to all interested parties at least seven days before the  
9 placement of the juvenile is changed from what the court originally  
10 considered to be a suitable family home or institution to some  
11 other custodial situation in order to effectuate the purposes of  
12 subdivision (1) of section 43-246. The court, on its own motion  
13 or upon the filing of an objection to the change by an interested  
14 party, may order a hearing to review such a change in placement  
15 and may order that the change be stayed until the completion of  
16 the hearing. Nothing in this section shall prevent the court on  
17 an ex parte basis from approving an immediate change in placement  
18 upon good cause shown. The department may make an immediate change  
19 in placement without court approval only if the juvenile is in a  
20 harmful or dangerous situation or when the foster parents request  
21 that the juvenile be removed from their home. Approval of the court  
22 shall be sought within twenty-four hours after making the change in  
23 placement or as soon thereafter as possible. The department shall  
24 provide the juvenile's guardian ad litem with a copy of any report  
25 filed with the court by the department pursuant to this subsection.

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

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

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

12           (7) Any written findings or recommendations of the Foster  
13 Care Review Office or the designated local foster care review board  
14 with regard to a juvenile in a foster care placement submitted to  
15 a court having jurisdiction over such juvenile shall be admissible  
16 in any proceeding concerning such juvenile if such findings or  
17 recommendations have been provided to all other parties of record.

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

25           Sec. 21. Section 43-286, Revised Statutes Cumulative  
26 Supplement, 2012, is amended to read:

27           43-286 (1) When any juvenile is adjudicated to be a

1 juvenile described in subdivision (1), (2), or (4) of section  
2 43-247:

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

10 (i) Place the juvenile on probation subject to the  
11 supervision of a probation officer;

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

15 (iii) Cause the juvenile to be placed in a suitable  
16 family home or institution, subject to the supervision of the  
17 probation officer. If the court has committed the juvenile is  
18 also found to be a juvenile described in subdivision (3)(a) of  
19 section 43-247 and the court has committed the juvenile to the  
20 care and custody of the Department of Health and Human Services,  
21 the department shall pay the costs of the suitable family home or  
22 institution which are not otherwise paid by the juvenile's parents.

23 Under subdivision (1)(a) of this section, upon a  
24 determination by the court that there are no parental, private, or  
25 other public funds available for the care, custody, and maintenance  
26 of a juvenile, the court may order a reasonable sum for the care,  
27 custody, and maintenance of the juvenile to be paid out of a

1 fund which shall be appropriated annually by the county where the  
2 petition is filed until a suitable provision may be made for the  
3 juvenile without such payment; ~~e~~

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

14 ~~(b)~~ The (ii) This subdivision applies to all juvenile  
15 petitions filed on or after July 1, 2013. Unless prohibited by  
16 section 43-251.01, the court may commit such juvenile to the Office  
17 of Juvenile Services for placement at a youth rehabilitation and  
18 treatment center as a condition of an order of intensive supervised  
19 probation if all levels of probation supervision and options for  
20 community-based services have been exhausted and placement of  
21 such juvenile is a matter of immediate and urgent necessity for  
22 the protection of such juvenile or the person or property of  
23 another or if it appears that such juvenile is likely to flee  
24 the jurisdiction of the court. Intensive supervised probation for  
25 purposes of this subdivision means that the Office of Juvenile  
26 Services shall be responsible for the care and custody of the  
27 juvenile until the Office of Juvenile Services discharges the

1 juvenile. Upon discharge of the juvenile, the court shall hold  
2 a review hearing on the conditions of probation and enter any  
3 order allowed under subdivision (1) (a) of this section. The Office  
4 of Juvenile Services shall work in collaboration with the Office  
5 of Probation Administration in developing individualized reentry  
6 plans as created in section 53 of this act and shall notify the  
7 committing court at least sixty days prior to discharge. The Office  
8 of Juvenile Services shall pay the cost of the care and custody of  
9 the juvenile from the time of commitment until discharge from the  
10 Office of Juvenile Services; or ~~7~~ but a juvenile under the age of  
11 fourteen years shall not be placed at the Youth Rehabilitation and  
12 Treatment Center-Geneva or the Youth Rehabilitation and Treatment  
13 Center-Kearney unless he or she has violated the terms of probation  
14 or has committed an additional offense and the court finds that the  
15 interests of the juvenile and the welfare of the community demand  
16 his or her commitment. This minimum age provision shall not apply  
17 if the act in question is murder or manslaughter.

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

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

27 (3) When any juvenile is adjudicated to be a juvenile

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

8 (4) When a juvenile is placed on probation and a  
9 probation officer has reasonable cause to believe that such  
10 juvenile has committed or is about to commit a substance abuse  
11 violation, a noncriminal violation, or a violation of a condition  
12 of his or her probation, the probation officer shall take  
13 appropriate measures as provided in section 43-286.01.

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

22 (b) When a juvenile is placed on probation or under  
23 the supervision of the court for conduct under subdivision (1),  
24 (2), (3)(b), or (4) of section 43-247 and it is alleged that the  
25 juvenile has violated a term of probation or supervision or that  
26 the juvenile has violated an order of the court, a motion to revoke  
27 probation or supervision or to change the disposition may be filed

1 and proceedings held as follows:

2 (i) The motion shall set forth specific factual  
3 allegations of the alleged violations and a copy of such motion  
4 shall be served on all persons required to be served by sections  
5 43-262 to 43-267;

6 (ii) The juvenile shall be entitled to a hearing before  
7 the court to determine the validity of the allegations. At such  
8 hearing the juvenile shall be entitled to those rights relating  
9 to counsel provided by section 43-272 and those rights relating  
10 to detention provided by sections 43-254 to 43-256. The juvenile  
11 shall also be entitled to speak and present documents, witnesses,  
12 or other evidence on his or her own behalf. He or she may confront  
13 persons who have given adverse information concerning the alleged  
14 violations, may cross-examine such persons, and may show that he  
15 or she did not violate the conditions of his or her probation  
16 or supervision or an order of the court or, if he or she did,  
17 that mitigating circumstances suggest that the violation does not  
18 warrant revocation of probation or supervision or a change of  
19 disposition. The hearing shall be held within a reasonable time  
20 after the juvenile is taken into custody;

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

25 (iv) The juvenile shall be given a preliminary hearing  
26 in all cases when the juvenile is confined, detained, or otherwise  
27 significantly deprived of his or her liberty as a result of his

1 or her alleged violation of probation, supervision, or court order.  
2 Such preliminary hearing shall be held before an impartial person  
3 other than his or her probation officer or any person directly  
4 involved with the case. If, as a result of such preliminary  
5 hearing, probable cause is found to exist, the juvenile shall be  
6 entitled to a hearing before the court in accordance with this  
7 subsection;

8 (v) If the juvenile is found by the court to have  
9 violated the terms of his or her probation or supervision or an  
10 order of the court, the court may modify the terms and conditions  
11 of the probation, supervision, or other court order, extend the  
12 period of probation, supervision, or other court order, or enter  
13 any order of disposition that could have been made at the time the  
14 original order was entered; and

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

19 Sec. 22. Section 43-2,108.05, Revised Statutes Cumulative  
20 Supplement, 2012, is amended to read:

21 43-2,108.05 (1) If the court orders the record of a  
22 juvenile sealed pursuant to section 43-2,108.04, the court shall:

23 (a) Order that all records, including any information  
24 or other data concerning any proceedings relating to the offense,  
25 including the arrest, taking into custody, petition, complaint,  
26 indictment, information, trial, hearing, adjudication, correctional  
27 supervision, dismissal, or other disposition or sentence, be deemed

1 never to have occurred;

2 (b) Send notice of the order to seal the record (i) to  
3 the Nebraska Commission on Law Enforcement and Criminal Justice,  
4 (ii) if the record includes impoundment or prohibition to obtain  
5 a license or permit pursuant to section 43-287, to the Department  
6 of Motor Vehicles, (iii) if the juvenile whose record has been  
7 ordered sealed was a ward of the state at the time the proceeding  
8 was initiated or if the Department of Health and Human Services  
9 was a party in the proceeding, to such department, and (iv) to  
10 law enforcement agencies, county attorneys, and city attorneys  
11 referenced in the court record;

12 (c) Order all notified under subdivision (1)(b) of this  
13 section to seal all records pertaining to the offense;

14 (d) If the case was transferred from district court to  
15 juvenile court or was transferred under section 43-282, send notice  
16 of the order to seal the record to the transferring court; and

17 (e) Explain to the juvenile what sealing the record means  
18 verbally if the juvenile is present in the court at the time the  
19 court issues the sealing order or by written notice sent by regular  
20 mail to the juvenile's last-known address if the juvenile is not  
21 present in the court at the time the court issues the sealing  
22 order.

23 (2) The effect of having a record sealed under section  
24 43-2,108.04 is that thereafter no person is allowed to release  
25 any information concerning such record, except as provided by  
26 this section. After a record is sealed, the person whose record  
27 was sealed can respond to any public inquiry as if the offense

1 resulting in such record never occurred. A government agency and  
2 any other public office or agency shall reply to any public  
3 inquiry that no information exists regarding a sealed record.  
4 Except as provided in subsection (3) of this section, an order  
5 to seal the record applies to every government agency and any  
6 other public office or agency that has a record relating to the  
7 offense, regardless of whether it receives notice of the hearing  
8 on the sealing of the record or a copy of the order. Upon the  
9 written request of a person whose record has been sealed and the  
10 presentation of a copy of such order, a government agency or any  
11 other public office or agency shall seal all records pertaining to  
12 the offense.

13 (3) A sealed record is accessible to law enforcement  
14 officers, county attorneys, and city attorneys in the  
15 investigation, prosecution, and sentencing of crimes, to the  
16 sentencing judge in the sentencing of criminal defendants, and  
17 to any attorney representing the subject of the sealed record.  
18 Inspection of records that have been ordered sealed under section  
19 43-2,108.04 may be made by the following persons or for the  
20 following purposes:

21 (a) By the court or by any person allowed to inspect such  
22 records by an order of the court for good cause shown;

23 (b) By the court, city attorney, or county attorney  
24 for purposes of collection of any remaining parental support or  
25 obligation balances under section 43-290;

26 (c) By the Nebraska Probation System for purposes of  
27 juvenile intake services, for presentence and other probation

1 investigations, and for the direct supervision of persons placed  
2 on probation and by the Department of Correctional Services,  
3 the Office of Juvenile Services, a juvenile assessment center, a  
4 criminal detention facility, ~~or~~ a juvenile detention facility, or a  
5 staff secure juvenile facility, for an individual committed to it,  
6 placed with it, or under its care;

7 (d) By the Department of Health and Human Services for  
8 purposes of juvenile intake services, the preparation of case  
9 plans and reports, the preparation of evaluations, compliance with  
10 federal reporting requirements, or the supervision and protection  
11 of persons placed with the department or for licensing or  
12 certification purposes under sections 71-1901 to 71-1906.01 or  
13 the Child Care Licensing Act;

14 (e) Upon application, by the person who is the subject of  
15 the sealed record and by persons authorized by the person who is  
16 the subject of the sealed record who are named in that application;

17 (f) At the request of a party in a civil action that is  
18 based on a case that has a sealed record, as needed for the civil  
19 action. The party also may copy the sealed record as needed for the  
20 civil action. The sealed record shall be used solely in the civil  
21 action and is otherwise confidential and subject to this section;

22 (g) By persons engaged in bona fide research, with  
23 the permission of the court, only if the research results  
24 in no disclosure of the person's identity and protects the  
25 confidentiality of the sealed record; or

26 (h) By a law enforcement agency if a person whose record  
27 has been sealed applies for employment with the law enforcement

1 agency.

