

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 265

FINAL READING
(SECOND)

Introduced by Campbell, 25.

Read first time January 14, 2015

Committee: Judiciary

1 A BILL FOR AN ACT relating to juveniles and child welfare; to amend
2 sections 29-1816, 43-245, 43-246.01, 43-247, 43-297.01, 43-2,108.05,
3 43-1301, 43-1302, 43-1303, 43-1304, 43-1308, 43-1309, 43-1313,
4 43-1318, and 43-2404.02, Revised Statutes Cumulative Supplement,
5 2014; to change provisions relating to arraignment of juveniles,
6 court jurisdiction of juveniles, placement of juveniles, foster care
7 placements, duties of the Foster Care Review Office, membership of
8 the Foster Care Advisory Committee, local foster care review boards,
9 foster care records, and the Community-based Juvenile Services Aid
10 Program; to define and redefine terms; to provide for a foster care
11 case file review process; to exempt certain meetings of local foster
12 care review boards from the Open Meetings Act; to create a pilot
13 project and advisory group regarding data on out-of-home placements;
14 to provide for development of a common data set relating to
15 juveniles; to eliminate obsolete provisions; to harmonize
16 provisions; to provide operative dates; to repeal the original
17 sections; and to declare an emergency.
18 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-1816, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 29-1816 (1)(a) The accused may be arraigned in county court or
4 district court:

5 (i) If the accused was eighteen years of age or older when the
6 alleged offense was committed;

7 (ii) If the accused was younger than eighteen years of age and was
8 fourteen years of age or older when an alleged offense punishable as a
9 Class I, IA, IB, IC, ID, II, or III felony was committed;~~or~~

10 (iii) If the alleged offense is a traffic offense as defined in
11 section 43-245; or -

12 (iv) Until January 1, 2017, if the accused was seventeen years of
13 age when an alleged offense described in subdivision (1) of section
14 43-247 was committed.

15 (b) Arraignment in county court or district court shall be by
16 reading to the accused the complaint or information, unless the reading
17 is waived by the accused when the nature of the charge is made known to
18 him or her. The accused shall then be asked whether he or she is guilty
19 or not guilty of the offense charged. If the accused appears in person
20 and by counsel and goes to trial before a jury regularly impaneled and
21 sworn, he or she shall be deemed to have waived arraignment and a plea of
22 not guilty shall be deemed to have been made.

23 (2) At the time of the arraignment, the county court or district
24 court shall advise the accused, if the accused was younger than eighteen
25 years of age at the time the alleged offense was committed, that the
26 accused may move the county court or district court at any time not later
27 than thirty days after arraignment, unless otherwise permitted by the
28 court for good cause shown, to waive jurisdiction in such case to the
29 juvenile court for further proceedings under the Nebraska Juvenile Code.
30 This subsection does not apply if the case was transferred to county
31 court or district court from juvenile court.

1 (3) For motions to transfer a case from the county court or district
2 court to juvenile court:

3 (a) The county court or district court shall schedule a hearing on
4 such motion within fifteen days. The customary rules of evidence shall
5 not be followed at such hearing. The accused shall be represented by an
6 attorney. The criteria set forth in section 43-276 shall be considered at
7 such hearing. After considering all the evidence and reasons presented by
8 both parties, the case shall be transferred to juvenile court unless a
9 sound basis exists for retaining the case in county court or district
10 court; and

11 (b) The county court or district court shall set forth findings for
12 the reason for its decision. If the county court or district court
13 determines that the accused should be transferred to the juvenile court,
14 the complete file in the county court or district court shall be
15 transferred to the juvenile court and the complaint, indictment, or
16 information may be used in place of a petition therein. The county court
17 or district court making a transfer shall order the accused to be taken
18 forthwith to the juvenile court and designate where the juvenile shall be
19 kept pending determination by the juvenile court. The juvenile court
20 shall then proceed as provided in the Nebraska Juvenile Code.

21 (4) When the accused was younger than eighteen years of age when an
22 alleged offense was committed, the county attorney or city attorney shall
23 proceed under section 43-274.

24 Sec. 2. Section 43-245, Revised Statutes Cumulative Supplement,
25 2014, is amended to read:

26 43-245 For purposes of the Nebraska Juvenile Code, unless the
27 context otherwise requires:

28 (1) Abandonment means a parent's intentionally withholding from a
29 child, without just cause or excuse, the parent's presence, care, love,
30 protection, and maintenance and the opportunity for the display of
31 parental affection for the child;

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

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

5 (4) Civil citation means a noncriminal notice which cannot result in
6 a criminal record and is described in section 43-248.02;

7 (5) Cost or costs means (a) the sum or equivalent expended, paid, or
8 charged for goods or services, or expenses incurred, or (b) the
9 contracted or negotiated price;

10 (6) Criminal street gang means a group of three or more people with
11 a common identifying name, sign, or symbol whose group identity or
12 purposes include engaging in illegal activities;

13 (7) Criminal street gang member means a person who willingly or
14 voluntarily becomes and remains a member of a criminal street gang;

15 (8) Custodian means a nonparental caretaker having physical custody
16 of the juvenile and includes an appointee described in section 43-294;

17 (9) Guardian means a person, other than a parent, who has qualified
18 by law as the guardian of a juvenile pursuant to testamentary or court
19 appointment, but excludes a person who is merely a guardian ad litem;

20 (10) Juvenile means any person under the age of eighteen;

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

28 (12) Juvenile detention facility has the same meaning as in section
29 83-4,125;

30 (13) Legal custody has the same meaning as in section 43-2922;

31 (14) Mediator for juvenile offender and victim mediation means a

1 person who (a) has completed at least thirty hours of training in
2 conflict resolution techniques, neutrality, agreement writing, and ethics
3 set forth in section 25-2913, (b) has an additional eight hours of
4 juvenile offender and victim mediation training, and (c) meets the
5 apprenticeship requirements set forth in section 25-2913;

