

AMENDMENTS TO LB 669

Introduced by Judiciary

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

3 Section 1. Section 20-159, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 20-159 A licensed interpreter appointed pursuant to
6 sections 20-150 to 20-159 is entitled to a fee for professional
7 services and other relevant expenses as approved by the governing
8 body of the appointing authority. When the licensed interpreter is
9 appointed by a court, the fee shall be paid out of the General Fund
10 with funds appropriated to the Supreme Court for that purpose or
11 from funds, including grant money, made available to the Supreme
12 Court for such purpose. When the licensed interpreter is appointed
13 by an appointing authority other than a court, the fee shall be
14 paid out of funds available to the governing body of the appointing
15 authority.

16 Sec. 2. Section 24-502, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 24-502 There shall be a county court in and for each
19 county in this state. The county court shall be a court of record
20 and shall be located at the county seat. ~~Divisions of the court may~~
21 ~~be established in any other city or village within the county as~~
22 ~~provided in section 24-512.~~

23 Sec. 3. Section 24-507, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 24-507 (1) There shall be appointed a clerk magistrate
3 to serve each county. Clerk magistrates shall be appointed by the
4 county judge, or judges if the district has more than one county
5 judge, and shall serve at the pleasure of the county judge or
6 judges, subject to personnel rules adopted by the Supreme Court.

7 (2) The clerk magistrate shall be the clerk of the county
8 court and if appointed as clerk magistrate for more than one county
9 shall be the clerk of the county court for each county.

10 (3) In counties when the district court clerk or staff is
11 temporarily unavailable or is available on less than a full-time
12 basis, the clerk magistrate as clerk of the county court shall,
13 under the direction of the district court judge and in cooperation
14 and agreement with the Supreme Court and State Court Administrator,
15 assist the clerk of the district court in the provision of district
16 court services which would otherwise require the presence of
17 district court staff.

18 (4) When an agreement has been reached pursuant to
19 subdivision (1)(b) of section 32-524 or subsection (3) of section
20 32-524 for a clerk magistrate as clerk of the county court to be
21 ex officio clerk of the district court, the clerk magistrate shall
22 perform the duties required by law of the clerk of the district
23 court under the direction of the district judge for the county and
24 the State Court Administrator.

25 Sec. 4. Section 24-515, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 24-515 Each county shall be responsible for all costs

1 involved in establishing, furnishing, and maintaining appropriate
2 courtroom and office facilities for the county court at the
3 county seat. On July 1, 1985, the courtroom and office facilities
4 of a municipal court shall be transferred, by sale, lease, or
5 other arrangement, from cities of the metropolitan or primary
6 class to the county responsible pursuant to this section for
7 the establishing, furnishing, and maintaining of courtroom and
8 office facilities for the county court at the county seat.
9 Payments by a city and county on the bonded indebtedness on
10 any facility constructed for joint use by a city and county shall
11 continue in the same manner and in the same proportionate shares
12 as payments made prior to July 1, 1985, subject to any sale,
13 lease, or other arrangement pursuant to this section. All other
14 property, equipment, books, and records of the municipal courts
15 shall be transferred on July 1, 1985, to the county court. ~~When~~
16 ~~a division of the county court is established at a location~~
17 ~~other than the county seat, the city or village in which such~~
18 ~~division is located shall be responsible for all costs involved in~~
19 ~~establishing, furnishing, and maintaining appropriate courtroom and~~
20 ~~office facilities for such division.~~

21 The Supreme Court shall prescribe minimum standards
22 for all courtroom and office facilities. The Supreme Court may
23 establish standards by class of county, based on population,
24 caseload, and other pertinent factors.

25 Sec. 5. When county court staff are temporarily
26 unavailable or available on less than a full-time basis, the clerk
27 of the district court shall, under the direction of the county

1 court judge and in cooperation and agreement with the Nebraska
2 Supreme Court and State Court Administrator, assist the clerk of
3 the county court in the provision of county court services which
4 would otherwise require the presence of court staff.