2 (4) Nothing in this section prohibits the Department of  
3 Health and Human Services from releasing information from sealed  
4 records in the performance of its duties with respect to the  
5 supervision and protection of persons served by the department.

6 (5) In any application for employment, bonding, license,  
7 education, or other right or privilege, any appearance as a  
8 witness, or any other public inquiry, a person cannot be questioned  
9 with respect to any offense for which the record is sealed. If  
10 an inquiry is made in violation of this subsection, the person  
11 may respond as if the offense never occurred. Applications for  
12 employment shall contain specific language that states that the  
13 applicant is not obligated to disclose a sealed record. Employers  
14 shall not ask if an applicant has had a record sealed. The  
15 Department of Labor shall develop a link on the department's web  
16 site to inform employers that employers cannot ask if an applicant  
17 had a record sealed and that an application for employment shall  
18 contain specific language that states that the applicant is not  
19 obligated to disclose a sealed record.

20 (6) Any person who violates this section may be held in  
21 contempt of court.

22 Sec. 23. Section 43-404, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 43-404 (1) This subsection applies until July 1, 2014.  
25 There is created within the Department of Health and Human  
26 Services the Office of Juvenile Services. The office shall have  
27 oversight and control of state juvenile correctional facilities and

1 programs other than the secure youth confinement facility which is  
2 under the control of the Department of Correctional Services. The  
3 Administrator of the Office of Juvenile Services shall be appointed  
4 by the chief executive officer of the department or his or her  
5 designee and shall be responsible for the administration of the  
6 facilities and programs of the office. The department may contract  
7 with a state agency or private provider to operate any facilities  
8 and programs of the Office of Juvenile Services.

9 (2) This subsection applies beginning July 1, 2014. There  
10 is created within the Department of Health and Human Services the  
11 Office of Juvenile Services. The office shall have oversight and  
12 control of the youth rehabilitation and treatment centers. The  
13 Administrator of the Office of Juvenile Services shall be appointed  
14 by the chief executive officer of the department or his or her  
15 designee and shall be responsible for the administration of the  
16 facilities and programs of the office. The department may contract  
17 with a state agency or private provider to operate any facilities  
18 and programs of the Office of Juvenile Services.

19 Sec. 24. Section 43-405, Revised Statutes Cumulative  
20 Supplement, 2012, is amended to read:

21 43-405 The administrative duties of the Office of  
22 Juvenile Services are to:

23 (1) Manage, establish policies for, and administer the  
24 office, including all facilities and programs operated by the  
25 office or provided through the office by contract with a provider;

26 (2) Supervise employees of the office, including  
27 employees of the facilities and programs operated by the office;

1           (3) Have separate budgeting procedures and develop and  
2 report budget information separately from the Department of Health  
3 and Human Services;

4           (4) Adopt and promulgate rules and regulations for  
5 the levels of treatment and for management, control, screening,  
6 ~~evaluation,~~ treatment, rehabilitation, ~~parole,~~ transfer, and  
7 discharge of, until October 1, 2013, evaluation of juveniles placed  
8 with or committed to the Office of Juvenile Services, and, until  
9 July 1, 2014, parole of, juveniles placed with or committed to the  
10 Office of Juvenile Services;

11           (5) Ensure that statistical information concerning  
12 juveniles placed with or committed to facilities or programs of  
13 the office is collected, developed, and maintained for purposes of  
14 research and the development of treatment programs;

15           (6) Monitor commitments, placements, and evaluations at  
16 facilities and programs operated by the office or through contracts  
17 with providers and submit electronically an annual report of  
18 its findings to the Legislature. For 2012, 2013, and 2014, the  
19 office shall also provide the report to the Health and Human  
20 Services Committee of the Legislature on or before September  
21 15. The report shall include an assessment of the administrative  
22 costs of operating the facilities, the cost of programming, the  
23 savings realized through reductions in commitments, placements, and  
24 evaluations, and information regarding the collaboration required  
25 by section 83-101;

26           (7) Coordinate the programs and services of the juvenile  
27 justice system with other governmental agencies and political

1 subdivisions;

2 (8) Coordinate educational, vocational, and social  
3 counseling;

4 (9) ~~Coordinate~~ Until July 1, 2014, coordinate  
5 community-based services for juveniles and their families;

6 (10) ~~Supervise~~ Until July 1, 2014, supervise and  
7 coordinate juvenile parole and aftercare services; and

8 (11) Exercise all powers and perform all duties necessary  
9 to carry out its responsibilities under the Health and Human  
10 Services, Office of Juvenile Services Act.

11 Sec. 25. Section 43-406, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 43-406 The Office of Juvenile Services shall utilize:

14 (1) Risk and needs assessment instruments for use in  
15 determining the level of treatment for the juvenile;

16 (2) A case classification process to include levels of  
17 treatment defined by rules and regulations and case management  
18 standards for each level of treatment. The process shall provide  
19 for a balance of accountability, public safety, and treatment;

20 (3) Case management for all juveniles committed to the  
21 office;

22 (4) A Until July 1, 2014, a purchase-of-care system which  
23 will facilitate the development of a statewide community-based  
24 array of care with the involvement of the private sector and the  
25 local public sector. Care services may be purchased from private  
26 providers to provide a wider diversity of services. This system  
27 shall include accessing existing Title IV-E funds of the federal

1 Social Security Act, as amended, medicaid funds, and other funding  
2 sources to support eligible community-based services. Such services  
3 developed and purchased shall include, but not be limited to,  
4 evaluation services. Services shall be offered and delivered on a  
5 regional basis;

6 (5) ~~Community-based~~ Until October 1, 2013,  
7 community-based evaluation programs, supplemented by one or more  
8 residential evaluation programs. A residential evaluation program  
9 shall be provided in a county containing a city of the metropolitan  
10 class. Community-based evaluation services shall replace the  
11 residential evaluation services available at the Youth Diagnostic  
12 and Rehabilitation Center by December 31, 1999; and

13 (6) A management information system. The system shall  
14 be a unified, interdepartmental client information system which  
15 supports the management function as well as the service function.

16 Sec. 26. Section 43-407, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 43-407 (1) This subsection applies to all juvenile  
19 petitions filed prior to July 1, 2013. The Office of  
20 Juvenile Services shall design and make available programs  
21 and treatment services through the Youth Rehabilitation and  
22 Treatment Center-Kearney and Youth Rehabilitation and Treatment  
23 Center-Geneva. The programs and treatment services shall be based  
24 upon the individual or family evaluation process and treatment  
25 plan. The treatment plan shall be developed within fourteen days  
26 after admission. If a juvenile placed at the Youth Rehabilitation  
27 and Treatment Center-Kearney or Youth Rehabilitation and Treatment

1 Center-Geneva is assessed as needing inpatient or subacute  
2 substance abuse or behavioral health residential treatment, the  
3 juvenile may be transferred to a program or facility if the  
4 treatment and security needs of the juvenile can be met. The  
5 assessment process shall include involvement of both private and  
6 public sector behavioral health providers. The selection of the  
7 treatment venue for each juvenile shall include individualized  
8 case planning and incorporate the goals of the juvenile justice  
9 system pursuant to section 43-402. Juveniles committed to the Youth  
10 Rehabilitation and Treatment Center-Kearney or Youth Rehabilitation  
11 and Treatment Center-Geneva who are transferred to alternative  
12 settings for treatment remain committed to the Department of Health  
13 and Human Services and the Office of Juvenile Services until  
14 discharged from such custody. Programs and treatment services shall  
15 address:

16 ~~(1)~~ (a) Behavioral impairments, severe emotional  
17 disturbances, sex offender behaviors, and other mental health or  
18 psychiatric disorders;

19 ~~(2)~~ (b) Drug and alcohol addiction;

20 ~~(3)~~ (c) Health and medical needs;

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

23 ~~(5)~~ (e) Individual, group, and family counseling services  
24 as appropriate with any treatment plan related to subdivisions ~~(1)~~  
25 (a) through ~~(4)~~ (d) of this ~~section.~~ subsection. Services shall  
26 also be made available for juveniles who have been physically or  
27 sexually abused;

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

17           ~~(7)~~ (g) The design and delivery of treatment programs  
18 through the youth rehabilitation and treatment centers as well as  
19 any licensing or certification requirements, and the office shall  
20 follow the requirements as stated within Title XIX and Title IV-E  
21 of the federal Social Security Act, as such act existed on May 25,  
22 2007, the Special Education Act, or other funding guidelines as  
23 appropriate. It is the intent of the Legislature that these funding  
24 sources shall be utilized to support service needs of eligible  
25 juveniles.

26           (2) This subsection applies to all juvenile petitions  
27 filed on or after July 1, 2013. The Office of Juvenile Services

1 shall design and make available programs and treatment services  
2 through the Youth Rehabilitation and Treatment Center-Kearney and  
3 Youth Rehabilitation and Treatment Center-Geneva. The programs and  
4 treatment services shall be based upon the individual or family  
5 evaluation process and treatment plan. The treatment plan shall  
6 be developed within fourteen days after admission. If a juvenile  
7 placed at the Youth Rehabilitation and Treatment Center-Kearney  
8 or Youth Rehabilitation and Treatment Center-Geneva is assessed as  
9 needing inpatient or subacute substance abuse or behavioral health  
10 residential treatment, the Office of Juvenile Services may arrange  
11 for such treatment to be provided at the Hastings Regional Center  
12 or may transition the juvenile to another inpatient or subacute  
13 residential treatment facility in the State of Nebraska. Except in  
14 a case requiring emergency admission to an inpatient facility, the  
15 juvenile shall not be discharged by the Office of Juvenile Services  
16 until the juvenile has been returned to the court for a review  
17 of his or her conditions of probation and the juvenile has been  
18 transitioned to the clinically appropriate level of care. Programs  
19 and treatment services shall address:

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

23 (b) Drug and alcohol addiction;

24 (c) Health and medical needs;

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

26 (e) Individual, group, and family counseling services

27 as appropriate with any treatment plan related to subdivisions

1 (a) through (d) of this subsection. Services shall also be made  
2 available for juveniles who have been physically or sexually  
3 abused;

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

20 (g) The design and delivery of treatment programs through  
21 the youth rehabilitation and treatment centers as well as any  
22 licensing or certification requirements, and the office shall  
23 follow the requirements as stated within Title XIX and Title IV-E  
24 of the federal Social Security Act, as such act existed on January  
25 1, 2013, the Special Education Act, or other funding guidelines as  
26 appropriate. It is the intent of the Legislature that these funding  
27 sources shall be utilized to support service needs of eligible

1 juveniles.

