

AMENDMENTS TO LB50

(Amendments to E and R amendments, ER35)

Introduced by Cavanaugh, J., 9.

1 1. Insert the following new section:

2 Sec. 43. Section 83-4,134.01, Revised Statutes Cumulative
3 Supplement, 2022, is amended to read:

4 83-4,134.01 (1) It is the intent of the Legislature to establish a
5 system of investigation and performance review in order to provide
6 increased accountability and oversight regarding the use of room
7 confinement for juveniles in a juvenile facility.

8 (2) The following shall apply regarding placement in room
9 confinement of a juvenile in a juvenile facility:

10 (a) Room confinement of a juvenile for any duration longer than one
11 hour during a twenty-four-hour period shall be documented and approved in
12 writing by a supervisor in the juvenile facility. Documentation of the
13 room confinement shall include the date of the occurrence; the race,
14 ethnicity, age, and gender of the juvenile; the reason for placement of
15 the juvenile in room confinement; an explanation of why less restrictive
16 means were unsuccessful; the ultimate duration of the placement in room
17 confinement in hours and minutes; facility staffing levels at the time of
18 confinement; and any incidents of self-harm or suicide committed by the
19 juvenile while he or she was isolated;

20 (b) Room confinement of a juvenile for longer than one hour during a
21 twenty-four-hour period shall be approved in writing by a supervisor in
22 the juvenile facility;

23 (c) ~~(b)~~ If any physical or mental health clinical evaluation was
24 performed during the time the juvenile was in room confinement for longer
25 than one hour, the results of such evaluation shall be considered in any
26 decision to place a juvenile in room confinement or to continue room

1 confinement;

2 (d) ~~(c)~~ The juvenile facility shall electronically submit a
3 quarterly report ~~quarterly~~ to the Legislature on the juveniles placed in
4 room confinement; the length of time, in hours and minutes, each juvenile
5 was in room confinement; the race, ethnicity, age, and gender of each
6 juvenile placed in room confinement; facility staffing levels at the time
7 of confinement; and the reason each juvenile was placed in room
8 confinement. The report shall specifically address each instance of room
9 confinement of a juvenile for more than four hours, including all reasons
10 why attempts to return the juvenile to the general population of the
11 juvenile facility were unsuccessful. The report shall also detail all
12 corrective measures taken in response to noncompliance with this section.
13 The report shall redact all personal identifying information but shall
14 provide individual, not aggregate, data. ~~The report shall be delivered~~
15 ~~electronically to the Legislature.~~ The initial quarterly report shall be
16 submitted within two weeks after the end of each quarter ~~ending on~~
17 ~~September 30, 2016.~~ ~~Subsequent reports shall be submitted for the ensuing~~
18 ~~quarters within two weeks after the end of each quarter; and~~

19 (e) By September 15, 2023, and by each September 15 thereafter, the
20 juvenile facility shall electronically submit to the Legislature an
21 annual summary report for the immediately preceding fiscal year. The
22 summary report shall include the total number of available beds in the
23 facility; the total number of juveniles served in such fiscal year; the
24 total number of individual juveniles confined; the total number of
25 occurrences of juvenile room confinement by individual juvenile; the
26 total number of confinement hours for such fiscal year, in hours and
27 minutes; the total number of incidents of room confinement lasting less
28 than one hour; the total number of incidents lasting over four hours; and
29 the total number of incidents lasting over twenty-four hours. The report
30 shall redact all personal identifying information but shall, as required
31 by this subdivision, provide individual, not aggregate data; and

1 (f) ~~(d)~~ The Inspector General of Nebraska Child Welfare shall review
2 all data collected pursuant to this section. The Inspector General may
3 request that such data be provided to the Inspector General's office in a
4 format the Inspector General determines is necessary for its review. The
5 Inspector General shall review the data in order to assess the use of
6 room confinement for juveniles in each juvenile facility and prepare an
7 annual report of his or her findings, including, but not limited to,
8 identifying changes in policy and practice which may lead to decreased
9 use of such confinement as well as model evidence-based criteria to be
10 used to determine when a juvenile should be placed in room confinement.
11 The report shall be delivered electronically to the Legislature on an
12 annual basis.

13 ~~(3) The use of consecutive periods of room confinement to avoid the~~
14 ~~intent or purpose of this section is prohibited.~~

15 (3) ~~(4)~~ Any juvenile facility which is not a residential child-
16 caring agency which fails to comply with the requirements of this section
17 is subject to disciplinary action as provided in section 83-4,134. Any
18 juvenile facility which is a residential child-caring agency which fails
19 to comply with the requirements of this section is subject to
20 disciplinary action as provided in section 71-1940.

21 2. Renumber the remaining section and correct the repealer
22 accordingly.