6 (15) Mental health facility means a treatment facility as defined in
7 section 71-914 or a government, private, or state hospital which treats
8 mental illness;

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

13 (17) Nonsecure detention means detention characterized by the
14 absence of restrictive hardware, construction, and procedure. Nonsecure
15 detention services may include a range of placement and supervision
16 options, such as home detention, electronic monitoring, day reporting,
17 drug court, tracking and monitoring supervision, staff secure and
18 temporary holdover facilities, and group homes;

19 (18) Parent means one or both parents or stepparents when the
20 stepparent is married to a parent who has physical custody of the
21 juvenile as of the filing of the petition;

22 (19) Parties means the juvenile as described in section 43-247 and
23 his or her parent, guardian, or custodian;

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

25 (21) Except in proceedings under the Nebraska Indian Child Welfare
26 Act, relative means father, mother, grandfather, grandmother, brother,
27 sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt,
28 first cousin, nephew, or niece;

29 (22) Seal a record means that a record shall not be available to the
30 public except upon the order of a court upon good cause shown;

31 (23) Secure detention means detention in a highly structured,

1 residential, hardware-secured facility designed to restrict a juvenile's
2 movement;

3 (24) Staff secure juvenile facility has the same meaning as in
4 section 83-4,125;

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

9 (26) Traffic offense means any nonfelonious act in violation of a
10 law or ordinance regulating vehicular or pedestrian travel, whether
11 designated a misdemeanor or a traffic infraction; and -

12 (27) Young adult means an individual older than eighteen years of
13 age but under twenty-one years of age.

14 Sec. 3. Section 43-246.01, Revised Statutes Cumulative Supplement,
15 2014, is amended to read:

16 43-246.01 The juvenile court shall have:

17 (1) Exclusive original jurisdiction as to:

18 (a) Any juvenile described in subdivision (3) or (11) of section
19 43-247;

20 (b) Any juvenile who was under sixteen years of age at the time the
21 alleged offense was committed and the offense falls under subdivision (1)
22 of section 43-247;

23 (c) A party or proceeding described in subdivision (5) or (7) of
24 section 43-247; and

25 (d) Any juvenile who was under fourteen years of age at the time the
26 alleged offense was committed and the offense falls under subdivision (2)
27 of section 43-247;

28 (2) Exclusive original jurisdiction as to:

29 (a) Beginning January 1, 2015, any juvenile who is alleged to have
30 committed an offense under subdivision (1) of section 43-247 and who was
31 sixteen years of age at the time the alleged offense was committed, and

1 beginning January 1, 2017, any juvenile who is alleged to have committed
2 an offense under subdivision (1) of section 43-247 and who was sixteen
3 years of age or seventeen years of age at the time the alleged offense
4 was committed; and

5 (b) Any juvenile who was fourteen years of age or older at the time
6 the alleged offense was committed and the offense falls under subdivision
7 (2) of section 43-247 except offenses enumerated in subdivision (1)(a)
8 (ii) of section 29-1816.

9 Proceedings initiated under this subdivision (2) may be transferred
10 as provided in section 43-274; and

11 (3) Concurrent original jurisdiction with the county court or
12 district court as to:

13 (a) Any juvenile described in subdivision (4) of section 43-247;

14 (b) Any proceeding under subdivision (6), (8), (9), or (10) of
15 section 43-247; ~~and~~

16 (c) Any juvenile described in subdivision (1)(a)(ii) of section
17 29-1816; and -

18 (d) Until January 1, 2017, any juvenile who is alleged to have
19 committed an offense under subdivision (1) of section 43-247 and who was
20 seventeen years of age at the time the alleged offense was committed.

21 Proceedings initiated under this subdivision (3) may be transferred
22 as provided in section 43-274.

23 Sec. 4. Section 43-247, Revised Statutes Cumulative Supplement,
24 2014, is amended to read:

25 43-247 The juvenile court in each county shall have jurisdiction of:

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

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

31 (3) Any juvenile (a) who is homeless or destitute, or without proper

1 support through no fault of his or her parent, guardian, or custodian;
2 who is abandoned by his or her parent, guardian, or custodian; who lacks
3 proper parental care by reason of the fault or habits of his or her
4 parent, guardian, or custodian; whose parent, guardian, or custodian
5 neglects or refuses to provide proper or necessary subsistence,
6 education, or other care necessary for the health, morals, or well-being
7 of such juvenile; whose parent, guardian, or custodian is unable to
8 provide or neglects or refuses to provide special care made necessary by
9 the mental condition of the juvenile; or who is in a situation or engages
10 in an occupation, including prostitution, dangerous to life or limb or
11 injurious to the health or morals of such juvenile, (b) who, by reason of
12 being wayward or habitually disobedient, is uncontrolled by his or her
13 parent, guardian, or custodian; who deports himself or herself so as to
14 injure or endanger seriously the morals or health of himself, herself, or
15 others; or who is habitually truant from home or school, or (c) who is
16 mentally ill and dangerous as defined in section 71-908;

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

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

21 (6) The proceedings for termination of parental rights;

22 (7) Any juvenile who has been voluntarily relinquished, pursuant to
23 section 43-106.01, to the Department of Health and Human Services or any
24 child placement agency licensed by the Department of Health and Human
25 Services;

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

29 (9) The adoption or guardianship proceedings for a child over which
30 the juvenile court already has jurisdiction under another provision of
31 the Nebraska Juvenile Code;

1 (10) The paternity or custody determination for a child over which
2 the juvenile court already has jurisdiction;~~and~~

3 (11) The proceedings under the Young Adult Bridge to Independence
4 Act; and -

5 (12) Except as provided in subdivision (11) of this section, any
6 individual adjudged to be within the provisions of this section until the
7 individual reaches the age of majority or the court otherwise discharges
8 the individual from its jurisdiction.