2           Sec. 27. Section 43-408, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           43-408 ~~(1)~~ (1) (a) This subsection applies to all juvenile  
5 petitions filed prior to July 1, 2013. Whenever any juvenile is  
6 committed ~~under any provision of law~~ to the Office of Juvenile  
7 Services, to any facility operated by the Office of Juvenile  
8 Services, or to the custody of the Administrator of the Office  
9 of Juvenile Services, a superintendent of a facility, or an  
10 administrator of a program, the juvenile is deemed committed to the  
11 Office of Juvenile Services. Juveniles committed to the Office of  
12 Juvenile Services shall also be considered committed to the care  
13 and custody of the Department of Health and Human Services for the  
14 purpose of obtaining health care and treatment services.

15           ~~(2)~~ (b) The committing court shall order the initial  
16 level of treatment for a juvenile committed to the Office of  
17 Juvenile Services. Prior to determining the initial level of  
18 treatment for a juvenile, the court may solicit a recommendation  
19 regarding the initial level of treatment from the Office of  
20 Juvenile Services. Under this ~~section,~~ subsection, the committing  
21 court shall not order a specific placement for a juvenile. The  
22 court shall continue to maintain jurisdiction over any juvenile  
23 committed to the Office of Juvenile Services until such time that  
24 the juvenile is discharged from the Office of Juvenile Services.  
25 The court shall conduct review hearings every six months, or at the  
26 request of the juvenile, for any juvenile committed to the Office  
27 of Juvenile Services who is placed outside his or her home, except

1 for a juvenile residing at a youth rehabilitation and treatment  
2 center. The court shall determine whether an out-of-home placement  
3 made by the Office of Juvenile Services is in the best interests  
4 of the juvenile, with due consideration being given by the court  
5 to public safety. If the court determines that the out-of-home  
6 placement is not in the best interests of the juvenile, the court  
7 may order other treatment services for the juvenile.

8 ~~(3)~~ (c) After the initial level of treatment is ordered  
9 by the committing court, the Office of Juvenile Services shall  
10 provide treatment services which conform to the court's level  
11 of treatment determination. Within thirty days after making an  
12 actual placement, the Office of Juvenile Services shall provide the  
13 committing court with written notification of where the juvenile  
14 has been placed. At least once every six months thereafter, until  
15 the juvenile is discharged from the care and custody of the Office  
16 of Juvenile Services, the office shall provide the committing court  
17 with written notification of the juvenile's actual placement and  
18 the level of treatment that the juvenile is receiving.

19 ~~(4)~~ (d) For transfer hearings, the burden of proof to  
20 justify the transfer is on the Office of Juvenile Services, the  
21 standard of proof is clear and convincing evidence, and the strict  
22 rules of evidence do not apply. Transfers of juveniles from one  
23 place of treatment to another are subject to section 43-251.01 and  
24 to the following:

25 ~~(a)~~ (i) Except as provided in subdivision ~~(b)~~ (d)(ii) of  
26 this subsection, if the Office of Juvenile Services proposes to  
27 transfer the juvenile from a less restrictive to a more restrictive

1 place of treatment, a plan outlining the proposed change and the  
2 reasons for the proposed change shall be presented to the court  
3 which committed the juvenile. Such change shall occur only after a  
4 hearing and a finding by the committing court that the change is  
5 in the best interests of the juvenile, with due consideration being  
6 given by the court to public safety. At the hearing, the juvenile  
7 has the right to be represented by counsel;

8 ~~(b)~~ (ii) The Office of Juvenile Services may make an  
9 immediate temporary change without prior approval by the committing  
10 court only if the juvenile is in a harmful or dangerous situation,  
11 is suffering a medical emergency, is exhibiting behavior which  
12 warrants temporary removal, or has been placed in a non-state-owned  
13 facility and such facility has requested that the juvenile be  
14 removed. Approval of the committing court shall be sought within  
15 fifteen days of making an immediate temporary change, at which time  
16 a hearing shall occur before the court. The court shall determine  
17 whether it is in the best interests of the juvenile to remain in  
18 the new place of treatment, with due consideration being given by  
19 the court to public safety. At the hearing, the juvenile has the  
20 right to be represented by counsel; and

21 ~~(e)~~ (iii) If the proposed change seeks to transfer the  
22 juvenile from a more restrictive to a less restrictive place  
23 of treatment or to transfer the juvenile from the juvenile's  
24 current place of treatment to another which has the same level  
25 of restriction as the current place of treatment, the Office  
26 of Juvenile Services shall notify the juvenile, the juvenile's  
27 parents, custodian, or legal guardian, the committing court, the

1 county attorney, the counsel for the juvenile, and the guardian  
2 ad litem of the proposed change. The juvenile has fifteen days  
3 after the date of the notice to request an administrative hearing  
4 with the Office of Juvenile Services, at which time the Office  
5 of Juvenile Services shall determine whether it is in the best  
6 interests of the juvenile for the proposed change to occur, with  
7 due consideration being given by the office to public safety.  
8 The juvenile may be represented by counsel at the juvenile's  
9 own expense. If the juvenile is aggrieved by the administrative  
10 decision of the Office of Juvenile Services, the juvenile may  
11 appeal that decision to the committing court within fifteen days  
12 after the Office of Juvenile Services' decision. At the hearing  
13 before the committing court, the juvenile has the right to be  
14 represented by counsel.

15 ~~(5)~~ (e) If a juvenile is placed in detention after the  
16 initial level of treatment is determined by the committing court,  
17 the committing court shall hold a hearing every fourteen days to  
18 review the status of the juvenile. Placement of a juvenile in  
19 detention shall not be considered as a treatment service.

20 ~~(6)~~ (f) The committing court's review of a change of  
21 place of treatment pursuant to this ~~section~~ subsection does not  
22 apply to parole revocation hearings.

23 (2) (a) This subsection applies to all juvenile petitions  
24 filed on or after July 1, 2013. Whenever any juvenile is committed  
25 to the Office of Juvenile Services, the juvenile shall also be  
26 considered committed to the care and custody of the Department of  
27 Health and Human Services for the purpose of obtaining health care

1 and treatment services.

2 (b) The committing court shall order placement at a youth  
3 rehabilitation and treatment center for a juvenile committed to the  
4 Office of Juvenile Services. The court shall continue to maintain  
5 jurisdiction over any juvenile committed to the Office of Juvenile  
6 Services for the purpose of reviewing the juvenile's probation upon  
7 discharge from the care and custody of the Office of Juvenile  
8 Services.

9 (c) If a juvenile is placed in detention while awaiting  
10 placement at a youth rehabilitation and treatment center and the  
11 placement has not occurred within fourteen days, the committing  
12 court shall hold a hearing every fourteen days to review the status  
13 of the juvenile. Placement of a juvenile in detention shall not be  
14 considered a treatment service.

15 Sec. 28. Section 43-409, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 43-409 (1) This subsection applies to all juvenile  
18 petitions filed prior to July 1, 2013. The Office of Juvenile  
19 Services shall have access to and may obtain copies of all records  
20 pertaining to a juvenile committed to it or placed with it,  
21 including, but not limited to, school records, medical records,  
22 juvenile court records, probation records, test results, treatment  
23 records, evaluations, and examination reports. Any person who, in  
24 good faith, furnishes any records or information to the Office  
25 of Juvenile Services shall be immune from any liability, civil  
26 or criminal, that might otherwise be incurred or imposed. The  
27 owners, officers, directors, employees, or agents of such medical

1 office, school, court, office, corporation, partnership, or other  
2 such entity shall not be liable for furnishing such records or  
3 information.

4 (2) This subsection applies to all juvenile petitions  
5 filed on or after July 1, 2013. The Office of Juvenile Services  
6 shall have access to and may obtain copies of all records  
7 pertaining to a juvenile committed to a youth rehabilitation and  
8 treatment center, including, but not limited to, school records,  
9 medical records, juvenile court records, probation records, test  
10 results, treatment records, evaluations, and examination reports.  
11 Any person who, in good faith, furnishes any records or information  
12 to the Office of Juvenile Services shall be immune from any  
13 liability, civil or criminal, that might otherwise be incurred  
14 or imposed. The owners, officers, directors, employees, or agents  
15 of such medical office, school, court, office, corporation,  
16 partnership, or other such entity shall not be liable for  
17 furnishing such records or information.

18 Sec. 29. Section 43-410, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 43-410 (1) This subsection applies until July 1, 2014.  
21 Any peace officer, juvenile parole officer, or direct care staff  
22 member of the Office of Juvenile Services has the authority to  
23 apprehend and detain a juvenile who has absconded or is attempting  
24 to abscond from a placement for evaluation or commitment to the  
25 Office of Juvenile Services and shall cause the juvenile to be  
26 returned to the facility or program or an appropriate juvenile  
27 detention facility or staff secure juvenile facility. For purposes

1 of this ~~section~~, subsection, direct care staff member means any  
2 staff member charged with the day-to-day care and supervision of  
3 juveniles housed at a facility or program operated directly by the  
4 office or security staff who has received training in apprehension  
5 techniques and procedures.

6 (2) (a) This subsection applies beginning July 1, 2014.  
7 Any peace officer or direct care staff member of the Office  
8 of Juvenile Services has the authority to apprehend and detain  
9 a juvenile who has absconded or is attempting to abscond from  
10 commitment to the Office of Juvenile Services and shall cause the  
11 juvenile to be returned to the youth rehabilitation and treatment  
12 center or an appropriate juvenile detention facility or staff  
13 secure juvenile facility.

14 (b) For purposes of this subsection, direct care staff  
15 member means any staff member charged with the day-to-day care and  
16 supervision of juveniles at a youth rehabilitation and treatment  
17 center or security staff who has received training in apprehension  
18 techniques and procedures.

19 Sec. 30. Section 43-412, Revised Statutes Cumulative  
20 Supplement, 2012, is amended to read:

21 43-412 (1) Every juvenile committed to the Office of  
22 Juvenile Services pursuant to the Nebraska Juvenile Code or  
23 pursuant to subsection (3) of section 29-2204 shall remain  
24 committed until he or she attains the age of nineteen or is  
25 legally discharged.

