

LEGISLATURE OF NEBRASKA  
NINETY-SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1164**

Introduced by Thompson, 14; Dw. Pedersen, 39; Price, 26; Suttle, 10

Read first time January 10, 2000

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Juvenile Services Act; to amend sections  
2 43-2401 to 43-2406, 43-2408, 43-2409, and 43-2411 to  
3 43-2413, Reissue Revised Statutes of Nebraska; to  
4 eliminate a committee and coordinator; to create a  
5 coalition and coordinator; to change and eliminate grant  
6 provisions; to harmonize provisions; to provide an  
7 operative date; to repeal the original sections; and to  
8 outright repeal sections 43-2407, 43-2410, and 43-2414,  
9 Reissue Revised Statutes of Nebraska.  
10 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 43-2401, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           43-2401. Sections 43-2401 to ~~43-2414~~ 43-2413 shall be  
4 known and may be cited as the Juvenile Services Act.

5           Sec. 2. Section 43-2402, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           43-2402. For purposes of the Juvenile Services Act:

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

10           (2) Commission shall mean the Nebraska Commission on Law  
11 Enforcement and Criminal Justice;

12           ~~(2) Committee shall mean the Juvenile Services Grant~~  
13 ~~Committee established pursuant to section 43-2411;~~

14           (3) Eligible applicant ~~shall mean~~ means a community-based  
15 agency or organization, ~~community team,~~ political subdivision,  
16 school district, ~~or~~ federally recognized or state-recognized Indian  
17 tribe, or state agency necessary to comply with the federal act;

18           (4) Federal act means the Juvenile Justice and  
19 Delinquency Prevention Act of 1974, as amended, 42 U.S.C. 5601 et  
20 seq.;

21           (5) Juvenile ~~shall mean~~ means a person who is under  
22 eighteen years of age;

23           ~~(5)~~ (6) Plan ~~shall mean~~ means the comprehensive juvenile  
24 services plan required pursuant to section 43-2405; and

25           ~~(6)~~ (7) Program ~~shall mean~~ means those programs and  
26 services described in section 43-2404.

27           Sec. 3. Section 43-2403, Reissue Revised Statutes of  
28 Nebraska, is amended to read:

1                   43-2403.     The Legislature hereby finds that the  
2 incarceration of juveniles in adult jails, lockups, and  
3 correctional facilities is contrary to the best interests and  
4 well-being of juveniles and frequently inconsistent with state and  
5 federal law requiring intervention by the least restrictive method.  
6 The Legislature further finds that the lack of available  
7 alternatives within local communities is a significant factor in  
8 the incarceration of juveniles in such adult jails, lockups, and  
9 correctional facilities.     The Legislature further finds that  
10 juvenile justice agencies should establish formal cooperative  
11 agreements to enhance coordination. Consideration should be given  
12 to merging state juvenile services functions if such consolidation  
13 serves to reduce fragmentation, improve efficiency, and enhance  
14 services to juveniles.

15                   To address such lack of available alternatives to the  
16 incarceration of juveniles, the Legislature declares it to be the  
17 policy of the State of Nebraska to aid local communities in the  
18 establishment of programs or services for juveniles under the  
19 jurisdiction of the juvenile or criminal justice system and to  
20 finance such programs or services with appropriations from the  
21 General Fund and with funds acquired by participation in the  
22 federal act. The purposes of the Juvenile Services Act shall be to  
23 (1) ~~develop statewide criteria for programs or services for~~  
24 ~~juveniles, including a description of factors to be considered in~~  
25 ~~making placement decisions and a description of necessary~~  
26 ~~components of programs or services,~~ (2) assist in the provision of  
27 appropriate preventive, diversionary, and dispositional  
28 alternatives for juveniles, ~~(3)~~ (2) encourage coordination of the

1 elements of the juvenile services system, and ~~(4)~~ (3) provide an  
2 opportunity for local involvement in developing community programs  
3 for juveniles so that the following objectives may be obtained:

