

AMENDMENTS TO LB 23

1           1.     Strike original section 2 and insert the following  
2 new sections:

3           "Section 1. Section 43-247, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           43-247. The juvenile court shall have exclusive original  
6 jurisdiction as to any juvenile defined in subdivision (1) of this  
7 section who is under the age of sixteen, as to any juvenile defined  
8 in subdivision (3) of this section, and as to the parties and  
9 proceedings provided in subdivisions (5), (6), and (8) of this  
10 section. As used in this section, all references to the juvenile's  
11 age shall be the age at the time the act which occasioned the  
12 juvenile court action occurred. The juvenile court shall have  
13 concurrent original jurisdiction with the district court as to any  
14 juvenile defined in subdivision (2) of this section. The juvenile  
15 court shall have concurrent original jurisdiction with the district  
16 court and county court as to any juvenile defined in subdivision  
17 (1) of this section who is age sixteen or seventeen, any juvenile  
18 defined in subdivision (4) of this section, and any proceeding  
19 under subdivision (7) or ~~(10)~~ (11) of this section. The juvenile  
20 court shall have concurrent original jurisdiction with the county  
21 court as to any proceeding under subdivision (9) or (10) of this  
22 section. Notwithstanding any disposition entered by the juvenile  
23 court under the Nebraska Juvenile Code, the juvenile court's  
24 jurisdiction over any individual adjudged to be within the

1 provisions of this section shall continue until the individual  
2 reaches the age of majority or the court otherwise discharges the  
3 individual from its jurisdiction.

4 The juvenile court in each county as herein provided  
5 shall have jurisdiction of:

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

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

12 (3) Any juvenile (a) who is homeless or destitute, or  
13 without proper support through no fault of his or her parent,  
14 guardian, or custodian; who is abandoned by his or her parent,  
15 guardian, or custodian; who lacks proper parental care by reason of  
16 the fault or habits of his or her parent, guardian, or custodian;  
17 whose parent, guardian, or custodian neglects or refuses to provide  
18 proper or necessary subsistence, education, or other care necessary  
19 for the health, morals, or well-being of such juvenile; whose  
20 parent, guardian, or custodian is unable to provide or neglects or  
21 refuses to provide special care made necessary by the mental  
22 condition of the juvenile; or who is in a situation or engages in  
23 an occupation dangerous to life or limb or injurious to the health  
24 or morals of such juvenile, (b) who, by reason of being wayward or  
25 habitually disobedient, is uncontrolled by his or her parent,  
26 guardian, or custodian; who deports himself or herself so as to  
27 injure or endanger seriously the morals or health of himself,

1 herself, or others; or who is habitually truant from home or  
2 school, or (c) who is mentally ill and dangerous as defined in  
3 section 83-1009;

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

6 (5) The parent, guardian, or custodian who has custody of  
7 any juvenile described in this section;

8 (6) The proceedings for termination of parental rights as  
9 provided in the Nebraska Juvenile Code;

10 (7) The proceedings for termination of parental rights as  
11 provided in section 42-364;

12 (8) Any juvenile who has been voluntarily relinquished,  
13 pursuant to section 43-106.01, to the Department of Health and  
14 Human Services or any child placement agency licensed by the  
15 Department of Health and Human Services;

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

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

22 ~~(10)~~ (11) The paternity determination for a child over  
23 which the juvenile court already has jurisdiction.

24 Notwithstanding the provisions of the Nebraska Juvenile  
25 Code, the determination of jurisdiction over any Indian child as  
26 defined in section 43-1503 shall be subject to the Nebraska Indian  
27 Child Welfare Act.

1                   Sec. 2.   Section 43-284, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

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

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

25                   The amount to be paid by a county for education pursuant  
26 to this section shall not exceed the average cost for education of  
27 a public school student in the county in which the juvenile is

1 placed and shall be paid only for education in kindergarten through  
2 grade twelve.

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

9           Sec. 4.     Section 43-2,125, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           43-2,125.   Whenever any judge of a separate juvenile  
12 court is disabled or disqualified to act in any cause before him or  
13 her or is temporarily absent from the county or whenever it would  
14 be beneficial to the administration of justice, a judge of the  
15 district court may agree to serve as judge of the separate juvenile  
16 court during such period or the Chief Justice of the Supreme Court  
17 may designate and appoint a judge of the district court, a judge of  
18 another separate juvenile court, or a judge of the county court to  
19 serve as judge of the separate juvenile court during such period.  
20 The Chief Justice may also appoint a judge of a separate juvenile  
21 court to hear juvenile matters in a county court.

22           Sec. 5.   Original sections 43-247, 43-284, 43-2,119, and  
23 43-2,125, Reissue Revised Statutes of Nebraska, are repealed."

24           2.    Rename the remaining sections accordingly.