5 Sec. 6. (1) The Supreme Court may appoint judicial
6 hearing officers as needed to serve on a full-time or part-time
7 basis for county courts sitting as juvenile courts and for separate
8 juvenile courts. A judicial hearing officer is entitled to receive
9 a salary as established by the Supreme Court.

10 (2) In accordance with the rules of the Supreme Court, a
11 judicial hearing officer may preside in, hear, and determine any
12 case or proceeding initiated under the Nebraska Juvenile Code.

13 (3) To be qualified for appointment as a judicial hearing
14 officer, a person shall be an attorney in good standing admitted
15 to the practice of law in the State of Nebraska and shall meet
16 any other requirements imposed by the Supreme Court. A judicial
17 hearing officer shall be sworn or affirmed to faithfully hear and
18 examine the cause and to make a just and true report according to
19 the best of his or her understanding. The oath or affirmation may
20 be administered by any judge of the State of Nebraska. A judicial
21 hearing officer may be removed at any time by the Supreme Court.

22 (4) In any and all cases referred to a judicial hearing
23 officer by a county court sitting as a juvenile court or a separate
24 juvenile court, the parties shall have the right to take exceptions
25 to the findings and recommendations made by the hearing officer and
26 to have a further hearing before such court for final disposition.
27 The court upon receipt of the findings, recommendations, and

1 exceptions shall review the judicial hearing officer's report and
2 may accept or reject all or any part of the report and enter
3 judgment based on the court's own determination.

4 (5) The Supreme Court shall promulgate rules for all
5 other qualifications of judicial hearing officers; the extent and
6 assignment of authority by a county court sitting as a juvenile
7 court or a separate juvenile court judge for practice and procedure
8 before such judicial hearing officers; and for the conduct of
9 the position, including rules for training sessions and continuing
10 education requirements.

11 Sec. 7. Section 25-505.01, Revised Statutes Cumulative
12 Supplement, 2010, is amended to read:

13 25-505.01 (1) Unless otherwise limited by statute or by
14 the court, a plaintiff may elect to have service made by any of the
15 following methods:

16 (a) Personal service which shall be made by leaving the
17 summons with the individual to be served;

18 (b) Residence service which shall be made by leaving the
19 summons at the usual place of residence of the individual to be
20 served, with some person of suitable age and discretion residing
21 therein;

22 (c) Certified mail service which shall be made by (i)
23 within ten days of issuance, sending the summons to the defendant
24 by certified mail with a return receipt requested showing to whom
25 and where delivered and the date of delivery, and (ii) filing with
26 the court proof of service with the signed receipt attached; or

27 ~~(d) By depositing with a designated delivery service~~

1 ~~authorized pursuant to 26 U.S.C. 7502(f)(2) a copy of the summons~~
2 ~~and complaint, addressed to the party to be served, delivering to~~
3 ~~the addressee, and obtaining a delivery receipt. As used in this~~
4 ~~subdivision, delivery receipt includes an electronic or facsimile~~
5 ~~receipt.~~

6 (d) Designated delivery service which shall be made (i)
7 within ten days of issuance, sending the summons by a designated
8 delivery service to the defendant, (ii) by obtaining a signed
9 delivery receipt showing to whom and where delivered and the date
10 of delivery, and (iii) by filing with the court proof of service
11 with a copy of the signed delivery receipt attached. As used in
12 this subdivision, a designated delivery service means a delivery
13 service designated as such pursuant to 26 U.S.C. section 7502(f)
14 and a signed delivery receipt includes an electronic or facsimile
15 receipt with an image of the recipient's signature.

16 (2) Failure to make service by the method elected by the
17 plaintiff does not affect the validity of the service.

18 (3) The State Court Administrator shall maintain on the
19 web site of the Supreme Court a list of designated delivery
20 services.

21 Sec. 8. Section 25-506.01, Revised Statutes Cumulative
22 Supplement, 2010, is amended to read:

23 25-506.01 (1) Unless the plaintiff has elected certified
24 mail service or designated delivery service, the summons shall be
25 served by the sheriff of the county where service is made, by
26 a person authorized by section 25-507 or otherwise authorized by
27 law, or by a person, corporation, partnership, or limited liability

1 company not a party to the action specially appointed by the court
2 for that purpose.