4 (a) Preservation of the family unit whenever the best  
5 interests of the juvenile are served and such preservation does not  
6 place the juvenile at imminent risk;

7 (b) Limitation on intervention to those actions which are  
8 necessary and the utilization of the least restrictive yet most  
9 effective and appropriate resources;

10 (c) Encouragement of active family participation in  
11 whatever treatment is afforded a juvenile whenever the best  
12 interests of the juvenile require it;

13 (d) Treatment in the community rather than commitment to  
14 a youth rehabilitation and treatment center whenever the best  
15 interests of the juvenile require it; and

16 (e) Encouragement of and assistance to communities in the  
17 development of alternatives to secure temporary custody for  
18 juveniles who do not require secure detention.

19 All state agencies providing direct services to juveniles  
20 shall coordinate their efforts and work with the commission,  
21 members of the judiciary, and local political subdivisions in the  
22 development of a comprehensive juvenile services plan and the  
23 establishment and provision of programs or services in such plan.  
24 Programs or services established pursuant to the Juvenile Services  
25 Act and the federal act shall conform to the family policy tenets  
26 prescribed in sections 43-532 to 43-534.

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

1           43-2404.   ~~On and after July 15, 1992, and annually~~  
2 ~~thereafter, the commission~~   The coalition shall make award  
3 recommendations to the commission, at least annually, solely on the  
4 ~~recommendation of the committee, shall award grants~~ in accordance  
5 with the Juvenile Services Act and the federal act to assist  
6 communities in the implementation and operation of programs or  
7 services identified in their comprehensive juvenile services plan,  
8 including, but not limited to, programs for assessment and  
9 evaluation, the prevention of delinquent behavior, diversion,  
10 detention, shelter care, intensive juvenile probation services,  
11 restitution, family support services, and community centers for the  
12 care and treatment of juveniles in need of services.

13           Sec. 5.   Section 43-2405, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           43-2405.   (1) An eligible applicant may apply to the  
16 ~~committee coalition~~ in a manner and form prescribed by the  
17 ~~committee commission~~ for funds made available under the Juvenile  
18 Services Act or the federal act.   ~~The committee may require an~~  
19 ~~eligible applicant to appear before the committee to explain its~~  
20 ~~application in greater detail~~.   The application shall include a  
21 comprehensive juvenile services plan. Grants shall be awarded to  
22 eligible applicants at least annually within the limits of  
23 available funds until programs are available statewide. On  
24 request, the commission may provide consultation and technical  
25 assistance to eligible applicants to aid in the development and  
26 implementation of such plans.

27           (2) All plans shall comply with rules and regulations  
28 adopted and promulgated by the commission pursuant to the Juvenile

1 Services Act or the federal act. include, but not be limited to:

2 (a) An identification of the geographic area to be served  
3 by the proposed program and the target population to be served,

4 (b) A description of the programs of public and private  
5 agencies within the geographic area to be served which offer  
6 services to juveniles at various age levels, including those  
7 programs which have a significant prevention aspect or objective,

8 (c) A demonstration of the need for each program or  
9 service and its purpose,

10 (d) A demonstration of the commitment of the eligible  
11 applicant and other participants in the plan, including, but not  
12 limited to, a commitment of matching funds, either in cash or in  
13 kind, by public or private resources within the community, county,  
14 or region,

15 (e) A description of the manner in which programs are  
16 expected to meet the identified juvenile crime problems and the  
17 juvenile needs of the geographic area to be served,

18 (f) A description of the manner in which the proposed  
19 programs or services are expected to meet the purposes of the act,

20 (g) Evidence of coordination and cooperation between  
21 service agencies or community organizations in the development of  
22 the plan,

23 (h) A detailed strategy explaining how the community will  
24 implement proposed programs or services during the first year of  
25 the plan,

26 (i) An identification of those individuals and  
27 organizations involved in the plan,

28 (j) A description of the manner in which the programs

1 ~~interrelate with other similar state or local programs;~~

2 ~~(k) Provisions for administering money awarded under the~~  
3 ~~act;~~

4 ~~(l) Criteria to be used by the eligible applicant in~~  
5 ~~evaluating programs in the plan funded pursuant to the act; and~~

6 ~~(m) The information required by section 43-2406.~~

7 (3) Any portion of the plan dealing with the  
8 administration, procedures, and programs of the juvenile court  
9 shall not be submitted to the commission without the concurrence of  
10 the presiding judge of the court having jurisdiction in juvenile  
11 cases for the geographic area to be served.