9 Notwithstanding the provisions of the Nebraska Juvenile Code, the
10 determination of jurisdiction over any Indian child as defined in section
11 43-1503 shall be subject to the Nebraska Indian Child Welfare Act; and
12 the district court shall have exclusive jurisdiction in proceedings
13 brought pursuant to section 71-510.

14 Sec. 5. Section 43-297.01, Revised Statutes Cumulative Supplement,
15 2014, is amended to read:

16 43-297.01 (1) Following an adjudication, whenever any juvenile is
17 placed on juvenile probation subject to the supervision of a probation
18 officer, the Office of Probation Administration is deemed to have
19 placement and care responsibility for the juvenile.

20 (2) The court shall order the initial placement and level of care
21 for the juvenile placed on juvenile probation. Prior to determining the
22 placement and level of care for a juvenile, the court may solicit a
23 recommendation from the Office of Probation Administration. The status of
24 each juvenile placed out-of-home shall be reviewed periodically, but not
25 less than once every six months by the court in person, by video, or
26 telephonically. Periodic reviews shall assess the juvenile's safety and
27 the continued necessity and appropriateness of placement, ensure case
28 plan compliance, and monitor the juvenile's progress. The court shall
29 determine whether an out-of-home placement made by the office is in the
30 best interests of the juvenile. The office shall provide all interested
31 parties with a copy of any report filed with the court by the office

1 pursuant to this subsection.

2 (3) The Office of Probation Administration may transition a juvenile
3 to a less restrictive placement or to a placement which has the same
4 level of restriction as the current placement. In order to make a
5 placement change under this section, the office shall file a notice of
6 placement change with the court and shall send copies of the notice to
7 all interested parties at least seven days before the change of
8 placement. The court, on its own motion, or upon the filing of an
9 objection to the change by an interested party, may order a hearing to
10 review such a change in placement and may order that the change be stayed
11 pending the outcome of the hearing on the objection.

12 (4) The Office of Probation Administration may make an immediate
13 change in placement without court approval only if the juvenile is in a
14 harmful or dangerous situation. Approval of the court shall be sought
15 within twenty-four hours after making the change in placement or as soon
16 thereafter as possible. The office shall provide all interested parties
17 with a copy of any report filed with the court by the office pursuant to
18 this subsection.

19 (5) Whenever the court places a juvenile in a foster care placement
20 as defined in section 43-1301, the Foster Care Review Office or
21 designated local foster care review board may participate in proceedings
22 concerning the juvenile as provided in section 43-1313 and notice shall
23 be given as provided in section 43-1314.

24 (6) Any written findings or recommendations of the Foster Care
25 Review Office or the designated local foster care review board with
26 regard to a juvenile in a foster care placement submitted to a court
27 having jurisdiction over such juvenile shall be admissible in any
28 proceeding concerning such juvenile if such findings or recommendations
29 have been provided to all other parties of record.

30 (7 5) Nothing in this section prevents the court on an ex parte
31 basis from approving an immediate change in placement upon good cause

1 shown.

2 Sec. 6. Section 43-2,108.05, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 43-2,108.05 (1) If the court orders the record of a juvenile sealed
5 pursuant to section 43-2,108.04, the court shall:

6 (a) Order that all records, including any information or other data
7 concerning any proceedings relating to the offense, including the arrest,
8 taking into custody, petition, complaint, indictment, information, trial,
9 hearing, adjudication, correctional supervision, dismissal, or other
10 disposition or sentence, be deemed never to have occurred;

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

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

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

25 (e) Explain to the juvenile what sealing the record means verbally
26 if the juvenile is present in the court at the time the court issues the
27 sealing order or by written notice sent by regular mail to the juvenile's
28 last-known address if the juvenile is not present in the court at the
29 time the court issues the sealing order.

30 (2) The effect of having a record sealed under section 43-2,108.04
31 is that thereafter no person is allowed to release any information

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

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

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

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

27 (c) By the Nebraska Probation System for purposes of juvenile intake
28 services, for presentence and other probation investigations, and for the
29 direct supervision of persons placed on probation and by the Department
30 of Correctional Services, the Office of Juvenile Services, a juvenile
31 assessment center, a criminal detention facility, a juvenile detention

1 facility, or a staff secure juvenile facility, for an individual
2 committed to it, placed with it, or under its care;

3 (d) By the Department of Health and Human Services for purposes of
4 juvenile intake services, the preparation of case plans and reports, the
5 preparation of evaluations, compliance with federal reporting
6 requirements, or the supervision and protection of persons placed with
7 the department or for licensing or certification purposes under sections
8 71-1901 to 71-1906.01, the Child Care Licensing Act, or the Children's
9 Residential Facilities and Placing Licensure Act;

10 (e) Upon application, by the person who is the subject of the sealed
11 record and by persons authorized by the person who is the subject of the
12 sealed record who are named in that application;

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

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

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

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

27 (5) In any application for employment, bonding, license, education,
28 or other right or privilege, any appearance as a witness, or any other
29 public inquiry, a person cannot be questioned with respect to any offense
30 for which the record is sealed. If an inquiry is made in violation of
31 this subsection, the person may respond as if the offense never occurred.

1 Applications for employment shall contain specific language that states
2 that the applicant is not obligated to disclose a sealed record.
3 Employers shall not ask if an applicant has had a record sealed. The
4 Department of Labor shall develop a link on the department's web site to
5 inform employers that employers cannot ask if an applicant had a record
6 sealed and that an application for employment shall contain specific
7 language that states that the applicant is not obligated to disclose a
8 sealed record.