3 (2) Certified mail service or designated delivery service
4 shall be made by the plaintiff or plaintiff's attorney.

5 Sec. 9. Section 25-507.01, Revised Statutes Cumulative
6 Supplement, 2010, is amended to read:

7 25-507.01 (1) Within twenty days after the date of issue,
8 the person serving the summons, other than by certified mail
9 service or designated delivery service, shall make proof of service
10 to the court stating the time, place, including the address if
11 applicable, name of the person with whom the summons was left, and
12 method of service, or return the unserved summons to the court with
13 a statement of the reason for the failure to serve.

14 (2) When service is by certified mail service or
15 designated delivery service, the plaintiff or plaintiff's attorney
16 shall file proof of service within ten days after ~~return of~~
17 the signed receipt is received or is available electronically,
18 whichever occurs first.

19 (3) Failure to make proof of service or delay in doing so
20 does not affect the validity of the service.

21 Sec. 10. Section 25-508.01, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 25-508.01 (1) An individual party, other than a person
24 under the age of fourteen years, may be served by personal,
25 residence, ~~or certified mail,~~ or designated delivery service.

26 (2) A party under the age of fourteen years may be served
27 by personal, residence, ~~or certified mail,~~ or designated delivery

1 service upon an adult person with whom the minor resides and who is
2 the minor's parent, guardian, or person having care of the minor.
3 If none of these can be found, a party under the age of fourteen
4 years may be served by personal service.

5 (3) If the person to be served is an incapacitated
6 person for whom a conservator or guardian has been appointed or is
7 confined in any institution, notice of the service shall be given
8 to the conservator, guardian, or superintendent or similar official
9 of the institution. Failure to give such notice does not affect the
10 validity of the service on the incapacitated person.

11 Sec. 11. Section 25-509.01, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 25-509.01 A corporation may be served by personal,
14 residence, ~~or~~ certified mail, or designated delivery service upon
15 any officer, director, managing agent, or registered agent, or by
16 leaving the process at the corporation's registered office with
17 a person employed therein, or by certified mail or designated
18 delivery service to the corporation's registered office.

19 Sec. 12. Section 25-510.02, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 25-510.02 (1) The State of Nebraska, any state agency
22 as defined in section 81-8,210, and any employee of the state as
23 defined in section 81-8,210 sued in an official capacity may be
24 served by leaving the summons at the office of the Attorney General
25 with the Attorney General, deputy attorney general, or someone
26 designated in writing by the Attorney General, or by certified
27 mail or designated delivery service addressed to the office of the

1 Attorney General.

2 (2) Any county, city, or village of this state may be
3 served by personal, residence, ~~or~~ certified mail, or designated
4 delivery service upon the chief executive officer⁷ or clerk.

5 (3) Any political subdivision of this state, as defined
6 in subdivision (1) of section 13-903, other than a county, city, or
7 village, may be served by personal, residence, ~~or~~ certified mail,
8 or designated delivery service upon the chief executive officer,
9 clerk, secretary, or other official whose duty it is to maintain
10 the official records, or any member of the governing board or
11 body, or by certified mail or designated delivery service to the
12 principal office of the political subdivision.

13 Sec. 13. Section 25-511.02, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 25-511.02 A dissolved corporation may be served by
16 personal, residence, ~~or~~ certified mail, or designated delivery
17 service upon any appointed receiver. If there is no receiver, a
18 dissolved corporation may be served by personal, residence, ~~or~~
19 certified mail, or designated delivery service upon any person
20 who at the time of dissolution was an officer, director, managing
21 agent, or registered agent, or upon any officer or director
22 designated in the last annual report filed with the Secretary of
23 State.

24 Sec. 14. Section 25-512.01, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 25-512.01 A partnership or limited partnership may be
27 served by personal, residence, ~~or~~ certified mail, or designated

1 delivery service upon any partner except a limited partner, or by
2 certified mail or designated delivery service at its usual place of
3 business, or the process may be left at its usual place of business
4 with an employee of the partnership or limited partnership.