12 (4) Eligible applicants may give consideration to  
13 contracting with private nonprofit agencies for the provision of  
14 programs.

15 ~~(5) An eligible applicant receiving money under the act~~  
16 ~~shall not make any amendment or modification which involves more~~  
17 ~~than two thousand dollars of approved funding to an approved plan~~  
18 ~~without first seeking approval from the commission. An eligible~~  
19 ~~applicant making an amendment or modification which involves two~~  
20 ~~thousand dollars or less of approved funding shall notify the~~  
21 ~~commission within thirty days after making such amendment or~~  
22 ~~modification. Failure to notify the commission shall result in the~~  
23 ~~withdrawal of the funding involved in the amendment or~~  
24 ~~modification.~~

25 Sec. 6. Section 43-2406, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 43-2406. From amounts appropriated to the commission for  
28 programs by the Legislature the Juvenile Services Act or funds

1 available through the federal act, the commission shall award  
2 grants on a competitive basis to eligible applicants identified in  
3 ~~the plan~~ based upon criteria ~~to be~~ determined by the commission.  
4 ~~committee~~. Such criteria shall include, but not be limited to, the  
5 following information which shall be provided in the plan:

6 (1) ~~Availability of programs or services in the~~  
7 ~~geographic area to be served,~~

8 (2) ~~A description in the plan of the juvenile crime~~  
9 ~~problems and the needs of juveniles within the geographic area to~~  
10 ~~be served, including an analysis of the leading causes of juvenile~~  
11 ~~crime in the geographic area to be served, trends in juvenile crime~~  
12 ~~in the geographic area to be served, and proposals for addressing~~  
13 ~~juvenile crime and juvenile needs in the geographic area to be~~  
14 ~~served,~~

15 (3) ~~An analysis of how well the plan will address the~~  
16 ~~needs of the geographic area to be served,~~

17 (4) ~~An analysis of the overall commitment of the eligible~~  
18 ~~applicant and other participants to the plan, including the~~  
19 ~~commitment of matching funds,~~

20 (5) ~~An explanation of how, in rural areas, plans are~~  
21 ~~multicity, multicounty, or regional in scope or utilize interlocal~~  
22 ~~agreements or contracts for the provision of services,~~

23 (6) ~~A demonstration of collaboration and cooperation~~  
24 ~~between interested agencies or parties in the geographic area to be~~  
25 ~~served,~~

26 (7) ~~An explanation of how plans comprehensively address~~  
27 ~~the needs of juveniles in the geographic area to be served as~~  
28 ~~defined in the plan,~~

1           ~~(8) An explanation of how plans aid in reducing the~~  
 2 ~~number of commitments to the youth rehabilitation and treatment~~  
 3 ~~centers or placements in other long-term, out-of-home care for~~  
 4 ~~juvenile offenders; and~~

5           ~~(9) A demonstration that the following programs are~~  
 6 ~~provided or will be provided within the community, county, or~~  
 7 ~~region by public or private agencies:~~

8           ~~(a) Twenty-four-hour intake screening services or~~  
 9 ~~accessibility to such services;~~

10           ~~(b) Family crisis intervention services;~~

11           ~~(c) A program to divert juveniles from the juvenile~~  
 12 ~~justice system;~~