26 (2) ~~The~~ Upon attainment of the age of nineteen or absent  
27 a continuing order of intensive supervised probation, discharge of

1 any juvenile pursuant to the rules and regulations ~~or upon his or~~  
2 ~~her attainment of the age of nineteen~~ shall be a complete release  
3 from all penalties incurred by conviction or adjudication of the  
4 offense for which he or she was committed.

5 (3) The Office of Juvenile Services shall provide the  
6 committing court, Office of Probation Administration, county  
7 attorney, defense attorney, if any, and guardian ad litem, if any,  
8 with written notification of the juvenile's discharge within thirty  
9 days ~~of~~ prior to a juvenile being discharged from the care and  
10 custody of the office.

11 Sec. 31. Section 43-413, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 43-413 (1) This section applies to all juvenile petitions  
14 filed prior to October 1, 2013. A court may, pursuant to section  
15 43-281, place a juvenile with the Office of Juvenile Services or  
16 the Department of Health and Human Services for an evaluation to  
17 aid the court in the disposition.

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

21 (3) All juveniles shall be evaluated prior to commitment  
22 to the Office of Juvenile Services unless the court finds that  
23 (a) there has been a substantially equivalent evaluation within  
24 the last twelve months that makes reevaluation unnecessary or (b)  
25 an addendum to a previous evaluation rather than a reevaluation  
26 would be appropriate. The court shall not commit such juvenile  
27 to the temporary custody of the Office of Juvenile Services prior

1 to disposition. The office may place a juvenile in residential or  
2 nonresidential community-based evaluation services for purposes of  
3 evaluation to assist the court in determining the initial level of  
4 treatment for the juvenile.

5 (4) During any period of detention or evaluation prior to  
6 disposition:

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

13 (b) The state is responsible for (i) the costs incurred  
14 during an evaluation unless otherwise ordered by the court pursuant  
15 to section 43-290 and (ii) the preevaluation detention costs for  
16 any days over the first ten days from the date the evaluation is  
17 ordered by the court.

18 (5) The Office of Juvenile Services and the Department of  
19 Health and Human Services are not responsible for predisposition  
20 costs except as provided in subdivision (4)(b) of this section.

21 Sec. 32. Section 43-414, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 43-414 This section applies to all juvenile petitions  
24 filed prior to October 1, 2013. Each juvenile placed for evaluation  
25 with the Office of Juvenile Services shall be subjected to medical  
26 examination and evaluation as directed by the office.

27 Sec. 33. Section 43-415, Revised Statutes Cumulative

1 Supplement, 2012, is amended to read:

2           43-415 This section applies to all juvenile petitions  
3 filed prior to October 1, 2013. A juvenile placed for evaluation  
4 with the Office of Juvenile Services shall be returned to the court  
5 upon the completion of the evaluation or at the end of thirty days,  
6 whichever comes first. When the office finds that an extension of  
7 the thirty-day period is necessary to complete the evaluation, the  
8 court may order an extension not to exceed an additional thirty  
9 days. The court shall hold a hearing within ten days after the  
10 evaluation is completed and returned to the court by the office.

11           Sec. 34. Section 43-416, Revised Statutes Cumulative  
12 Supplement, 2012, is amended to read:

13           43-416 This section applies to all juvenile petitions  
14 filed prior to July 1, 2013. This shall not apply after June 30,  
15 2014. The Office of Juvenile Services shall have administrative  
16 authority over the parole function for juveniles committed to a  
17 youth rehabilitation and treatment center and may (1) determine  
18 the time of release on parole of committed juveniles eligible for  
19 such release, (2) fix the conditions of parole, revoke parole,  
20 issue or authorize the issuance of detainers for the apprehension  
21 and detention of parole violators, and impose other sanctions  
22 short of revocation for violation of conditions of parole, and  
23 (3) determine the time of discharge from parole. The office shall  
24 provide the committing court with written notification of the  
25 juvenile's discharge from parole within thirty days of a juvenile  
26 being discharged from the supervision of the office.

27           Sec. 35. Section 43-417, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           43-417 (1) This subsection applies to all juvenile  
3 petitions filed prior to July 1, 2013. In administering juvenile  
4 parole, the Office of Juvenile Services shall consider whether ~~(1)~~  
5 (a) the juvenile has completed the goals of his or her individual  
6 treatment plan or received maximum benefit from institutional  
7 treatment, ~~(2)~~ (b) the juvenile would benefit from continued  
8 services under community supervision, ~~(3)~~ (c) the juvenile can  
9 function in a community setting, ~~(4)~~ (d) there is reason to believe  
10 that the juvenile will not commit further violations of law, and  
11 ~~(5)~~ (e) there is reason to believe that the juvenile will comply  
12 with the conditions of parole.

13           (2) This subsection applies to all juvenile petitions  
14 filed on or after July 1, 2013. In determining whether to discharge  
15 a juvenile from a youth rehabilitation and treatment center, the  
16 Office of Juvenile Services shall consider whether (a) the juvenile  
17 has completed the goals of his or her individual treatment plan  
18 or received maximum benefit from institutional treatment, (b) the  
19 juvenile would benefit from continued services under community  
20 supervision, (c) the juvenile can function in a community setting,  
21 (d) there is reason to believe that the juvenile will not commit  
22 further violations of law, and (e) there is reason to believe that  
23 the juvenile will comply with the conditions of probation.

24           Sec. 36. Section 43-418, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26           43-418 (1) This section applies to all juvenile petitions  
27 filed prior to July 1, 2013. Any juvenile parole officer or peace

1 officer may apprehend and detain a juvenile who is on parole  
2 if the officer has reasonable cause to believe that a juvenile  
3 has violated or is about to violate a condition of his or her  
4 parole and that the juvenile will attempt to leave the jurisdiction  
5 or will place lives or property in danger unless the juvenile  
6 is detained. A juvenile parole officer may call upon a peace  
7 officer to assist him or her in apprehending and detaining a  
8 juvenile pursuant to this section. Such juvenile may be held in an  
9 appropriate juvenile facility pending hearing on the allegations.

10 (2) Juvenile parole officers may search for and seize  
11 contraband and evidence related to possible parole violations by a  
12 juvenile.

13 (3) Whether or not a juvenile is apprehended and detained  
14 by a juvenile parole officer or peace officer, if there is reason  
15 to believe that a juvenile has violated a condition of his or  
16 her parole, the Office of Juvenile Services may issue the juvenile  
17 written notice of the alleged parole violations and notice of a  
18 hearing on the alleged parole violations.

19 Sec. 37. Section 43-419, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 43-419 (1) This section applies to all juvenile petitions  
22 filed prior to July 1, 2013. When a juvenile is apprehended  
23 and detained for an alleged violation of juvenile parole, he  
24 or she shall have a preliminary hearing as soon as practicable  
25 and no later than within seventy-two hours of being apprehended  
26 and detained. An impartial hearing officer shall conduct the  
27 preliminary hearing. The impartial hearing officer shall not be

1 the juvenile parole officer alleging the violation of parole or  
2 a witness to the alleged violation. The impartial hearing officer  
3 may be an employee of the Office of Juvenile Services, including  
4 a supervisor or a juvenile parole officer, other than the parole  
5 officer filing the allegations.

6 (2) The juvenile parolee shall receive notice of the  
7 preliminary hearing, its purpose, and the alleged violations prior  
8 to the commencement of the hearing. The juvenile parolee may  
9 present relevant information, question adverse witnesses, and make  
10 a statement regarding the alleged parole violations. The rules of  
11 evidence shall not apply at such hearings and the hearing officer  
12 may rely upon any available information.

13 (3) The hearing officer shall determine whether there is  
14 probable cause to believe that the juvenile has violated a term or  
15 condition of his or her parole and shall issue that decision in  
16 writing. The decision shall either indicate there is not probable  
17 cause to believe that the juvenile parolee has violated the terms  
18 of his or her parole and dismiss the allegations and return  
19 the juvenile to parole supervision, or it shall indicate there  
20 is probable cause to believe that the juvenile has violated a  
21 condition of parole and state where the juvenile will be held  
22 pending the revocation hearing. The preliminary hearing officer  
23 shall consider the seriousness of the alleged violation, the public  
24 safety, and the best interests of the juvenile in determining where  
25 the juvenile shall be held pending the revocation hearing.

26 Sec. 38. Section 43-420, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1           43-420 This section applies to all juvenile petitions  
2 filed prior to July 1, 2013. Any hearing required or permitted  
3 for juveniles in the custody of the Office of Juvenile Services,  
4 except a preliminary parole revocation hearing, shall be conducted  
5 by a hearing officer who is an attorney licensed to practice  
6 law in the State of Nebraska and may be an employee of the  
7 Department of Health and Human Services or an attorney who is an  
8 independent contractor. If the hearing officer is an employee of  
9 the department, he or she shall not be assigned to any duties  
10 requiring him or her to give ongoing legal advice to any person  
11 employed by or who is a contractor with the office.

12           Sec. 39. Section 43-421, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           43-421 This section applies to all juvenile petitions  
15 filed prior to July 1, 2013. When a juvenile is charged with being  
16 in violation of a condition of his or her parole, the juvenile is  
17 entitled to:

18           (1) Notice of the alleged violations of parole at least  
19 twenty-four hours prior to a hearing on the allegations. Such  
20 notice shall contain a concise statement of the purpose of the  
21 hearing and the factual allegations upon which evidence will be  
22 offered;

23           (2) A prompt hearing, within fourteen days after the  
24 preliminary hearing, if the juvenile is being held pending the  
25 hearing;

26           (3) Reasonable continuances granted by the hearing  
27 officer for the juvenile to prepare for the hearing;

1           (4) Have his or her parents notified of the hearing and  
2           allegations and have his or her parents attend the hearing;

3           (5) Be represented by legal counsel at the expense of  
4           the Department of Health and Human Services unless retained legal  
5           counsel is available to the juvenile. The department may contract  
6           with attorneys to provide such representation to juveniles charged  
7           with parole violations;

8           (6) Compel witnesses to attend, testify on his or her own  
9           behalf, present evidence, and cross-examine witnesses against him  
10          or her; and

11          (7) Present a statement on his or her own behalf.

12          Sec. 40. Section 43-422, Reissue Revised Statutes of  
13          Nebraska, is amended to read:

14          43-422 This section applies to all juvenile petitions  
15          filed prior to July 1, 2013. After receiving notice of the  
16          allegations of a violation of parole, being notified of the  
17          possible consequences, being informed of his or her rights  
18          pertaining to the hearing, and having an opportunity to confer  
19          with his or her parents or precommitment custodian and legal  
20          counsel, if desired, the juvenile may waive his or her right to  
21          a hearing and admit to the allegations. Such waiver and admission  
22          shall be in writing and submitted, together with a recommended  
23          disposition by the hearing officer, to the Administrator of the  
24          Office of Juvenile Services or his or her designee.