5 Sec. 15. Section 25-513.01, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 25-513.01 An unincorporated association may be served
8 by personal, residence, ~~or~~ certified mail, or designated delivery
9 service upon an officer or managing agent, or by certified mail
10 or designated delivery service to the association at its usual
11 place of business, or by leaving the process at its usual place of
12 business with an employee of the unincorporated association.

13 Sec. 16. Section 25-514.01, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 25-514.01 Any party may be served by personal, residence,
16 ~~or~~ certified mail, or designated delivery service upon an agent
17 authorized by appointment or by law to receive service of process.

18 Sec. 17. Section 25-2221, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 25-2221 Except as may be otherwise more specifically
21 provided, the period of time within which an act is to be done in
22 any action or proceeding shall be computed by excluding the day of
23 the act, event, or default after which the designated period of
24 time begins to run. The last day of the period so computed shall be
25 included unless it is a Saturday, a Sunday, or a day during which
26 the offices of courts of record may be legally closed as provided
27 in this section, in which event the period shall run until the end

1 of the next day on which the office will be open.

2 All courts and their offices may be closed on Saturdays,
3 Sundays, days on which a specifically designated court is closed
4 by order of the Chief Justice of the Supreme Court, and these
5 holidays: New Year's Day, January 1; Birthday of Martin Luther
6 King, Jr., the third Monday in January; President's Day, the
7 third Monday in February; Arbor Day, the last Friday in April;
8 Memorial Day, the last Monday in May; Independence Day, July 4;
9 Labor Day, the first Monday in September; Columbus Day, the second
10 Monday in October; Veterans Day, November 11; Thanksgiving Day, the
11 fourth Thursday in November; the day after Thanksgiving; Christmas
12 Day, December 25; and all days declared by law or proclamation
13 of the Governor to be holidays. Such days shall be designated
14 as nonjudicial days. If any such holiday falls on Sunday, the
15 following Monday shall be a holiday. If any such holiday falls on
16 Saturday, the preceding Friday shall be a holiday. Court offices
17 services shall be ~~open~~ available on all other days. If the date
18 designated by the state for observance of any legal holiday
19 pursuant to this section, except Veterans Day, is different from
20 the date of observance of such holiday pursuant to a federal
21 holiday schedule, the federal holiday schedule shall be observed.

22 Sec. 18. Section 25-2406, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 25-2406 The fees and expenses of an interpreter shall be
25 fixed and ordered paid by the judge before whom such proceeding
26 takes place, in accordance with a fee schedule established by the
27 Supreme Court, and be paid out of the General Fund with funds

1 appropriated to the Supreme Court for that purpose or from other
2 funds, including grant money, made available to the Supreme Court
3 for such purpose.

4 Sec. 19. Section 25-2705, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 25-2705 (1) Either party to any case in county court,
7 except criminal cases arising under city or village ordinances,
8 traffic infractions, other infractions, and any matter arising
9 under the Nebraska Probate Code or the Nebraska Uniform Trust Code,
10 may demand a trial by jury. In civil cases, the demand shall be
11 in writing and shall be filed ~~on or before answer day except as~~
12 ~~otherwise provided in section 25-2805-~~ with the court:

13 (a) By a plaintiff on the date the complaint is filed
14 with the court;

15 (b) By a defendant on or before the date the answer is
16 filed with the court;

17 (c) By a counterclaimant on the date the counterclaim is
18 filed with the court;

19 (d) By a counterclaim defendant on or before the date the
20 reply to the counterclaim is filed with the court;

21 (e) By a third-party plaintiff on the date the
22 third-party complaint is filed with the court;

23 (f) By a third-party defendant on or before the date the
24 answer to the third party complaint is filed with the court;

25 (g) By a cross-claimant on the date the cross claim is
26 filed with the court; and

27 (h) By a cross-claim defendant on or before the date the

1 answer to the cross-claim is filed with the court.