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

11 Sec. 7. Section 43-1301, Revised Statutes Cumulative Supplement,
12 2014, is amended to read:

13 43-1301 For purposes of the Foster Care Review Act, unless the
14 context otherwise requires:

15 (1) Local board means a local foster care review board created
16 pursuant to section 43-1304;

17 (2) Office means the Foster Care Review Office created pursuant to
18 section 43-1302;

19 (3) Foster care facility means any foster family home as defined in
20 section 71-1901, residential child-caring agency as defined in section
21 71-1926, public agency, private agency, or any other person or entity
22 receiving and caring for foster children;

23 (4) Foster care placements means (a) all types of placements of
24 juveniles described in sections 43-245 and section 43-247, (b) all types
25 of placements of neglected, dependent, or delinquent children, including
26 those made directly by the Department of Health and Human Services, by
27 the court, by parents, or by third parties, (c) all types of and
28 placements of children who have been voluntarily relinquished pursuant to
29 section 43-106.01 to the department Department of Health and Human
30 Services or any child-placing agency as defined in section 71-1926
31 licensed by the department, and (d) all types of placements that are

1 considered to be a trial home visit, including those made directly by the
2 department or office ~~Department of Health and Human Services;~~

3 (5) Person or court in charge of the child means (a) the Department
4 of Health and Human Services, an association, or an individual who has
5 been made the guardian of a neglected, dependent, or delinquent child by
6 the court and has the responsibility of the care of the child and has the
7 authority by and with the assent of the court to place such a child in a
8 suitable family home or institution or has been entrusted with the care
9 of the child by a voluntary placement made by a parent or legal guardian,
10 (b) the court which has jurisdiction over the child, or (c) the entity
11 having jurisdiction over the child pursuant to the Nebraska Indian Child
12 Welfare Act;

13 (6) Voluntary placement means the placement by a parent or legal
14 guardian who relinquishes the possession and care of a child to a third
15 party, individual, or agency;

16 (7) Family unit means the social unit consisting of the foster child
17 and the parent or parents or any person in the relationship of a parent,
18 including a grandparent, and any siblings with whom the foster child
19 legally resided prior to placement in foster care, except that for
20 purposes of potential sibling placement, the child's family unit also
21 includes the child's siblings even if the child has not resided with such
22 siblings prior to placement in foster care;

23 (8) Residential child-caring agency has the definition found in
24 section 71-1926;

25 (9) Child-placing agency has the definition found in section
26 71-1926; ~~and~~

27 (10) Siblings means biological siblings and legal siblings,
28 including, but not limited to, half-siblings and stepsiblings; ~~and -~~

29 (11) Trial home visit means a placement of a court-involved juvenile
30 who goes from a foster care placement back to his or her legal parent or
31 parents or guardian but remains as a ward of the state.

1 Sec. 8. Section 43-1302, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 43-1302 (1)(a) The Foster Care Review Office is hereby established.
4 The purpose of the office is to provide information and direct reporting
5 to the courts, the Department of Health and Human Services, the Office of
6 Probation Administration, and the Legislature regarding the foster care
7 system in Nebraska; to provide oversight of the foster care system; and
8 to make recommendations regarding foster care policy to the Legislature.
9 The executive director of the Foster Care Review Office office shall
10 provide information and reporting services, provide analysis of
11 information obtained, and oversee foster care file audit case reviews and
12 tracking of cases of children in the foster care system. The executive
13 director of the office shall, through information analysis and with the
14 assistance of the Foster Care Advisory Committee, (a i) determine key
15 issues of the foster care system and ways to resolve the issues and to
16 otherwise improve the system and (b ii) make policy recommendations.

17 ~~(b) All equipment and effects of the State Foster Care Review Board~~
18 ~~on July 1, 2012, shall be transferred to the Foster Care Review Office,~~
19 ~~and all staff of the board, except the executive director and interim~~
20 ~~executive director, shall be transferred to the office. The State Foster~~
21 ~~Care Review Board shall terminate on July 1, 2012. Beginning on July 1,~~
22 ~~2012, the data coordinator of the board, as such position existed prior~~
23 ~~to such date, shall serve as the executive director of the office until~~
24 ~~the Foster Care Advisory Committee hires an executive director as~~
25 ~~prescribed by this section. It is the intent of the Legislature that the~~
26 ~~staff of the board employed prior to July 1, 2012, shall continue to be~~
27 ~~employed by the office until such time as the executive director is hired~~
28 ~~by the committee.~~

29 ~~(c) It is the intent of the Legislature that the funds appropriated~~
30 ~~to the State Foster Care Review Board be transferred to the Foster Care~~
31 ~~Review Office for FY2012-13.~~

1 (2)(a) The Foster Care Advisory Committee is created. The committee
2 shall have five members appointed by the Governor. Three members shall be
3 local board members, one member shall have data analysis experience, and
4 one member shall be a resident of the state who is representative of the
5 public at large. The members shall have no pecuniary interest in the
6 foster care system and shall not be employed by the office, the
7 Department of Health and Human Services, a county, a residential child-
8 caring agency, a child-placing agency, or a court.

9 ~~(b) The Governor shall appoint three members from a list of twelve~~
10 ~~local board members submitted by the Health and Human Services Committee~~
11 ~~of the Legislature, one member from a list of four persons with data~~
12 ~~analysis experience submitted by the Health and Human Services Committee~~
13 ~~of the Legislature, and one member from a list of four persons who are~~
14 ~~residents of the state and are representative of the public at large~~
15 ~~submitted by the Health and Human Services Committee of the Legislature.~~
16 The Health and Human Services Committee of the Legislature shall hold a
17 confirmation hearing for the appointees, and the appointments shall be
18 subject to confirmation by the Legislature, except that the ~~initial~~
19 ~~members and~~ members appointed while the Legislature is not in session
20 shall serve until the next session of the Legislature, at which time a
21 majority of the members of the Legislature shall approve or disapprove of
22 the appointments.

