

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 391

Introduced by Erdman, 47; Byars, 30; Janssen, 15; Quandahl, 31

Read first time January 15, 2003

Committee: Judiciary

A BILL

1 FOR AN ACT relating to minors; to amend sections 43-289 and
2 43-2101, Reissue Revised Statutes of Nebraska, and
3 section 43-245, Revised Statutes Supplement, 2002; to
4 change the age of majority and the definition of a minor
5 to eighteen years of age as prescribed; to provide an
6 operative date; and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-245, Revised Statutes Supplement,
2 2002, is amended to read:

3 43-245. For purposes of the Nebraska Juvenile Code,
4 unless the context otherwise requires:

5 (1) Age of majority means ~~nineteen~~ eighteen years of age;

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

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

12 (4) Juvenile means any person under the age of eighteen;

13 (5) Juvenile court means the separate juvenile court
14 where it has been established pursuant to sections 43-2,111 to
15 43-2,127 and the county court sitting as a juvenile court in all
16 other counties. Nothing in the Nebraska Juvenile Code shall be
17 construed to deprive the district courts of their habeas corpus,
18 common-law, or chancery jurisdiction or the county courts and
19 district courts of jurisdiction of domestic relations matters as
20 defined in section 25-2740;

21 (6) Juvenile detention facility has the same meaning as
22 in section 83-4,125;

23 (7) Mediator for juvenile offender and victim mediation
24 means a person who (a) has completed at least thirty hours of
25 training in conflict resolution techniques, neutrality, agreement
26 writing, and ethics set forth in section 25-2913, (b) has an
27 additional eight hours of juvenile offender and victim mediation
28 training, and (c) meets the apprenticeship requirements set forth

1 in section 25-2913;

2 (8) Mental health facility means a mental health center
3 as defined in section 83-1006 or a government, private, or state
4 hospital which treats mental illness;

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

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

15 (11) Parent means one or both parents or a stepparent
16 when such stepparent is married to the custodial parent as of the
17 filing of the petition;

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

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

24 (14) Secure detention means detention in a highly
25 structured, residential, hardware-secured facility designed to
26 restrict a juvenile's movement;

27 (15) Status offender means a juvenile who has been
28 charged with or adjudicated for conduct which would not be a crime

1 if committed by an adult, including, but not limited to, juveniles
2 charged under subdivision (3)(b) of section 43-247 and sections
3 53-180.01 and 53-180.02; and

4 (16) Traffic offense means any nonfelonious act in
5 violation of a law or ordinance regulating vehicular or pedestrian
6 travel, whether designated a misdemeanor or a traffic infraction.

7 Sec. 2. Section 43-289, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 43-289. In no case shall a juvenile committed under the
10 terms of the Nebraska Juvenile Code be confined after he or she
11 reaches the age of majority. The court may, when the health or
12 condition of any juvenile adjudged to be within the terms of such
13 code shall require it, cause the juvenile to be placed in a public
14 hospital or institution for treatment or special care or in an
15 accredited and suitable private hospital or institution which will
16 receive the juvenile for like purposes. Whenever any juvenile has
17 been committed to the Department of Health and Human Services, the
18 department shall follow the court's orders, if any, concerning the
19 juvenile's specific needs for treatment or special care for his or
20 her physical well-being and healthy personality. If the court
21 finds any such juvenile to be a person with mental retardation, it
22 may, upon attaching a physician's certificate and a report as to
23 the mental capacity of such person, commit such juvenile directly
24 to an authorized and appropriate state or local facility or home.

25 The marriage of any juvenile committed to a state
26 institution who is under the age of ~~nineteen~~ eighteen years shall
27 ~~not make such juvenile of the age of majority~~ end such juvenile's
28 minority.

1 A juvenile committed to any such institution shall be
2 subject to the control of the superintendent thereof, and the
3 superintendent, with the advice and consent of the Department of
4 Health and Human Services, shall adopt and promulgate rules and
5 regulations for the promotion, paroling, and final discharge of
6 residents such as shall be considered mutually beneficial for the
7 institution and the residents. Upon final discharge of any
8 resident, such department shall file a certified copy of the
9 discharge with the court which committed the resident.

10 Sec. 3. Section 43-2101, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 43-2101. All persons under ~~nineteen~~ eighteen years of
13 age are declared to be minors, but in case any person marries under
14 the age of ~~nineteen~~ eighteen years, his or her minority ends.

15 Sec. 4. This act becomes operative on January 1, 2003.

16 Sec. 5. Original sections 43-289 and 43-2101, Reissue
17 Revised Statutes of Nebraska, and section 43-245, Revised Statutes
18 Supplement, 2002, are repealed.