2 (2) All provisions of law relating to juries in the
3 district courts shall apply to juries in the county courts, and the
4 district court jury list shall be used, except that juries in the
5 county courts shall consist of six persons.

6 Sec. 20. Section 25-2805, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 25-2805 All matters in the Small Claims Court shall be
9 tried to the court without a jury. Except as provided in section
10 25-2618.01, any defendant in an action or such defendant's attorney
11 may transfer the case to the regular docket of the county court
12 by giving notice to the court at least two days prior to the time
13 set for the hearing. Upon such notice the case shall be transferred
14 to the regular docket of the county court. ~~At the same time as~~
15 ~~such notice is given to transfer the case, any defendant or such~~
16 ~~defendant's attorney may demand trial by jury, and the Small Claims~~
17 ~~Court shall forward the demand to the county court.~~ The party
18 causing the transfer of a case from the Small Claims Court to the
19 regular docket shall pay as a fee the difference between the fee
20 for filing a claim in Small Claims Court and the fee for filing a
21 claim on the regular docket.

22 In any action transferred to the regular docket there
23 shall be no ~~further pleadings, motions challenging pleadings, or~~
24 ~~discovery~~ unless ordered by the court upon a showing that any such
25 procedure is necessary to the prompt and just determination of the
26 action. In any action transferred to the regular docket a defendant
27 shall file an answer. Any jury demand in cases transferred from

1 small claims court to county court shall be made within the
2 timeframes provided in section 25-2705.

3 Sec. 21. Section 29-2259, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 29-2259 (1) The salaries, actual and necessary expenses,
6 and expenses incident to the conduct and maintenance of the office
7 shall be paid by the state. Actual and necessary expenses shall be
8 paid as provided in sections 81-1174 to 81-1177.

9 (2) The salaries and actual and necessary travel expenses
10 of the probation service shall be paid by the state. Actual and
11 necessary expenses shall be paid as provided in sections 81-1174 to
12 81-1177.

13 (3) Except as provided in sections 29-2262 and
14 29-2262.04, the costs of drug testing and equipment incident to the
15 electronic surveillance of individuals on probation shall be paid
16 by the state.

17 (4) The expenses incident to the conduct and maintenance
18 of the principal office within each probation district shall in
19 the first instance be paid by the county in which it is located,
20 but such county shall be reimbursed for such expenses by all other
21 counties within the probation district to the extent and in the
22 proportions determined by the Supreme Court based upon population,
23 number of investigations, and probation cases handled or upon such
24 other basis as the Supreme Court deems fair and equitable.

25 (5) Each county shall provide office space and necessary
26 facilities for probation officers performing their official duties
27 and shall bear the costs incident to maintenance of such offices

1 other than salaries, travel expenses, and data processing and word
2 processing hardware and software that is provided on the state
3 computer network.

4 (6) The cost of interpreter services for deaf and hard of
5 hearing persons and for persons unable to communicate the English
6 language shall be paid by the state with money appropriated to
7 the Supreme Court for that purpose or from other funds, including
8 grant money, made available to the Supreme Court for such purpose.

9 Interpreter services shall include auxiliary aids for deaf and hard
10 of hearing persons as defined in section 20-151 and interpreters
11 to assist persons unable to communicate the English language as
12 defined in section 25-2402. Interpreter services shall be provided
13 under this section for the purposes of conducting a presentence
14 investigation and for ongoing supervision by a probation officer of
15 such persons placed on probation.

16 (7) The probation administrator shall prepare a budget
17 and request for appropriations for the office and shall submit
18 such request to the Supreme Court and with its approval to the
19 appropriate authority in accordance with law.

20 Sec. 22. Section 32-524, Revised Statutes Cumulative
21 Supplement, 2010, is amended to read:

22 32-524 (1) Except as provided in section 22-417:

23 (a) In counties having a population of seven thousand
24 inhabitants or more, there shall be elected one clerk of the
25 district court at the statewide general election in 1962 and every
26 four years thereafter; and

27 (b) In counties having a population of less than seven

1 thousand inhabitants, there shall be elected a clerk of the
2 district court at the first statewide general election following a
3 determination by the county board and the district judge for the
4 county that such officer should be elected and each four years
5 thereafter. When such a determination is not made in such a county,
6 the county clerk shall be ex officio clerk of the district court
7 and perform the duties by law devolving upon that officer, unless
8 there is an agreement between the State Court Administrator and the
9 county board that the clerk of the county court for such county
10 shall be the ex officio clerk of the district court and perform
11 such duties.

