

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 13

Introduced by Krist, 10.

Read first time January 08, 2015

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Juvenile Services Act; to amend section
- 2 43-2404.02, Revised Statutes Cumulative Supplement, 2014; to change
- 3 provisions relating to the Community-based Juvenile Services Aid
- 4 Program; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-2404.02, Revised Statutes Cumulative
2 Supplement, 2014, is amended to read:

3 43-2404.02 (1) There is created a separate and distinct budgetary
4 program within the commission to be known as the Community-based Juvenile
5 Services Aid Program. Funding acquired from participation in the federal
6 act, state General Funds, and funding acquired from other sources which
7 may be used for purposes consistent with the Juvenile Services Act and
8 the federal act shall be used to aid in the establishment and provision
9 of community-based services for juveniles who come in contact with the
10 juvenile justice system.

11 (2) Ten percent of the annual General Fund appropriation to the
12 Community-based Juvenile Services Aid Program shall be set aside for the
13 development of a common data system at the University of Nebraska at
14 Omaha, Juvenile Justice Institute, to assess the effectiveness of the
15 Community-based Juvenile Services Aid Program. The common data system
16 shall serve as a primary collection site for any intervention funded with
17 community-based juvenile services aid designed to serve juveniles and
18 deter involvement in the formal system. The remaining ninety percent of
19 the annual General Fund appropriation to the Community-based Juvenile
20 Services Aid Program shall be apportioned as aid in accordance with a
21 formula established in rules and regulations adopted and promulgated by
22 the commission. The formula shall be based on the total number of
23 residents per county and federally recognized or state-recognized Indian
24 tribe who are twelve years of age through eighteen years of age and other
25 relevant factors as determined by the commission. The commission may
26 require a local match of up to forty percent from the county, multiple
27 counties, federally recognized or state-recognized Indian tribe or
28 tribes, or any combination of the three which is receiving aid under such
29 program. Any local expenditures for community-based programs for
30 juveniles may be applied toward such match requirement.

31 (3)(a) In distributing funds provided under the Community-based

1 Juvenile Services Aid Program, aid recipients shall prioritize programs
2 and services that will divert juveniles from the juvenile justice system,
3 reduce the population of juveniles in juvenile detention and secure
4 confinement, and assist in transitioning juveniles from out-of-home
5 placements.

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

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

30 (d) Any aid not distributed to counties under this subsection shall
31 be retained by the commission to be distributed on a competitive basis

1 under the Community-based Juvenile Services Aid Program for a county,
2 multiple counties, federally recognized or state-recognized Indian tribe
3 or tribes, or any combination of the three demonstrating additional need
4 in the funding areas identified in this subsection.

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

12 (4)(a) Any recipient of aid under the Community-based Juvenile
13 Services Aid Program shall file a biannual ~~an annual~~ report as required
14 by rules and regulations adopted and promulgated by the commission. The
15 report shall include, but not be limited to, individual-level and
16 program-level data. Specifically, the recipients shall report the type of
17 juvenile service, how the service met the goals of the comprehensive
18 juvenile services plan, demographic information on the total number of
19 juveniles served, program success rates, the total number of juveniles
20 served, the number of juveniles who completed the program or
21 intervention, and the number of juveniles who did not complete the
22 program or intervention. sent to secure juvenile detention or residential
23 treatment and secure confinement, and

24 (b) Any recipient of aid shall be assisted in reporting through the
25 development of the common data reporting system. The system shall further
26 enable the University of Nebraska at Omaha, Juvenile Justice Institute to
27 measure outcomes for youth who participated in the program or
28 intervention. On January 30 and July 30 of each year, every program,
29 county, or federally recognized or state-recognized Indian tribe or
30 tribes receiving aid shall report electronically to the Director of the
31 University of Nebraska at Omaha, Juvenile Justice Institute. The report

1 shall include information pertaining to the program required by rules and
2 regulations adopted and promulgated by the commission. Aid recipients
3 that complete the reports on individual youth participation in funded
4 programs may request to use aid for computers to facilitate electronic
5 reporting.

6 (c) Community-based aid utilization and evaluation data shall be
7 stored and maintained by the commission.

8 (d) Evaluation of the use of the funds and the evidence of
9 effectiveness of the programs shall be completed by the University of
10 Nebraska at Omaha, Juvenile Justice Institute, specifically:

11 (i) Whether juveniles enrolled in community-based programs have
12 reduced recidivism as defined by rules and regulations; and

13 (ii) Whether juveniles are sent to staff secure, secure juvenile
14 detention, or residential treatment and secure confinement after
15 participating in a community-based aid program.

16 (e) The University of Nebraska at Omaha, Juvenile Justice Institute
17 shall work jointly with the commission to compile a listing of the
18 expenditures for detention, residential treatment, and nonresidential
19 treatment.

20 (5) The commission shall report annually to the Governor and the
21 Legislature on the distribution and use of funds for aid appropriated
22 under the Community-based Juvenile Services Aid Program. The report shall
23 include, but not be limited to, an aggregate report of the use of the
24 Community-based Juvenile Services Aid Program funds, including the types
25 of juvenile services and programs that were funded, demographic
26 information on the total number of juveniles served, program success
27 rates, the total number of juveniles sent to secure juvenile detention or
28 residential treatment and secure confinement, and a listing of the
29 expenditures of all counties and federally recognized or state-recognized
30 Indian tribes for detention, residential treatment, and secure
31 confinement. The report submitted to the Legislature shall be submitted

1 electronically.

2 (6) The commission shall adopt and promulgate rules and regulations
3 for the Community-based Juvenile Services Aid Program in consultation
4 with the Director of the Community-based Juvenile Services Aid Program,
5 the Director of Juvenile Diversion Programs, the Office of Probation
6 Administration, the Nebraska Association of County Officials, and the
7 University of Nebraska at Omaha, Juvenile Justice Institute. The rules
8 and regulations shall include, but not be limited to:

9 (a) The required elements of a comprehensive juvenile services plan
10 and planning process;

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

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

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

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

19 (f) A reporting process for the commission to the Governor and
20 Legislature. The report shall be made electronically to the Governor and
21 the Legislature; and -

22 (g) Requirements regarding the use of the common data system to
23 assess the effectiveness of the Community-based Juvenile Services Aid
24 Program, including tracking youth across multiple systems such as
25 diversion, probation, and detention.

26 Sec. 2. Original section 43-2404.02, Revised Statutes Cumulative
27 Supplement, 2014, is repealed.