23 (c) The terms of the members shall be for three years, except that
24 the Governor shall designate two of the initial appointees to serve
25 initial terms ending on March 1, 2014, and three of the initial
26 appointees to serve initial terms ending on March 1, 2015. The Governor
27 shall make the initial appointments within thirty days after July 1,
28 2012. Members shall not serve more than two consecutive terms, except
29 that members shall serve until their successors have been appointed and
30 qualified. The Governor shall appoint members to fill vacancies from the
31 same category as the vacated position in the same manner as the original

1 ~~appointments~~ to serve for the remainder of the unexpired term.

2 (d) The Foster Care Advisory Committee shall meet at least four
3 times each calendar year. Each member shall attend at least two meetings
4 each calendar year and shall be subject to removal for failure to attend
5 at least two meetings unless excused by a majority of the members of the
6 committee. Members shall be reimbursed for their actual and necessary
7 expenses as provided in sections 81-1174 to 81-1177.

8 (e) The duties of the Foster Care Advisory Committee are to:

9 (i) Hire and fire an executive director for the office who has
10 training and experience in foster care; and

11 (ii) Support and facilitate the work of the office, including the
12 tracking of children in foster care and reviewing foster care file audit
13 case reviews.

14 (3) The executive director of the office shall hire, fire, and
15 supervise office staff and shall be responsible for the duties of the
16 office as provided by law, including the annual report and other
17 reporting, review, tracking, data collection and analysis, and oversight
18 and training of local boards.

19 Sec. 9. Section 43-1303, Revised Statutes Cumulative Supplement,
20 2014, is amended to read:

21 43-1303 (1) The office shall maintain the statewide register of all
22 foster care placements occurring within the state, and there shall be a
23 weekly ~~monthly~~ report made to the registry of all foster care placements
24 by the Department of Health and Human Services, any child-placing agency,
25 or any court in a form as developed by the office in consultation with
26 representatives of entities required to make such reports. For each child
27 entering and leaving foster care, such ~~monthly~~ report shall consist of
28 identifying information, placement information, and the plan or
29 permanency plan developed by the person or court in charge of the child
30 pursuant to section 43-1312. The department, the Office of Probation
31 Administration, and every court and child-placing agency shall report any

1 foster care placement within three working days. The report shall contain
2 the following information:

3 (a) Child identification information, including name, ~~social~~
4 ~~security number,~~ date of birth, gender, race, and religion, and
5 ethnicity;

6 (b) Identification information for parents and stepparents,
7 including name, ~~social security number,~~ address, and status of parental
8 rights;

9 (c) Placement information, including initial placement date, current
10 placement date, and the name and address of the foster care placement
11 provider;

12 (d) Court status information, including which court has
13 jurisdiction, initial custody date, court hearing date, and results of
14 the court hearing;

15 (e) Agency or other entity having custody of the child; and

16 (f) Case worker, probation officer, or person providing direct case
17 management or supervision functions. ; ~~and~~

18 ~~(g) Permanency plan objective.~~

19 (2)(a) The Foster Care Review Office ~~office~~ shall designate a local
20 board to conduct foster care file audit case reviews for each case of
21 children in foster care placement.

22 (b) The office may adopt and promulgate rules and regulations for
23 the following:

24 (i) Establishment of training programs for local board members which
25 shall include an initial training program and periodic inservice training
26 programs;

27 (ii) Development of procedures for local boards;

28 (iii) Establishment of a central record-keeping facility for all
29 local board files, including foster care file audit case reviews;

30 (iv) Accumulation of data and the making of annual reports on
31 children in foster care placements. Such reports shall include, but not

1 be limited to, (A) personal data on length of time in foster care, (B)
2 number of placements, (C) frequency and results of foster care file audit
3 case reviews and court review hearings, (D) number of children supervised
4 by the foster care programs in the state annually, (E) trend data
5 impacting foster care, services, and placements, (F) analysis of the
6 data, and (G) recommendations for improving the foster care system in
7 Nebraska;

8 (v) Accumulation of data and the making of quarterly reports
9 regarding the children in foster care placements;

10 (vi v) To the extent not prohibited by section 43-1310, evaluation
11 of the judicial and administrative data collected on foster care and the
12 dissemination of such data to the judiciary, public and private agencies,
13 the department, and members of the public; and

14 (vii vi) Manner in which the office shall determine the
15 appropriateness of requesting a court review hearing as provided for in
16 section 43-1313.

17 (3) A local board shall send a written report to the office for each
18 foster care file audit case review conducted by the local board. A court
19 shall send a written report to the office for each foster care review
20 hearing conducted by the court.

21 (4) The office shall report and make recommendations to the
22 Legislature, the department, the Office of Probation Administration, the
23 courts, local boards, and county welfare offices. Such reports and
24 recommendations shall include, but not be limited to, the annual judicial
25 and administrative data collected on foster care pursuant to subsections
26 (2) and (3) of this section and the annual evaluation of such data. The
27 report and recommendations submitted to the Legislature shall be
28 submitted electronically. In addition, the Foster Care Review Office
29 office shall provide copies of such reports and recommendations to each
30 court having the authority to make foster care placements. ~~The executive~~
31 ~~director of the office or his or her designees from the office may visit~~

1 ~~and observe foster care facilities in order to ascertain whether the~~
2 ~~individual physical, psychological, and sociological needs of each foster~~
3 ~~child are being met.~~ The executive director of the office shall also
4 provide, at a time specified by the Health and Human Services Committee
5 of the Legislature, regular electronic updates regarding child welfare
6 data and information at least quarterly, and a fourth-quarter report
7 which shall be the annual report. The executive director shall include
8 issues, policy concerns, and problems which have come to the office and
9 the executive director from analysis of the data. The executive director
10 shall recommend alternatives to the identified problems and related needs
11 of the office and the foster care system to the committee. The Health and
12 Human Services Committee shall coordinate and prioritize data and
13 information requests submitted to the office by members of the
14 Legislature. The annual report of the office shall be completed by
15 December 1 each year, beginning December 1, 2012, and shall be submitted
16 electronically to the committee.