12 (2) In any county upon presentation of a petition to the
13 county board (a) not less than sixty days before the statewide
14 general election in 1976 or every four years thereafter, (b) signed
15 by registered voters of the county equal in numbers to at least
16 fifteen percent of the total vote cast for Governor at the most
17 recent gubernatorial election in the county, secured in not less
18 than two-fifths of the townships or precincts of the county, and
19 (c) asking that the question of not electing a clerk of the
20 district court in the county be submitted to the registered voters
21 therein, the county board, at the next statewide general election,
22 shall order the submission of the question to the registered voters
23 of the county. The form of submission upon the ballot shall be as
24 follows:

25 For election of a clerk of the district court;

26 Against election of a clerk of the district court.

27 (3) If a majority of the votes cast on the question are

1 against the election of a clerk of the district court in such
2 county, the duties of the clerk of the district court shall be
3 performed by the county clerk, unless there is an agreement between
4 the State Court Administrator and the county board that the clerk
5 of the county court for such county shall be the ex officio clerk
6 of the district court and perform such duties, and the office of
7 clerk of the district court shall either cease with the expiration
8 of the term of the incumbent or continue to be abolished if no such
9 office exists at such time.

10 (4) If a majority of the votes cast on the question
11 are in favor of the election of a clerk of the district court,
12 the office shall continue or a clerk of the district court shall
13 be elected at the next statewide general election as provided in
14 subsection (1) of this section.

15 (5) The term of the clerk of the district court shall be
16 four years or until his or her successor is elected and qualified
17 or to the end of his or her term if the office has been abolished.
18 The clerk of the district court shall meet the qualifications found
19 in section 24-337.04. The clerk of the district court shall be
20 elected on the partisan ballot.

21 Sec. 23. Section 42-361, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 42-361 (1) If both of the parties state under oath or
24 affirmation that the marriage is irretrievably broken, or one
25 of the parties so states and the other does not deny it, the
26 court, after hearing, shall make a finding whether the marriage is
27 irretrievably broken.

1 (2) If one of the parties has denied under oath or
2 affirmation that the marriage is irretrievably broken, the court
3 shall consider all relevant factors, including the circumstances
4 that gave rise to the filing of the complaint and the prospect of
5 reconciliation, and shall make a finding whether the marriage is
6 irretrievably broken.

7 (3) The court may enter a decree of dissolution without
8 a hearing if:

9 (a) Both parties waive the requirement of the hearing
10 and the court has sufficient basis to make a finding that it
11 has subject matter jurisdiction over the dissolution action and
12 personal jurisdiction over both parties; and

13 (b) The parties have certified in writing that the
14 marriage is irretrievably broken, at least one of the parties
15 certifies that he or she has made every reasonable effort to effect
16 reconciliation, all documents required by the court and by statute
17 have been filed, and the parties have entered into a written
18 agreement, signed by both parties under oath, resolving all issues
19 presented by the pleadings in their dissolution action.

20 Sec. 24. Section 43-258, Revised Statutes Cumulative
21 Supplement, 2010, is amended to read:

22 43-258 (1) Pending the adjudication of any case under the
23 Nebraska Juvenile Code, the court may order the juvenile examined
24 by a physician, surgeon, psychiatrist, duly authorized community
25 mental health service program, or psychologist to aid the court
26 in determining (a) a material allegation in the petition relating
27 to the juvenile's physical or mental condition, (b) the juvenile's

1 competence to participate in the proceedings, (c) the juvenile's
2 responsibility for his or her acts, or (d) whether or not to
3 provide emergency medical treatment.