25          Sec. 41. Section 43-423, Reissue Revised Statutes of  
26          Nebraska, is amended to read:

27          43-423 This section applies to all juvenile petitions

1 filed prior to July 1, 2013. At the parole violation hearing,  
2 the hearing officer shall again advise the juvenile of his or her  
3 rights and ensure that the juvenile has received the notice of  
4 allegations and the possible consequences. Strict rules of evidence  
5 shall not be applied. The hearing officer shall determine whether  
6 the detention of the juvenile or other restrictions are necessary  
7 for the safety of the juvenile or for the public safety and shall  
8 indicate to what extent the juvenile will continue to be detained  
9 or restricted pending a final decision and administrative appeal.  
10 The hearing officer shall issue a written recommended disposition  
11 to the Administrator of the Office of Juvenile Services or his  
12 or her designee who shall promptly affirm, modify, or reverse the  
13 recommended disposition. The final decision of the administrator or  
14 his or her designee may be appealed pursuant to the Administrative  
15 Procedure Act. The Department of Health and Human Services shall  
16 be deemed to have acted within its jurisdiction if its action is  
17 in the best interests of the juvenile with due consideration being  
18 given to public safety. The appeal shall in all other respects be  
19 governed by the Administrative Procedure Act.

20           Sec. 42. Section 43-1411.01, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22           43-1411.01 (1) An action for paternity or parental  
23 support under sections 43-1401 to 43-1418 may be initiated by  
24 filing a complaint with the clerk of the district court as provided  
25 in section 25-2740. Such proceeding may be heard by the county  
26 court or the district court as provided in section 25-2740. A  
27 paternity determination under sections 43-1411 to 43-1418 may also

1 be decided in a county court or separate juvenile court if the  
2 county court or separate juvenile court already has jurisdiction  
3 over the child whose paternity is to be determined.

4 (2) Whenever termination of parental rights is placed  
5 in issue in any case arising under sections 43-1401 to 43-1418,  
6 ~~subsection (5) of section 42-364~~ the Nebraska Juvenile Code and the  
7 Parenting Act shall apply to such proceedings.

8 Sec. 43. Section 43-2402, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 43-2402 For purposes of the Juvenile Services Act:

11 (1) Coalition means the Nebraska Coalition for Juvenile  
12 Justice established pursuant to section 43-2411;

13 (2) Commission means the Nebraska Commission on Law  
14 Enforcement and Criminal Justice;

15 (3) Commission Grant Program means grants provided to  
16 eligible applicants under section 43-2406;

17 (4) ~~County~~ Community-based Juvenile Services Aid Program  
18 means aid to counties and federally recognized or state-recognized  
19 Indian tribes provided under section 43-2404.02;

20 (5) Eligible applicant means a community-based agency or  
21 organization, political subdivision, school district, federally  
22 recognized or state-recognized Indian tribe, or state agency  
23 necessary to comply with the federal act;

24 (6) Federal act means the Juvenile Justice and  
25 Delinquency Prevention Act of 1974, 42 U.S.C. 5601 et seq., as the  
26 act existed on ~~July 1, 2001~~; January 1, 2013;

27 (7) Juvenile means a person who is under eighteen years

1 of age; and

2 (8) Office of Juvenile Services means the Office of  
3 Juvenile Services created in section 43-404.

4 Sec. 44. Section 43-2404, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 43-2404 The coalition shall make award recommendations  
7 to the commission, at least annually, in accordance with the  
8 Juvenile Services Act and the federal act for grants made under  
9 the Commission Grant Program. Such grants shall be used to assist  
10 ~~communities~~ in the implementation and operation of programs or  
11 services identified in ~~their~~ the applicable comprehensive juvenile  
12 services plan, to include: Programs for local planning and service  
13 coordination; screening, assessment, and evaluation; diversion;  
14 alternatives to detention; family support services; treatment  
15 services; reentry services; truancy prevention and intervention  
16 programs; and other services documented by data that will  
17 positively impact juveniles and families in the juvenile justice  
18 system. including, but not limited to, ~~programs for assessment~~  
19 ~~and evaluation,~~ ~~the prevention of delinquent behavior,~~ ~~diversion,~~  
20 ~~detention,~~ ~~shelter care,~~ ~~intensive juvenile probation services,~~  
21 ~~restitution,~~ ~~family support services,~~ and ~~community centers for the~~  
22 ~~care and treatment of juveniles in need of services.~~

23 Sec. 45. Section 43-2404.01, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 43-2404.01 (1) To be eligible for participation in  
26 either the Commission Grant Program or the County Community-based  
27 Juvenile Services Aid Program, ~~counties shall develop and adopt~~

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

13 Comprehensive juvenile services plans shall:

14 (a) Be developed by a comprehensive community team  
15 representing juvenile justice system stakeholders;

16 (b) Be based on data relevant to juvenile and family  
17 issues;

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

22 (d) Identify clear implementation strategies; and

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

25 (2) Any portion of the comprehensive juvenile services  
26 plan dealing with administration, procedures, and programs of the  
27 juvenile court shall not be submitted to the commission without

1 the concurrence of the presiding judge or judges of the court or  
2 courts having jurisdiction in juvenile cases for the geographic  
3 area to be served. Programs or services established by such plans  
4 shall conform to the family policy tenets prescribed in sections  
5 43-532 to 43-534 and shall include policies and practices that  
6 are research-based or standardized and reliable and are implemented  
7 with fidelity and which have been researched and demonstrate  
8 positive outcomes.

9       ~~(2)~~ (3) The commission, in consultation with the Office  
10 of Juvenile Services and the coalition, shall develop or University  
11 of Nebraska at Omaha, Juvenile Justice Institute, shall contract  
12 for the development and administration of a statewide system  
13 to monitor and evaluate the effectiveness of plans and programs  
14 receiving funds from+ (a) ~~The~~ the Commission Grant Program and  
15 (b) the County Community-based Juvenile Services Aid Program in  
16 preventing persons from entering the juvenile justice system and in  
17 rehabilitating juvenile offenders.

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

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

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

27       (b) Coordinate the review of the Community-based Juvenile

1 Services Aid Program application as provided in section 43-2404.02  
2 and make recommendations for the distribution of funds provided  
3 under the Community-based Juvenile Services Aid Program, giving  
4 priority to those grant applications funding programs and services  
5 that will divert juveniles from the juvenile justice system, impact  
6 and effectively treat juveniles within the juvenile justice system,  
7 and reduce the juvenile detention population or assist juveniles  
8 in transitioning from out-of-home placements to in-home treatments.

9 The director shall ensure that no funds appropriated or distributed  
10 under the Community-based Juvenile Services Aid Program are used  
11 for purposes prohibited under subsection (3) of section 43-2404.02;

12 (c) Develop data collection and evaluation protocols,  
13 oversee statewide data collection, and generate an annual report on  
14 the effectiveness of juvenile services that receive funds from the  
15 Community-based Juvenile Services Aid Program;

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

20 (e) Assist juvenile justice system stakeholders in  
21 developing policies and practices that are research-based or  
22 standardized and reliable and are implemented with fidelity and  
23 which have been researched and demonstrate positive outcomes;

24 (f) Develop and coordinate a statewide working group as  
25 a subcommittee of the coalition to assist in regular strategic  
26 planning related to supporting, funding, monitoring, and evaluating  
27 the effectiveness of plans and programs receiving funds from the

1 Community-based Juvenile Services Aid Program; and

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

5 Sec. 46. Section 43-2404.02, Revised Statutes Cumulative  
6 Supplement, 2012, is amended to read:

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

18 (2) The annual General Fund appropriation to the ~~County~~  
19 Community-based Juvenile Services Aid Program shall be apportioned  
20 ~~to the counties~~ as aid in accordance with a formula established in  
21 rules and regulations adopted and promulgated by the commission.  
22 The formula shall be based on the total number of residents per  
23 county and federally recognized or state-recognized Indian tribe  
24 who are twelve years of age through eighteen years of age and other  
25 relevant factors as determined by the commission. The commission  
26 may require a local match of up to forty percent from ~~counties the~~  
27 county, multiple counties, federally recognized or state-recognized

1 Indian tribe or tribes, or any combination of the three which  
2 is receiving aid under such program. Any local expenditures for  
3 community-based programs for juveniles may be applied toward such  
4 match requirement.

5 (3) Funds provided to ~~counties~~ under the ~~County~~  
6 Community-based Juvenile Services Aid Program shall be used  
7 exclusively to assist ~~counties~~ the aid recipient in the  
8 implementation and operation of programs or the provision of  
9 services identified in ~~their~~ the aid recipient's comprehensive  
10 juvenile services plan, including, but not limited to, programs  
11 for assessment and evaluation, prevention of delinquent  
12 behavior, diversion, shelter care, intensive juvenile probation  
13 services, restitution, family support services, and family group  
14 conferencing. local planning and service coordination; screening,  
15 assessment, and evaluation; diversion; alternatives to detention;  
16 family support services; treatment services; reentry services;  
17 truancy prevention and intervention programs; and other services  
18 that will positively impact juveniles and families in the  
19 juvenile justice system. In distributing funds provided under the  
20 County Community-based Juvenile Services Aid Program, ~~counties~~  
21 aid recipients shall prioritize programs and services that will  
22 reduce the juvenile detention population. divert juveniles from  
23 the juvenile justice system, reduce the population of juveniles  
24 in juvenile detention and secure confinement, and assist in  
25 transitioning juveniles from out-of-home placements. No funds  
26 appropriated or distributed under the ~~County~~ Community-based  
27 Juvenile Services Aid Program shall be used for construction of

1 secure detention facilities, secure youth treatment facilities,  
2 or secure youth confinement facilities. Aid received under this  
3 section shall not be used for capital construction or the lease or  
4 acquisition of facilities except for additional probation offices  
5 associated with carrying out the expanded probation duties in this  
6 legislative bill and shall not be used to replace existing funding  
7 for programs or services. Any funds not distributed to counties  
8 under this subsection shall be retained by the commission to be  
9 distributed on a competitive basis under the County Community-based  
10 Juvenile Services Aid Program for a county, multiple counties,  
11 federally recognized or state-recognized Indian tribes, or any  
12 combination of the three demonstrating additional need in the  
13 funding areas identified in this subsection.