17 (5) The executive director of the office or his or her designees
18 from the office may visit and observe foster care facilities in order to
19 ascertain whether the individual physical, psychological, and
20 sociological needs of each foster child are being met.

21 (6) At the request of any state agency, the executive director of
22 the office or his or her designees from the office may conduct a case
23 file review process and data analysis regarding any state ward or ward of
24 the court whether placed in-home or out-of-home at the time of the case
25 file review.

26 Sec. 10. Section 43-1304, Revised Statutes Cumulative Supplement,
27 2014, is amended to read:

28 43-1304 There shall be local foster care review boards to conduct
29 the foster care file audit case reviews of children in foster care
30 placement and carry out other powers and duties given to such boards
31 under the Foster Care Review Act. ~~Members of local boards serving on July~~

1 ~~1, 2012, shall continue to serve the unexpired portion of their terms.~~
2 The executive director of the office shall select members to serve on
3 local boards from a list of applications submitted to the office. Each
4 local board shall consist of not less than four and not more than ten
5 members as determined by the executive director. The members of the local
6 board shall reasonably represent the various social, economic, racial,
7 and ethnic groups of the county or counties from which its members may be
8 appointed. A person employed by the office, the Department of Health and
9 Human Services, a residential child-caring agency, a child-placing
10 agency, or a court shall not be appointed to a local board. A list of the
11 members of each local board shall be sent to the department and the
12 Office of Probation Administration.

13 Sec. 11. Section 43-1308, Revised Statutes Cumulative Supplement,
14 2014, is amended to read:

15 43-1308 (1) Except as otherwise provided in the Nebraska Indian
16 Child Welfare Act, the designated local board shall:

17 (a) Conduct a foster care file audit case review at least once every
18 six months for the case of each child in a foster care placement to
19 determine what efforts have been made to carry out the plan or permanency
20 plan for rehabilitation of the foster child and family unit or for
21 permanent placement of such child pursuant to section 43-1312;

22 (b) Submit to the court having jurisdiction over such child for the
23 purposes of foster care placement, within thirty days after the foster
24 care file audit case review, its findings and recommendations regarding
25 the efforts and progress made to carry out the plan or permanency plan
26 established pursuant to section 43-1312 together with any other
27 recommendations it chooses to make regarding the child. The findings and
28 recommendations shall include whether there is a need for continued out-
29 of-home placement, whether the current placement is safe and appropriate,
30 the specific reasons for the findings and recommendations, including
31 factors, opinions, and rationale considered in the foster care file audit

1 case review, whether the grounds for termination of parental rights under
2 section 43-292 appear to exist, and the date of the next foster care file
3 audit case review by the designated local board;

4 (c) If the return of the child to his or her parents is not likely,
5 recommend referral for adoption and termination of parental rights,
6 guardianship, placement with a relative, or, as a last resort, another
7 planned, permanent living arrangement; and

8 (d) Promote and encourage stability and continuity in foster care by
9 discouraging unnecessary changes in the placement of foster children and
10 by encouraging the recruitment of foster parents who may be eligible as
11 adoptive parents.

12 (2) When the office or designated local board determines that the
13 interests of a child in a foster care placement would be served thereby,
14 the office or designated local board may request a court review hearing
15 as provided for in section 43-1313.

16 (3) Due to the confidential and protected nature of child-specific
17 and family-specific information regarding mental and behavioral health
18 services, if such information is discussed at a local board meeting or a
19 portion of a meeting, the portion of the meeting at which such
20 information is discussed shall be exempt from the Open Meetings Act.

21 Sec. 12. Section 43-1309, Revised Statutes Cumulative Supplement,
22 2014, is amended to read:

23 43-1309 Upon the request of the office or designated local board,
24 any records pertaining to a case assigned to such local board shall be
25 furnished to the office or designated local board by the Department of
26 Health and Human Services, by , or upon the request of the Department of
27 Health and Human Services, any records pertaining to a case assigned to
28 the department, shall be furnished to the office or designated local
29 board or department by the agency charged with the child or any public
30 official or employee of a political subdivision having relevant contact
31 with the child, or, upon court order, by the Office of Probation

1 Administration. Upon the request of the Foster Care Review Office office
2 or designated local board, and if such information is not obtainable
3 elsewhere, the court having jurisdiction of the foster child shall
4 release such information to the office or designated local board as the
5 court deems necessary to determine the physical, psychological, and
6 sociological circumstances of such foster child.

7 Sec. 13. Section 43-1313, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:

9 43-1313 When a child is in foster care placement, the court having
10 jurisdiction over such child for the purposes of foster care placement
11 shall review the dispositional order for such child at least once every
12 six months. The court may reaffirm the order or direct other disposition
13 of the child. Any review hearing by a court having jurisdiction over such
14 child for purposes of foster care placement shall be conducted on the
15 record as provided in sections 43-283 and 43-284, and any recommendations
16 of the office or designated local board concerning such child shall be
17 admissible in such proceedings if such recommendations have been provided
18 to all other parties of record included in the record. The court shall
19 review a case on the record more often than every six months and at any
20 time following the original placement of the child if the office or local
21 board requests a hearing in writing specifying the reasons for the
22 review. Members of the office or local board or its designated
23 representative may attend and be heard at any hearing conducted under
24 this section and may participate through counsel at the hearing with the
25 right to call and cross-examine witnesses and present arguments to the
26 court.