13           ~~(d) A program of options to juvenile detention; and~~

14           ~~(e) A program to provide nonrestrictive services to~~  
 15 ~~juveniles who are alleged to have committed acts which would not be~~  
 16 ~~offenses if committed by adults.~~

17           ~~The committee may specify additional criteria as it deems~~  
 18 ~~necessary. It is the intent of the Legislature that competitive~~  
 19 ~~grants shall be distributed statewide from available funds.~~

20           Sec. 7. Section 43-2408, Reissue Revised Statutes of  
 21 Nebraska, is amended to read:

22           43-2408. (1) ~~Funds Grants~~ provided under ~~the Juvenile~~  
 23 ~~Services Act~~ section 43-2406 may be used for developing programs  
 24 and for acquiring, developing, or improving local facilities for  
 25 juveniles if the development and use of the facilities are  
 26 prescribed in the approved plan.

27           (2) No funds awarded under ~~the act~~ section 43-2406 shall  
 28 be used to acquire, develop, build, or improve local correctional

1 facilities which are not specifically utilized for juveniles.

2           Sec. 8.     Section 43-2409, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           43-2409.   (1) The ~~commission~~ coalition shall review  
5 periodically the performance of eligible applicants participating  
6 under the Juvenile Services Act and the federal act to determine if  
7 substantial compliance criteria is being met. ~~If the committee or~~  
8 ~~commission determines that there are reasonable grounds to believe~~  
9 ~~that an eligible applicant is not in substantial compliance with~~  
10 ~~its plan, the committee or commission, after giving the eligible~~  
11 ~~applicant not less than thirty days' notice, shall conduct a public~~  
12 ~~hearing to ascertain whether there is substantial compliance or~~  
13 ~~satisfactory progress being made toward compliance.~~ ~~In its notice,~~  
14 ~~the committee or commission shall identify the reasons for~~  
15 ~~believing that the eligible applicant is out of compliance.~~ ~~After~~  
16 ~~the hearing, the commission may suspend any portion of those funds~~  
17 ~~made available to the eligible applicant under the act until the~~  
18 ~~required compliance occurs or may rescind any portion of such~~  
19 ~~funds.~~ The commission shall establish criteria for defining  
20 substantial compliance.

21           (2) ~~Funds~~ Grants received by an eligible applicant under  
22 ~~the act section 43-2406~~ shall not be used to replace or supplant  
23 any funds currently being used to support existing programs for  
24 juveniles.

25           (3) ~~Funds~~ Grants received under ~~the act~~ section 43-2406  
26 shall not be used for capital construction or the lease or  
27 acquisition of facilities unless such uses have been approved by  
28 the commission.

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

3           43-2411.   (1) ~~The Juvenile Services Grant Committee is~~  
4 ~~hereby Nebraska Coalition for Juvenile Justice is~~ created. ~~As~~  
5 ~~provided in the federal act, there shall be no less than fifteen~~  
6 ~~nor more than thirty-three members of the coalition.~~ The ~~committee~~  
7 ~~shall be comprised of coalition members shall be appointed by the~~  
8 ~~Governor and shall include:~~

9           (a) ~~Three members in good standing of the Nebraska State~~  
10 ~~Bar Association, each experienced in practice before the juvenile~~  
11 ~~court, one to be selected from each congressional district by the~~  
12 ~~president of the Nebraska State Bar Association,~~

13           (b) ~~One director of a secure juvenile detention facility,~~  
14 ~~or his or her designee, to be selected by the chairperson of the~~  
15 ~~Jail Standards Board,~~

16           (c) ~~The Director of Correctional Services or his or her~~  
17 ~~designee,~~

18           (d) ~~The Director of Health and Human Services or his or~~  
19 ~~her designee,~~

20           (e) ~~The Executive Director of the Nebraska Commission on~~  
21 ~~Law Enforcement and Criminal Justice or his or her designee,~~

22           (f) ~~The Commissioner of Education or his or her designee,~~

23           (g) ~~The Executive Director of the Nebraska Association of~~  
24 ~~County Officials or his or her designee,~~