14 (4) Any ~~county receiving~~ recipient of funding under the  
15 County Community-based Juvenile Services Aid Program shall file an  
16 annual report as required by rules and regulations adopted and  
17 promulgated by the commission. The report shall include, but not  
18 be limited to, the type of juvenile service, how the service met  
19 the goals of the comprehensive juvenile services plan, demographic  
20 information on the total number of juveniles served, ~~the units~~  
21 ~~of service provided,~~ a listing of the county's annual juvenile  
22 justice budgeted and actual expenditures, program success rates,  
23 the total number of juveniles sent to secure juvenile detention  
24 or residential treatment and secure confinement, and a listing  
25 of the expenditures for detention, residential treatment, and  
26 nonresidential treatment.

27 (5) The commission shall report annually to the Governor

1 and the Legislature on the distribution and use of funds  
2 appropriated under the ~~County~~ Community-based Juvenile Services  
3 Aid Program. The report shall include, but not be limited to,  
4 an aggregate report of the use of the Community-based Juvenile  
5 Services Aid Program funds, including the types of juvenile  
6 services and programs that were funded, demographic information  
7 on the total number of juveniles served, program success rates,  
8 the total number of juveniles sent to secure juvenile detention  
9 or residential treatment and secure confinement, and a listing  
10 of the expenditures of all counties and federally recognized  
11 or state-recognized Indian tribes for detention, residential  
12 treatment, and secure confinement. The report submitted to the  
13 Legislature shall be submitted electronically.

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

22 (a) The required elements of a comprehensive juvenile  
23 services plan and planning process;

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

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

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

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

6           (f) A reporting process for the commission to the  
7 Governor and Legislature. The report shall be made electronically  
8 to the Governor and the Legislature.

9           Sec. 47. Section 43-2411, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           43-2411 (1) The Nebraska Coalition for Juvenile Justice  
12 is created. As provided in the federal act, there shall be no  
13 less than fifteen nor more than thirty-three members of the  
14 coalition. Coalition members who are members of the judicial branch  
15 of government shall be nonvoting members of the coalition. The  
16 coalition members shall be appointed by the Governor and shall  
17 include:

18           (a) The Administrator of the Office of Juvenile Services;

19           (b) The chief executive officer of the Department of  
20 Health and Human Services or his or her designee;

21           (c) The Commissioner of Education or his or her designee;

22           (d) The executive director of the Nebraska Commission on  
23 Law Enforcement and Criminal Justice or his or her designee;

24           (e) The Executive Director of the Nebraska Association of  
25 County Officials or his or her designee;

26           (f) The probation administrator of the Office of  
27 Probation Administration or his or her designee;

- 1 (g) One county commissioner or supervisor;
- 2 (h) One person with data analysis experience;
- 3 ~~(h)~~ (i) One police chief;
- 4 ~~(i)~~ (j) One sheriff;
- 5 (k) The executive director of the Foster Care Review
- 6 Office;
- 7 ~~(j)~~ (l) One separate juvenile court judge;
- 8 ~~(k)~~ (m) One county court judge;
- 9 ~~(l)~~ (n) One representative of mental health professionals
- 10 who works directly with juveniles;
- 11 ~~(m)~~ (o) Three representatives, one from each
- 12 congressional district, from community-based, private nonprofit
- 13 organizations who work with juvenile offenders and their families;
- 14 ~~(n)~~ (p) One volunteer who works with juvenile offenders
- 15 or potential juvenile offenders;
- 16 ~~(o)~~ (q) One person who works with an alternative to
- 17 ~~incarceration~~ a detention program for juveniles;
- 18 ~~(p)~~ (r) The director or his or her designee from a youth
- 19 rehabilitation and treatment center;
- 20 ~~(q)~~ (s) The director or his or her designee from a secure
- 21 ~~youth confinement~~ juvenile detention facility;
- 22 ~~(r)~~ (t) The director or his or her designee from a staff
- 23 secure youth confinement facility;
- 24 ~~(s)~~ (u) At least five members who are under twenty-four
- 25 years of age when appointed;
- 26 ~~(t)~~ (v) One person who works directly with juveniles who
- 27 have learning or emotional difficulties or are abused or neglected;

1           ~~(u)~~ (w) One member of the Nebraska Commission on Law  
2 Enforcement and Criminal Justice;

3           (x) One member of a regional behavioral health authority  
4 established under section 71-808;

5           ~~(v)~~ (y) One county attorney; and

6           ~~(w)~~ (z) One public defender.

7           (2) The terms of members appointed pursuant to  
8 subdivisions (1)(g) through ~~(1)(w)~~ (1)(z) of this section shall  
9 be three years, except that the terms of the initial appointments  
10 of members of the coalition shall be staggered so that one-third  
11 of the members are appointed for terms of one year, one-third for  
12 terms of two years, and one-third for terms of three years, as  
13 determined by the Governor. A majority of the coalition members,  
14 including the chairperson, shall not be full-time employees of  
15 federal, state, or local government. At least one-fifth of the  
16 coalition members shall be under the age of twenty-four at the  
17 time of appointment. Any vacancy on the coalition shall be filled  
18 by appointment by the Governor. The coalition shall select a  
19 chairperson, a vice-chairperson, and such other officers as it  
20 deems necessary.

21           (3) Members of the coalition shall be reimbursed for  
22 their actual and necessary expenses pursuant to sections 81-1174 to  
23 81-1177.

24           (4) The coalition may appoint task forces or  
25 subcommittees to carry out its work. Task force and subcommittee  
26 members shall have knowledge of, responsibility for, or interest in  
27 an area related to the duties of the coalition.

1           Sec. 48. Section 43-2412, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

3           43-2412 (1) Consistent with the purposes and objectives  
4 of the Juvenile Services Act and the federal act, the coalition  
5 shall:

6           (a) Make recommendations to the commission on the  
7 awarding of grants under the Commission Grant Program to eligible  
8 applicants;

9           (b) Identify juvenile justice issues, share information,  
10 and monitor and evaluate programs in the juvenile justice system;

11           (c) Recommend guidelines and supervision procedures ~~to~~  
12 ~~the Office of Juvenile Services~~ to be used to develop or expand  
13 local diversion programs for juveniles from the juvenile justice  
14 system;

15           (d) Prepare an annual report to the Governor, the  
16 Legislature, the Office of Probation Administration, and the Office  
17 of Juvenile Services including recommendations on administrative  
18 and legislative actions which would improve the juvenile justice  
19 system. The report submitted to the Legislature shall be submitted  
20 electronically;

21           (e) Ensure widespread citizen involvement in all phases  
22 of its work; and

23           (f) Meet at least four times each year.

24           (2) Consistent with the purposes and objectives of the  
25 acts and within the limits of available time and appropriations,  
26 the coalition may:

27           ~~(a) Recommend criteria to the Office of Juvenile Services~~

1 ~~for administrative procedures, including, but not limited to,~~  
2 ~~procedures for intake, detention, petition filing, and probation~~  
3 ~~supervision;~~

4 ~~(b) Recommend to the Office of Juvenile Services~~  
5 ~~minimum professional standards, including requirements for~~  
6 ~~continuing professional training, for employees of community-based,~~  
7 ~~youth-serving agencies;~~

8 ~~(c) Recommend to the Office of Juvenile Services~~  
9 ~~curricula for and cause to have conducted training sessions for~~  
10 ~~juvenile court judges and employees of other community-based,~~  
11 ~~youth-serving agencies;~~

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

15 ~~(e) (b) Apply for and receive funds from federal and~~  
16 ~~private sources for carrying out its powers and duties; and~~

17 ~~(f) (c) Provide technical assistance to eligible~~  
18 ~~applicants.~~

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

24 Sec. 49. Section 43-2930, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 43-2930 (1) Each party to a contested proceeding for  
27 a temporary order relating to parenting functions or custody,

1 parenting time, visitation, or other access shall offer a child  
2 information affidavit as an exhibit at the hearing before the  
3 court. The child information affidavit shall be verified to the  
4 extent known or reasonably discoverable by the filing party or  
5 parties and may include the following:

6 (a) The name, address, and length of residence with any  
7 adults with whom each child has lived for the preceding twelve  
8 months; except that the address shall only include the county and  
9 state for a parent who is living in an undisclosed location because  
10 of safety concerns;

11 (b) The performance by each parent or person acting as  
12 parent for the preceding twelve months of the parenting functions  
13 relating to the daily needs of the child;

14 (c) A description of the work and child care schedules  
15 for the preceding twelve months of any person seeking custody,  
16 parenting time, visitation, or other access and any expected  
17 changes to these schedules in the near future;

18 (d) A description of the current proposed work and child  
19 care schedules; and

20 (e) A description of the child's school and  
21 extracurricular activities, including who is responsible for  
22 transportation of the child.

23 The child information affidavit may also state any  
24 circumstances of child abuse or neglect, domestic intimate partner  
25 abuse, or unresolved parental conflict that are likely to pose a  
26 risk to the child and that warrant limitation on the award of  
27 temporary custody, parenting time, visitation, or other access to

1 the child pending entry of a permanent parenting plan, including  
2 any restraining orders, protection orders, or criminal no-contact  
3 orders against either parent or a person acting as a parent by case  
4 number and jurisdiction.

5 (2) After a contested hearing by live testimony or  
6 affidavit, the court shall enter a temporary parenting order that  
7 includes:

8 (a) Provision for temporary legal custody;

9 (b) Provisions for temporary physical custody, which  
10 shall include either:

11 (i) A parenting time, visitation, or other access  
12 schedule that designates in which home each child will reside on  
13 given days of the year; or

14 (ii) A formula or method for determining such a schedule  
15 in sufficient detail that, if necessary, the schedule can be  
16 enforced in subsequent proceedings by the court;

17 (c) Designation of a temporary residence for the child;

18 (d) Reference to any existing restraining orders,  
19 protection orders, or criminal no-contact orders as well as  
20 provisions for safety and a transition plan, consistent with any  
21 court's finding of child abuse or neglect, domestic intimate  
22 partner abuse, or unresolved parental conflict in order to provide  
23 for the safety of a child and ~~eustodial~~ a parent who has physical  
24 custody of the child necessary for the best interests of the child;  
25 and

26 (e) If appropriate, a requirement that a parent complete  
27 a program of intervention for perpetrators of domestic violence, a

1 program for drug or alcohol abuse, or a program designed to correct  
2 another factor as a condition of parenting time.

3 (3) A party may move for an order to show cause, and the  
4 court may enter a modified temporary parenting order.

5 (4) The State Court Administrator's office shall create a  
6 form that may be used by the parties to create a child information  
7 affidavit setting forth the elements identified in this section.

8 (5) Provisions for temporary support for the child and  
9 other financial matters may be included in the temporary parenting  
10 order.

11 Sec. 50. Section 43-3503, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 43-3503 (1) It is the intent of the Legislature to  
14 encourage counties to develop a continuum of nonsecure detention  
15 services for the purpose of enhancing, developing, and expanding  
16 the availability of such services to juveniles requiring nonsecure  
17 detention.