27 Sec. 14. (1) An Out-of-Home Data Pilot Project is created. The
28 purpose of the project is to demonstrate, under the supervision of the
29 Out-of-Home Data Pilot Project Advisory Group, how an existing state
30 agency data system or systems currently used to account for children and
31 juveniles in out-of-home placement could serve as a foundation for an

1 independent, external oversight data warehouse. The pilot project shall
2 be administered by the Foster Care Review Office and shall terminate on
3 January 1, 2017.

4 (2) The Out-of-Home Data Pilot Project Advisory Group is created.
5 The group shall include the Inspector General of Nebraska Child Welfare
6 or his or her designee, the State Court Administrator or his or her
7 designee, the probation administrator of the Office of Probation
8 Administration or his or her designee, the executive director of the
9 Nebraska Commission on Law Enforcement and Criminal Justice or his or her
10 designee, the Commissioner of Education or his or her designee, the
11 executive director of the Foster Care Review Office or his or her
12 designee, a representative of the University of Nebraska at Omaha,
13 Juvenile Justice Institute, the Chief Information Officer of the office
14 of Chief Information Officer or his or her designee, and one
15 representative each from the Division of Children and Family Services of
16 the Department of Health and Human Services, the Division of
17 Developmental Disabilities of the Department of Health and Human
18 Services, the Division of Behavioral Health of the Department of Health
19 and Human Services, and the Division of Medicaid and Long-Term Care of
20 the Department of Health and Human Services.

21 (3) The purposes of the Out-of-Home Data Pilot Project Advisory
22 Group are to oversee the Out-of-Home Data Pilot Project and to consider
23 whether an independent, external oversight data warehouse could be
24 created by building on an existing state agency data system or systems
25 currently used to account for children and juveniles in out-of-home
26 placement. The group shall consider the features and capabilities of
27 existing state agency data systems that include: Information on children
28 and juveniles in out-of-home placement; where an independent, external
29 oversight data warehouse might be located within state government for
30 administrative purposes; possible costs associated with establishing and
31 operating an independent, external oversight data warehouse; challenges

1 of data collection; barriers to data sharing; protection of confidential
2 information; restrictions on access to confidential information; and
3 other issues pertinent to the group's purpose. The group shall submit a
4 report electronically to the Legislature, the Governor, and the Supreme
5 Court by December 15, 2015.

6 (4) For purposes of this section, an independent, external oversight
7 data warehouse means a data system which allows data analysis to: (a)
8 Account for children and juveniles in out-of-home placement regardless of
9 whether they entered out-of-home placement through the Department of
10 Health and Human Services or through court involvement; (b) determine
11 whether out-of-home placement outcomes for children and juveniles meet
12 policy goals for children and juveniles in out-of-home placement; (c)
13 determine whether children are better off as a result of out-of-home
14 placement; (d) identify indicators for successful outcomes of out-of-home
15 placement; and (e) project future needs for children and juveniles in
16 out-of-home placement.

17 Sec. 15. Section 43-1318, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:

19 43-1318 Sections 43-1301 to 43-1321 and section 14 of this act shall
20 be known and may be cited as the Foster Care Review Act.

21 Sec. 16. Section 43-2404.02, Revised Statutes Cumulative Supplement,
22 2014, is amended to read:

23 43-2404.02 (1) There is created a separate and distinct budgetary
24 program within the commission to be known as the Community-based Juvenile
25 Services Aid Program. Funding acquired from participation in the federal
26 act, state General Funds, and funding acquired from other sources which
27 may be used for purposes consistent with the Juvenile Services Act and
28 the federal act shall be used to aid in the establishment and provision
29 of community-based services for juveniles who come in contact with the
30 juvenile justice system.

31 (2)(a) Ten percent of the annual General Fund appropriation to the

1 Community-based Juvenile Services Aid Program, excluding administrative
2 budget funds, shall be set aside for the development of a common data set
3 and evaluation of the effectiveness of the Community-based Juvenile
4 Services Aid Program. The intent in creating this common data set is to
5 allow for evaluation of the use of the funds and the effectiveness of the
6 programs or outcomes in the Community-based Juvenile Services Aid
7 Program.

8 (b) The common data set shall be developed and maintained by the
9 commission and shall serve as a primary data collection site for any
10 intervention funded by the Community-based Juvenile Services Aid Program
11 designed to serve juveniles and deter involvement in the formal juvenile
12 justice system. The commission shall work with agencies and programs to
13 enhance existing data sets. To ensure that the data set permits
14 evaluation of recidivism and other measures, the commission shall work
15 with the Office of Probation Administration, juvenile diversion programs,
16 law enforcement, the courts, and others to compile data that demonstrates
17 whether a youth has moved deeper into the juvenile justice system. The
18 University of Nebraska at Omaha, Juvenile Justice Institute, shall assist
19 with the development of common definitions, variables, and training
20 required for data collection and reporting into the common data set by
21 juvenile justice programs. The common data set maintained by the
22 commission shall be provided to the University of Nebraska at Omaha,
23 Juvenile Justice Institute, to assess the effectiveness of the Community-
24 based Juvenile Services Aid Program.

25 (c) Providing the commission access to records and information for,
26 as well as the commission granting access to records and information
27 from, the common data set is not a violation of confidentiality
28 provisions under any law, rule, or regulation if done in good faith for
29 purposes of evaluation. Records and documents, regardless of physical
30 form, that are obtained or produced or presented to the commission for
31 the common data set are not public records for purposes of sections

1 84-712 to 84-712.09.