25           (h) ~~Three representatives of community-based,~~  
26 ~~not-for-profit agencies solely dedicated to serving the needs of~~  
27 ~~youth and families, one from each congressional district, to be~~  
28 ~~selected by nomination and a majority vote of approval of the~~

1 ~~members of the committee;~~

2           ~~(i) A member of the Juvenile Justice Advisory Committee~~  
3 ~~to the Nebraska Commission on Law Enforcement and Criminal Justice~~  
4 ~~to be selected by the Juvenile Justice Advisory Committee;~~

5           ~~(j) Three representatives of community mental health, one~~  
6 ~~from each congressional district to be selected by the Nebraska~~  
7 ~~Association of Community Mental Health Providers; and~~

8           ~~(k) Three county officials, one to be selected from each~~  
9 ~~congressional district by the Nebraska Association of County~~  
10 ~~Officials.~~

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

12           (b) The Director of Health and Human Services, or his or  
13 her designee;

14           (c) The Commissioner of Education, or his or her  
15 designee;

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

18           (e) The executive director of the Nebraska Association of  
19 County Officials, or his or her designee;

20           (f) The probation administrator of the Office of  
21 Probation Administration, or his or her designee;

22           (g) One county commissioner;

23           (h) One police chief;

24           (i) One sheriff;

25           (j) One separate juvenile court judge;

26           (k) One county court judge;

27           (l) One representative from mental health who works  
28 directly with juveniles;

1           (m) Three representatives, one from each congressional  
2 district, from community-based private nonprofit organizations who  
3 work with delinquent juveniles and their families;

4           (n) One volunteer who works with delinquent juveniles or  
5 potential delinquent juveniles;

6           (o) One person who works with an alternative to  
7 incarceration program for juveniles;

8           (p) The director or his or her designee from one youth  
9 rehabilitation and treatment center;

10           (q) The director or his or her designee from a secure  
11 youth confinement facility;

12           (r) The director or his or her designee from a staff  
13 secure youth confinement facility;

14           (s) At least five members who are under twenty-four years  
15 of age when appointed;

16           (t) One person who works directly with juveniles who have  
17 learning or emotional difficulties, or are abused or neglected;

18           (u) One member of the Nebraska Commission on Law  
19 Enforcement and Criminal Justice; and

20           (v) One county attorney.

21           (2) The terms of members appointed pursuant to  
22 subdivisions ~~(1)(a) and (1)(h) through (1)(k)~~ (1)(g) through (1)(v)  
23 of this section shall be three years, except that the terms of the  
24 initial members of the board shall be staggered so that one-third  
25 of the members are appointed for terms of one year, one-third for  
26 terms of two years, and one-third for terms of three years, as  
27 determined by the Governor. A majority of the coalition members,  
28 including the chairperson, shall not be full-time employees of

1 federal, state, or local government. At least one-fifth of the  
 2 coalition members shall be under the age of twenty-four at the time  
 3 of appointment. Any vacancy on the ~~committee~~ coalition shall be  
 4 filled in the same manner in which the original appointment was  
 5 made by appointment by the Governor. Any new appointments to the  
 6 ~~committee required by Laws 1997, LB 424,~~ shall be made within sixty  
 7 ~~days after September 13, 1997.~~ The ~~committee~~ coalition shall  
 8 select a chairperson, a vice-chairperson, and such other officers  
 9 as it deems necessary.

10 (3) Members of the ~~committee~~ coalition shall be  
 11 reimbursed for their actual and necessary expenses pursuant to  
 12 sections 81-1174 to 81-1177.

13 (4) ~~The committee shall meet at least four times a year~~  
 14 ~~and at other times deemed necessary to perform its functions.~~

15 ~~(5)~~ The ~~committee~~ coalition may appoint task forces or  
 16 subcommittees to carry out its work. Task force and subcommittee  
 17 members shall have knowledge of, responsibility for, or interest in  
 18 an area related to the duties of the ~~committee~~ coalition.