18 (2) A county may enhance, develop, or expand nonsecure  
19 detention services as needed with private or public providers.  
20 Grants from the Commission Grant Program and aid from the ~~County~~  
21 Community-based Juvenile Services Aid Program under the Juvenile  
22 Services Act and the federal Juvenile Justice and Delinquency  
23 Prevention Act of 1974 may be used to fund nonsecure detention  
24 services. Each county shall routinely review services provided by  
25 contract providers and modify services as needed.

26 Sec. 51. (1) There is established within the Nebraska  
27 Commission on Law Enforcement and Criminal Justice the position

1 of Director of Juvenile Diversion Programs to be appointed by the  
2 executive director of the commission.

3 (2) The Director of Juvenile Diversion Programs shall be  
4 supervised by the executive director of the Nebraska Commission  
5 on Law Enforcement and Criminal Justice. The director shall be  
6 responsible for fostering, promoting, researching, and assessing  
7 juvenile pretrial diversion programs and developing new programs  
8 in collaboration with cities and counties pursuant to sections  
9 43-260.02 to 43-260.07. The director shall:

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

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

18 (c) Establish baseline program guidelines for juvenile  
19 pretrial diversion programs grounded in best-practice research,  
20 develop data collection and evaluation protocols, oversee statewide  
21 data collection, and generate an annual report on juvenile pretrial  
22 diversion programs;

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

27 (e) Facilitate consistent communication and

1 information-sharing among juvenile pretrial diversion program  
2 directors;

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

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

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

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

20 Sec. 52. (1) The Community and Family Reentry Process  
21 is hereby created. This process is created in order to reduce  
22 recidivism and promote safe and effective reentry for the juvenile  
23 and his or her family to the community from the juvenile justice  
24 system. This process applies to all juvenile petitions filed on  
25 after July 1, 2013.

26 (2) While a juvenile is committed to a youth  
27 rehabilitation and treatment center, family team meetings shall be

1 conducted in person or via videoconferencing at least once per  
2 month with the juvenile's support system to discuss the juvenile's  
3 transition back to the community. A juvenile's support system  
4 should be made up of any of the following: The juvenile himself  
5 or herself, any immediate family members or guardians, informal  
6 and formal supports, the juvenile's probation officer, Office of  
7 Juvenile Services personnel employed by the facility, and any  
8 additional personnel as appropriate. Once developed, individualized  
9 reentry plans should be discussed at the family team meetings  
10 with the juvenile and other members of the juvenile's support  
11 system and shall include discussions on the juvenile's placement  
12 after leaving the facility. The probation officer and the Office  
13 of Juvenile Services personnel should discuss progress and needs  
14 of the juvenile and should help the juvenile follow his or her  
15 individual reentry plan to help with his or her transition back  
16 to the community.

17 (3) Within sixty days prior to discharge from a youth  
18 rehabilitation and treatment center, or as soon as possible if the  
19 juvenile's remaining time at the youth rehabilitation and treatment  
20 center is less than sixty days, an evidence-based risk screening  
21 and needs assessment should be conducted on the juvenile in order  
22 to determine the juvenile's risk of reoffending and the juvenile's  
23 individual needs upon reentering the community.

24 (4) Individualized reentry plans shall be developed  
25 with input from the juvenile and his or her support system  
26 in conjunction with a risk assessment process. Individualized  
27 reentry plans shall be finalized thirty days prior to the

1 juvenile leaving the youth rehabilitation and treatment center  
2 or as soon as possible if the juvenile's remaining time at the  
3 center is less than thirty days. Individualized reentry plans  
4 should include specifics about the juvenile's placement upon return  
5 to the community, an education transition plan, a treatment plan  
6 with any necessary appointments being set prior to the juvenile  
7 leaving the center, and any other formal and information supports  
8 for the juvenile and his or her family. The district probation  
9 officer and Office of Juvenile Services personnel shall review the  
10 individualized reentry plan and the expected outcomes as a result  
11 of the plan with the juvenile and his or her support system within  
12 thirty days prior to the juvenile's discharge from the center.

13 (5) The probation officer shall have contact with the  
14 juvenile and the juvenile's support system within forty-eight hours  
15 after the juvenile returns to the community, and continue to assist  
16 the juvenile and the juvenile's support system in implementing  
17 and following the individualized reentry plan and monitoring the  
18 juvenile's risk through ongoing assessment updates.

19 (6) The Office of Probation Administration shall  
20 establish an evidence-based reentry process that utilizes risk  
21 assessment to determine the juvenile's supervision level upon  
22 return to the community. They shall establish supervision  
23 strategies based on risk levels of the juvenile and supervise  
24 accordingly, with ongoing reassessment to assist in determining  
25 eligibility for release from probation. The Office of Probation  
26 Administration shall develop a formal matrix of graduated sanctions  
27 to be utilized prior to requesting the county attorney to file

1 for probation revocation. The Office of Probation Administration  
2 shall provide training to its workers on risk-based supervision  
3 strategies, motivational interviewing, family engagement, community  
4 based resources, and other evidence-based reentry strategies.

5           Sec. 53. (1) It is the intent of the Legislature that  
6 the Nebraska Juvenile Service Delivery Project, established as a  
7 pilot program under section 43-4101 within the Office of Probation  
8 Administration, be expanded statewide in a three-step, phase-in  
9 process beginning July 1, 2013, with full implementation by  
10 July 1, 2014. The expansion of the project will result in the  
11 Office of Probation Administration taking over the duties of the  
12 Office of Juvenile Services with respect to its previous functions  
13 of community supervision and parole of juvenile law violators  
14 and of evaluations for such juveniles. The Office of Juvenile  
15 Services shall continue for the purpose of operating the youth  
16 rehabilitation and treatment centers and the care and custody of  
17 the juveniles placed at such centers. Expansion of the project  
18 shall be funded by the transfer of funds from the Department of  
19 Health and Human Services and the Office of Juvenile Services used  
20 to fully fund community-based services and juvenile parole to the  
21 Office of Probation Administration.

22           (2) There shall be established through the use of  
23 technology an information-sharing process to support and enhance  
24 the exchange of information between the Department of Health  
25 and Human Services, Office of Probation Administration, and the  
26 Nebraska Commission on Law Enforcement and Criminal Justice. It  
27 is the intent of the Legislature to appropriate two hundred fifty

1 thousand dollars from the General Fund to the Office of Probation  
2 Administration to facilitate the information-sharing process.

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

6 (a) A juvenile who has no prior contact with the juvenile  
7 justice system and is placed in predisposition detention; or

8 (b) A juvenile who is placed in predisposition detention  
9 for a new violation of law while under the supervision of the  
10 Office of Probation Administration.

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

14 (a) A juvenile is placed in detention as the result of an  
15 alleged violation of probation; or

16 (b) A juvenile is placed in post-disposition detention  
17 under the supervision of the Office of Probation Administration  
18 while awaiting placement.

19 (5) For purposes of this section, detention means secure  
20 juvenile detention facility or staff secure juvenile facility.

21 Sec. 54. Section 43-4203, Revised Statutes Cumulative  
22 Supplement, 2012, is amended to read:

23 43-4203 (1) The Nebraska Children's Commission shall work  
24 with administrators from each of the service areas designated  
25 pursuant to section 81-3116, the teams created pursuant to section  
26 28-728, local foster care review boards, child advocacy centers,  
27 the teams created pursuant to the Supreme Court's Through the Eyes

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

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

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

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

22 (c) The commission may organize committees as it  
23 deems necessary. Members of the committees may be members of  
24 the commission or may be appointed, with the approval of the  
25 majority of the commission, from individuals with knowledge of  
26 the committee's subject matter, professional expertise to assist  
27 the committee in completing its assigned responsibilities, and the

1 ability to collaborate within the committee and with the commission  
2 to carry out the powers and duties of the commission.

3 (d) ~~If the One Hundred Second Legislature, Second~~  
4 ~~Session, 2012, creates the~~ The Title IV-E Demonstration Project  
5 Committee ~~or~~ and the Foster Care Reimbursement Rate Committee, ~~or~~  
6 ~~both, such committees shall be~~ are under the jurisdiction of the  
7 commission.

8 (3) The commission shall work with the office of the  
9 State Court Administrator, as appropriate, and entities which  
10 coordinate facilitated conferencing as described in section  
11 43-247.01. Facilitated conferencing shall be included in statewide  
12 strategic plan discussions by the commission. Facilitated  
13 conferencing shall continue to be utilized and maximized, as  
14 determined by the court of jurisdiction, during the development  
15 of the statewide strategic plan. Funding and contracting of  
16 facilitated conferencing entities shall continue to be provided by  
17 the Department of Health and Human Services to at least the same  
18 extent as such funding and contracting are being provided on April  
19 12, 2012.

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

26 (5) If the Nebraska Juvenile Service Delivery Project  
27 is enacted by the One Hundred Second Legislature, Second Session,

1 2012, the commission shall coordinate and gather information about  
2 the progress and outcomes of the project.

3 Sec. 55. Section 81-1417, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 81-1417 (1) The Nebraska Commission on Law Enforcement  
6 and Criminal Justice shall consist of ~~eighteen~~ nineteen members.  
7 The membership shall include the Governor, the Attorney General,  
8 the Superintendent of Law Enforcement and Public Safety, the  
9 Director of Correctional Services, the chief of police or director  
10 of public safety of a city of more than two hundred thousand  
11 population, the chief of police or director of public safety of  
12 a city of ~~less than~~ two hundred thousand population or less,  
13 a county sheriff, a county attorney, a county commissioner, a  
14 mayor or city manager, a person involved with the control or  
15 prevention of juvenile delinquency, the chairperson of the Nebraska  
16 Police Standards Advisory Council, the chairperson of the Nebraska  
17 Coalition for Juvenile Justice, and six members, at least one of  
18 whom shall be a woman, from the public at large. The seven members  
19 of the council shall also be considered members of the commission  
20 acting as a special committee of the commission with limited powers  
21 and duties. A member of the commission may serve concurrently as a  
22 member of the council. ~~The term of the district court judge serving~~  
23 ~~on July 20, 2002, terminates on such date.~~

24 (2) The Governor may increase the membership of the  
25 commission at any time if such increase is necessary to comply  
26 with the provisions of any federal act providing funds for law  
27 enforcement or delinquency prevention purposes. Such members of the

1 commission appointed by the Governor shall serve for terms of six  
2 years from January 1 next succeeding their appointments.

3 (3) Except for the Governor, the Attorney General, the  
4 Superintendent of Law Enforcement and Public Safety, and the  
5 Director of Correctional Services, the chairperson of the Nebraska  
6 Police Standards Advisory Council, and the chairperson of the  
7 Nebraska Coalition for Juvenile Justice, the members of the  
8 commission shall be appointed by the Governor. The membership  
9 of the commission shall represent varying geographic areas and  
10 large and small governmental subdivisions.