2 (d) The ten percent of the annual General Fund appropriation to the
3 Community-based Juvenile Services Aid Program, excluding administrative
4 budget funds, shall be appropriated as follows: In fiscal year 2015-16,
5 seven percent shall go to the commission for development of the common
6 data set and three percent shall go to the University of Nebraska at
7 Omaha, Juvenile Justice Institute, for evaluation. In fiscal year
8 2016-17, six percent shall go to the commission for development and
9 maintenance of the common data set and four percent shall go to the
10 University of Nebraska at Omaha, Juvenile Justice Institute, for
11 evaluation. Every fiscal year thereafter, beginning in fiscal year
12 2017-18, five percent shall go to the commission for development and
13 maintenance of the common data set and five percent shall go to the
14 University of Nebraska at Omaha, Juvenile Justice Institute, for
15 evaluation.

16 (e 2) The remaining funds in the annual General Fund appropriation
17 to the Community-based Juvenile Services Aid Program shall be apportioned
18 as aid in accordance with a formula established in rules and regulations
19 adopted and promulgated by the commission. The formula shall be based on
20 the total number of residents per county and federally recognized or
21 state-recognized Indian tribe who are twelve years of age through
22 eighteen years of age and other relevant factors as determined by the
23 commission. The commission may require a local match of up to forty
24 percent from the county, multiple counties, federally recognized or
25 state-recognized Indian tribe or tribes, or any combination of the three
26 which is receiving aid under such program. Any local expenditures for
27 community-based programs for juveniles may be applied toward such match
28 requirement.

29 (3)(a) In distributing funds provided under the Community-based
30 Juvenile Services Aid Program, aid recipients shall prioritize programs
31 and services that will divert juveniles from the juvenile justice system,

1 reduce the population of juveniles in juvenile detention and secure
2 confinement, and assist in transitioning juveniles from out-of-home
3 placements.

4 (b) Funds received under the Community-based Juvenile Services Aid
5 Program shall be used exclusively to assist the aid recipient in the
6 implementation and operation of programs or the provision of services
7 identified in the aid recipient's comprehensive juvenile services plan,
8 including programs for local planning and service coordination;
9 screening, assessment, and evaluation; diversion; alternatives to
10 detention; family support services; treatment services; truancy
11 prevention and intervention programs; pilot projects approved by the
12 commission; payment of transportation costs to and from placements,
13 evaluations, or services; personnel when the personnel are aligned with
14 evidence-based treatment principles, programs, or practices; contracting
15 with other state agencies or private organizations that provide evidence-
16 based treatment or programs; preexisting programs that are aligned with
17 evidence-based practices or best practices; and other services that will
18 positively impact juveniles and families in the juvenile justice system.

19 (c) Funds received under the Community-based Juvenile Services Aid
20 Program shall not be used for the following: Construction of secure
21 detention facilities, secure youth treatment facilities, or secure youth
22 confinement facilities; capital construction or the lease or acquisition
23 of facilities; programs, services, treatments, evaluations, or other
24 preadjudication services that are not based on or grounded in evidence-
25 based practices, principles, and research, except that the commission may
26 approve pilot projects that authorize the use of such aid; or office
27 equipment, office supplies, or office space.

28 (d) Any aid not distributed to counties under this subsection shall
29 be retained by the commission to be distributed on a competitive basis
30 under the Community-based Juvenile Services Aid Program for a county,
31 multiple counties, federally recognized or state-recognized Indian tribe

1 or tribes, or any combination of the three demonstrating additional need
2 in the funding areas identified in this subsection.

3 (e) If a county, multiple counties, or a federally recognized or
4 state-recognized Indian tribe or tribes is denied aid under this section
5 or receives no aid under this section, the entity may request an appeal
6 pursuant to the appeal process in rules and regulations adopted and
7 promulgated by the commission. The commission shall establish appeal and
8 hearing procedures by December 15, 2014. The commission shall make appeal
9 and hearing procedures available on its web site.

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

26 (b) Any recipient of aid under the Community-based Juvenile Services
27 Aid Program shall be assisted by the University of Nebraska at Omaha,
28 Juvenile Justice Institute, in reporting in the common data set, as set
29 forth in the rules and regulations adopted and promulgated by the
30 commission. Community-based aid utilization and evaluation data shall be
31 stored and maintained by the commission.

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

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

7 (ii) Whether juveniles are sent to staff secure or secure juvenile
8 detention after participating in a program funded by the Community-based
9 Juvenile Services Aid Program.

10 (5) The commission shall report annually to the Governor and the
11 Legislature on the distribution and use of funds for aid appropriated
12 under the Community-based Juvenile Services Aid Program. The report shall
13 include, but not be limited to, an aggregate report of the use of the
14 Community-based Juvenile Services Aid Program funds, including the types
15 of juvenile services and programs that were funded, demographic
16 information on the total number of juveniles served, program success
17 rates, the total number of juveniles sent to secure juvenile detention or
18 residential treatment and secure confinement, and a listing of the
19 expenditures of all counties and federally recognized or state-recognized
20 Indian tribes for detention, residential treatment, and secure
21 confinement. The report submitted to the Legislature shall be submitted
22 electronically.

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

30 (a) The required elements of a comprehensive juvenile services plan
31 and planning process;

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

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

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

8 (e) A reporting process for aid recipients;~~and~~

9 (f) A reporting process for the commission to the Governor and
10 Legislature. The report shall be made electronically to the Governor and
11 the Legislature; and -

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

13 Sec. 17. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16,
14 and 19 of this act become operative three calendar months after the
15 adjournment of this legislative session. The other sections of this act
16 become operative on their effective date.

17 Sec. 18. Original section 43-1318, Revised Statutes Cumulative
18 Supplement, 2014, is repealed.

19 Sec. 19. Original sections 29-1816, 43-245, 43-246.01, 43-247,
20 43-297.01, 43-2,108.05, 43-1301, 43-1302, 43-1303, 43-1304, 43-1308,
21 43-1309, 43-1313, and 43-2404.02, Revised Statutes Cumulative Supplement,
22 2014, are repealed.

23 Sec. 20. Since an emergency exists, this act takes effect when
24 passed and approved according to law.