19 ~~(6)~~ The ~~coordinator of the Juvenile Services Act~~  
 20 ~~established pursuant to section 43-2413 shall serve as staff to the~~  
 21 ~~committee.~~

22 Sec. 10. Section 43-2412, Reissue Revised Statutes of  
 23 Nebraska, is amended to read:

24 43-2412. (1) Consistent with the purposes and objectives  
 25 of the Juvenile Services Act and the federal act, the ~~committee~~  
 26 coalition shall:

27 (a) Make recommendations to the commission on the  
 28 awarding of grants to eligible applicants; ~~with plans,~~

1           (b) Identify and implement solutions to juvenile justice  
 2 issues, share information, and monitor and evaluate programs in the  
 3 juvenile justice system;

4           (c) ~~Develop a uniform system of reporting and collecting~~  
 5 ~~statistical data from eligible applicants and other participants in~~  
 6 ~~the plan;~~

7           ~~(c) Develop or contract for the development of a~~  
 8 ~~statewide system to monitor and evaluate the effectiveness of plans~~  
 9 ~~provided under the act in preventing persons from entering the~~  
 10 ~~juvenile justice system and in rehabilitating juvenile offenders;~~

11           ~~(d) Recommend guidelines to be used for the diversion of~~  
 12 ~~juveniles from the juvenile justice system;~~

13           ~~(e) Prepare an annual report to the Governor and the~~  
 14 ~~Legislature, on the criteria, recommendations, and guidelines~~  
 15 ~~developed under this section, including recommendations on~~  
 16 ~~administrative and legislative actions which would improve the~~  
 17 ~~juvenile justice system;~~

18           ~~(f) (d) Ensure widespread citizen involvement in all~~  
 19 ~~phases of its work; and~~

20           ~~(g) (e) Meet at least once every three months four times~~  
 21 ~~each year.~~

22           (2) Consistent with the purposes and objectives of the  
 23 ~~act~~ acts and within the limits of available time and  
 24 appropriations, the ~~committee~~ coalition may:

25           (a) Recommend criteria for administrative procedures,  
 26 including, but not limited to, procedures for intake, detention,  
 27 petition filing, and probation supervision;

28           (b) Recommend minimum professional standards, including

1 requirements for continuing professional training, for employees of  
2 community-based, youth-serving agencies;

3 (c) Recommend curricula for and cause to have conducted  
4 training sessions for juvenile court judges and employees of other  
5 community-based, youth-serving agencies;

6 (d) Assist and advise state and local agencies in the  
7 establishment of volunteer training programs and the utilization of  
8 volunteers;

9 (e) Apply for and receive funds from federal and private  
10 sources for carrying out its powers and duties; and

11 (f) Provide consultation services or technical assistance  
12 to eligible applicants.

13 (3) In formulating, adopting, and promulgating the  
14 standards, recommendations, and guidelines provided for in this  
15 section, the ~~committee~~ coalition shall consider the differences  
16 among counties in population, in geography, and in the availability  
17 of local resources.

18 Sec. 11. Section 43-2413, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 43-2413. There is ~~hereby~~ established within the  
21 commission the position of coordinator ~~of~~ for the ~~Juvenile Services~~  
22 ~~Act~~ Nebraska Coalition for Juvenile Justice. The coordinator shall  
23 assist the commission in the administration of ~~such~~ the Juvenile  
24 Services Act and the federal act and shall serve as staff to the  
25 ~~committee pursuant to section 43-2411~~ coalition.

26 Sec. 12. This act becomes operative on January 1, 2001.

27 Sec. 13. Original sections 43-2401 to 43-2406, 43-2408,  
28 43-2409, and 43-2411 to 43-2413, Reissue Revised Statutes of

1 Nebraska, are repealed.

2           Sec. 14. The following sections are outright repealed:

3 Sections 43-2407, 43-2410, and 43-2414, Reissue Revised Statutes of

4 Nebraska.