11 Sec. 56. Section 83-4,124, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 83-4,124 (1) It is hereby declared to be the policy  
14 of the State of Nebraska that all criminal detention facilities  
15 and juvenile detention facilities in the this state shall conform  
16 to certain minimum standards of construction, maintenance, and  
17 operation and that all juvenile detention facilities and staff  
18 secure juvenile facilities in this state shall conform to certain  
19 minimum standards relating to the operation and physical structure  
20 of such facilities and the care of, programs for, and discipline of  
21 juveniles at such facilities.

22 (2) To further such policy, the Jail Standards Board  
23 is hereby created. For administrative and budgetary purposes such  
24 board shall be within the Nebraska Commission on Law Enforcement  
25 and Criminal Justice. The board shall consist of the Director of  
26 Correctional Services or, if the Director of Correctional Services  
27 chooses not to serve on the board, a person appointed by the

1 director to serve in lieu of the director, the State Fire Marshal  
2 or his or her designee, and ~~nine~~ ten appointive members, three  
3 of whom shall be from each of the three congressional districts,  
4 to be appointed by the Governor. The appointive members of the  
5 board shall be appointed from recommendation lists containing at  
6 least three names submitted by the Nebraska Association of County  
7 Officials, the Nebraska County Sheriffs Association, the Nebraska  
8 State Bar Association, and the Police Officers Association of  
9 Nebraska. The appointive members of the board shall consist of: ~~(1)~~  
10 (a) Two county commissioners or supervisors; (2) (b) one county  
11 sheriff; (3) (c) one municipal police chief; (4) (d) one member of  
12 the Nebraska State Bar Association; (5) (e) two lay people; (6) (f)  
13 one person who at the time of his or her appointment is serving as  
14 an administrator responsible for the operation and maintenance of a  
15 juvenile detention facility; (g) one person who at the time of his  
16 or her appointment is serving as an administrator responsible for  
17 the operation and maintenance of a staff secure juvenile facility;  
18 and (7) (h) one person who at the time of his or her appointment is  
19 serving as an administrator or jailer responsible for the operation  
20 and maintenance of a criminal detention facility having an average  
21 daily population of greater than fifty persons. The term of the  
22 district judge serving on July 20, 2002, terminates on such date.

23 (3) The terms of office for all members initially  
24 appointed shall be three years. Upon completion of the initial  
25 term of the board, the Governor shall appoint one member from  
26 each congressional district for a term of one year, one member  
27 from each congressional district for a term of two years, and

1 one member from each congressional district for a term of three  
2 years. Succeeding appointees shall be representative of the same  
3 congressional district and shall be appointed for terms of three  
4 years. An appointee to a vacancy occurring from an unexpired term  
5 shall serve out the term of his or her predecessor. Members whose  
6 terms have expired shall continue to serve until their successors  
7 have been appointed. The member authorized by this legislative bill  
8 shall be appointed by the Governor within ninety days after the  
9 effective date of this act.

10 (4) The members of the board shall serve without  
11 compensation, but they shall be reimbursed for their actual  
12 expenses while engaged in the performance of their official duties  
13 as provided in sections 81-1174 to 81-1177.

14 Sec. 57. Section 83-4,125, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 83-4,125 For purposes of sections 83-4,124 to 83-4,134:

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

25 (a) Type I Facilities ~~shall mean~~ means criminal detention  
26 facilities used for the detention of persons for not more than  
27 twenty-four hours, excluding nonjudicial days;

1           (b) Type II Facilities ~~shall mean~~ means criminal  
2 detention facilities used for the detention of persons for not more  
3 than ninety-six hours, excluding nonjudicial days; and

4           (c) Type III Facilities ~~shall mean~~ means criminal  
5 detention facilities used for the detention of persons beyond  
6 ninety-six hours; ~~and~~

7           (2) Juvenile detention facility ~~shall mean~~ means an  
8 institution operated by a political subdivision or political  
9 subdivisions for the secure detention and treatment of persons  
10 younger than eighteen years of age, including persons under the  
11 jurisdiction of a juvenile court, who are serving a sentence  
12 pursuant to a conviction in a county or district court or who  
13 are detained while waiting disposition of charges against them.  
14 Juvenile detention facility ~~shall~~ does not include any institution  
15 operated by the department; ~~and-~~

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

1           Sec. 58. Section 83-4,126, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

3           83-4,126 (1) Except as provided in subsection (2) of this  
4 section, the Jail Standards Board shall have the authority and  
5 responsibility:

6           (a) To develop minimum standards for the construction,  
7 maintenance, and operation of criminal detention facilities;

8           (b) To perform ~~such~~ other duties as may be necessary to  
9 carry out the policy of the state regarding ~~such~~ criminal detention  
10 facilities, and juvenile detention facilities, and staff secure  
11 juvenile facilities as stated in sections 83-4,124 to 83-4,134; and

12           (c) Consistent with the purposes and objectives of the  
13 Juvenile Services Act, to develop standards for juvenile detention  
14 facilities and staff secure juvenile facilities, including, but not  
15 limited to, standards for physical facilities, care, programs, and  
16 disciplinary procedures, and to develop guidelines pertaining to  
17 the operation of such facilities.

18           (2) The Jail Standards Board shall not have authority  
19 over or responsibility for correctional facilities that are  
20 accredited by a nationally recognized correctional association. A  
21 correctional facility that is accredited by a nationally recognized  
22 correctional association shall show proof of accreditation annually  
23 to the Jail Standards Board. For purposes of this subsection,  
24 nationally recognized correctional association includes, but is not  
25 limited to, the American Correctional Association or its successor.

26           Sec. 59. Section 83-4,131, Revised Statutes Cumulative  
27 Supplement, 2012, is amended to read:

1           83-4,131 Personnel of the Nebraska Commission on Law  
2 Enforcement and Criminal Justice shall visit and inspect each  
3 criminal detention facility, ~~and~~ juvenile detention facility, and  
4 staff secure juvenile facility in the state, except correctional  
5 facilities accredited by a nationally recognized correctional  
6 association pursuant to subsection (2) of section 83-4,126, for the  
7 purpose of determining the conditions of confinement, the treatment  
8 of persons confined in the facilities, and whether such facilities  
9 comply with the minimum standards established by the Jail Standards  
10 Board. A written report of each inspection shall be made within  
11 thirty days following such inspection to the appropriate governing  
12 body responsible for the criminal detention facility, ~~or~~ juvenile  
13 detention facility, or staff secure juvenile facility involved. The  
14 report shall specify those areas in which the facility does not  
15 comply with the required minimum standards.

16           Sec. 60. Section 83-4,132, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18           83-4,132 If an inspection under sections 83-4,124 to  
19 83-4,134 discloses that the criminal detention facility, ~~or~~  
20 juvenile detention facility, or staff secure juvenile facility  
21 does not meet the minimum standards established by the Jail  
22 Standards Board, the board shall send notice, together with the  
23 inspection report, to the governing body responsible for the  
24 facility. The appropriate governing body shall promptly meet to  
25 consider the inspection report, and the inspection personnel shall  
26 appear before the governing body to advise and consult concerning  
27 appropriate corrective action. The governing body shall then

1 initiate appropriate corrective action within six months ~~of~~ after  
2 the receipt of such inspection report or may voluntarily close the  
3 facility or the objectionable portion thereof.

4 Sec. 61. Section 83-4,133, Revised Statutes Cumulative  
5 Supplement, 2012, is amended to read:

6 83-4,133 If the governing body of the juvenile detention  
7 facility, ~~or~~ criminal detention facility, or staff secure juvenile  
8 facility fails to initiate corrective action within six months  
9 after the receipt of such inspection report, fails to correct the  
10 disclosed conditions, or fails to close the criminal detention  
11 facility, ~~or~~ juvenile detention facility, or staff secure juvenile  
12 facility or the objectionable portion thereof, the Jail Standards  
13 Board may petition the district court within the judicial district  
14 in which such facility is located to close the facility. Such  
15 petition shall include the inspection report regarding such  
16 facility. The local governing body shall then have thirty days to  
17 respond to such petition and shall serve a copy of the response  
18 on the Jail Standards Board by certified mail, return receipt  
19 requested. Thereafter, a hearing shall be held on the petition  
20 before the district court, and an order shall be rendered by such  
21 court which either:

- 22 (1) Dismisses the petition of the Jail Standards Board;  
23 (2) Directs that corrective action be initiated in some  
24 form by the local governing body of the facility in question; or  
25 (3) Directs that the facility be closed. An appeal from  
26 the decision of the district court may be taken to the Court of  
27 Appeals.

1           Sec. 62. Section 83-4,134, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           83-4,134 Sections 83-4,124 to 83-4,134 shall be  
4 implemented upon completion of the development of minimum standards  
5 by the Jail Standards Board. Thereafter, inspections shall begin,  
6 but no criminal detention facility, ~~or~~ juvenile detention facility,  
7 or staff secure juvenile facility shall be closed within one year  
8 of the date of first filing of the minimum standards in the office  
9 of the Secretary of State. After one year from the date of first  
10 filing of the minimum standards, a facility may be closed for any  
11 violation of the minimum standards. Those standards relating to the  
12 construction of the facility itself and its plumbing, heating, and  
13 wiring systems shall not be enforced so as to require the closing  
14 of any facility for a period of two years from the date of the  
15 first filing of the minimum standards unless such violations are  
16 of immediate danger to the safety of the persons confined in the  
17 facility or facility personnel, in which case such period shall be  
18 one year.

19           Sec. 63. Original sections 29-2257, 43-247, 43-251,  
20 43-260.01, 43-260.04, 43-260.05, 43-260.07, 43-279.01, 43-281,  
21 43-284, 43-284.01, 43-404, 43-406, 43-407, 43-408, 43-409, 43-410,  
22 43-413, 43-414, 43-417, 43-418, 43-419, 43-420, 43-421, 43-422,  
23 43-423, 43-1411.01, 43-2402, 43-2404, 43-2404.01, 43-2411, 43-2930,  
24 43-3503, 81-1417, 83-4,124, 83-4,125, 83-4,132, and 83-4,134,  
25 Reissue Revised Statutes of Nebraska, and sections 28-726, 29-2204,  
26 29-2258, 42-364, 43-245, 43-251.01, 43-254, 43-272.01, 43-285,  
27 43-286, 43-2,108.05, 43-405, 43-412, 43-415, 43-416, 43-2404.02,

1 43-2412, 43-4203, 83-4,126, 83-4,131, and 83-4,133, Revised  
2 Statutes Cumulative Supplement, 2012, are repealed.

3           Sec. 64. Since an emergency exists, this act takes effect  
4 when passed and approved according to law.