

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 345**

Introduced by Gay, 14; Howard, 9.

Read first time January 15, 2009

Committee: Judiciary

A BILL

- 1 FOR AN ACT relating to courts; to amend section 43-247, Reissue
- 2 Revised Statutes of Nebraska; to change juvenile court
- 3 jurisdiction; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

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

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

1           The juvenile court in each county as herein provided  
2 shall have jurisdiction of:

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

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

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

1 ~~or school~~, or (c) who is mentally ill and dangerous as defined in  
2 section 71-908;

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

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

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

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

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

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

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

21 (11) The paternity or custody determination for a child  
22 over which the juvenile court already has jurisdiction.

23 Notwithstanding the provisions of the Nebraska Juvenile  
24 Code, the determination of jurisdiction over any Indian child as  
25 defined in section 43-1503 shall be subject to the Nebraska Indian

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1 Child Welfare Act; and the district court shall have exclusive  
2 jurisdiction in proceedings brought pursuant to section 71-510.

3           Sec. 2. Original section 43-247, Reissue Revised Statutes  
4 of Nebraska, is repealed.