4 (2) Pending the adjudication of any case under the
5 Nebraska Juvenile Code and after a showing of probable cause that
6 the juvenile is within the court's jurisdiction, for the purposes
7 of subsection (1) of this section, the court may order such
8 juvenile to be placed in one of the facilities or institutions
9 of the State of Nebraska. Such juvenile shall not be placed
10 in an adult correctional facility, the secure youth confinement
11 facility operated by the Department of Correctional Services, or
12 a youth rehabilitation and treatment center. Any placement for
13 evaluation may be made on a residential or nonresidential basis
14 for a period not to exceed thirty days except as provided by
15 section 43-415. The head of any facility or institution shall make
16 a complete evaluation of the juvenile, including any authorized
17 area of inquiry requested by the court. with the Department of
18 Health and Human Services for evaluation. The department shall make
19 arrangements for an appropriate evaluation. The department shall
20 determine whether the evaluation will be made on a residential
21 or nonresidential basis. Placement with the department for the
22 purposes of this section shall be for a period not to exceed thirty
23 days. If necessary to complete the evaluation, the court may order
24 an extension not to exceed an additional thirty days. Any temporary
25 placement of a juvenile made under this section shall be in the
26 least restrictive environment consistent with the best interests of
27 the juvenile and the safety of the community.

1 (3) Upon completion of the evaluation, the juvenile
2 shall be returned to the court together with a written report
3 of the results of the evaluation. Such report shall include an
4 assessment of the basic needs of the juvenile and recommendations
5 for continuous and long-term care and shall be made to effectuate
6 the purposes in subdivision (1) of section 43-246. The juvenile
7 shall appear before the court for a hearing on the report of the
8 evaluation results within ten days after the court receives the
9 evaluation.

10 (4) During any period of detention or evaluation prior to
11 adjudication:

12 (a) Except as provided in subdivision (4)(b) of this
13 section, the county in which the case is pending is responsible for
14 all detention costs incurred before and after an evaluation period
15 prior to adjudication, the cost of delivering the juvenile to the
16 location of the evaluation, and the cost of returning the juvenile
17 to the court for further proceedings; and

18 (b) The state is responsible for (i) the costs incurred
19 during an evaluation when the juvenile has been placed with the
20 Department of Health and Human Services unless otherwise ordered
21 by the court pursuant to section 43-290 and (ii) the preevaluation
22 detention costs for any days over the first ten days from the date
23 the court places the juvenile with the department for evaluation.

24 (5) The Department of Health and Human Services is
25 not responsible for preadjudication costs except as provided in
26 subdivision (4)(b) of this section.

27 ~~(4) In order to encourage the use of the procedure~~

1 ~~provided in this section,~~ all costs incurred during the period the
2 juvenile is being evaluated at a state facility or program funded
3 by the Office of Juvenile Services shall be the responsibility of
4 the state unless otherwise ordered by the court pursuant to section
5 ~~43-290.~~ The county in which the case is pending shall be liable
6 only for the cost of delivering the juvenile to the facility or
7 institution and the cost of returning him or her to the court for
8 disposition.

9 Sec. 25. Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 25,
10 26, and 29 of this act become operative on their effective date.
11 The other sections of this act become operative three calendar
12 months after adjournment of this legislative session.

13 Sec. 26. Original sections 25-508.01, 25-509.01,
14 25-510.02, 25-511.02, 25-512.01, 25-513.01, and 25-514.01, Reissue
15 Revised Statutes of Nebraska, and sections 25-505.01, 25-506.01,
16 and 25-507.01, Revised Statutes Cumulative Supplement, 2010, are
17 repealed.

18 Sec. 27. Original sections 20-159, 24-502, 24-507,
19 24-515, 25-2221, 25-2406, 25-2705, 25-2805, 29-2259, and 42-361,
20 Reissue Revised Statutes of Nebraska, and sections 32-524 and
21 43-258, Revised Statutes Cumulative Supplement, 2010, are repealed.

22 Sec. 28. The following section is outright repealed:
23 Section 24-512, Reissue Revised Statutes of Nebraska.

24 Sec. 29. Since an emergency exists, this act takes effect
25 when passed and approved according to law.