

AMENDMENTS TO LB 561

Introduced by Ashford

1           1. Strike the original sections and all amendments to  
2 thereto and insert the following new sections:

3           Section 1. Section 28-726, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:

5           28-726 Except as provided in this section and sections  
6 28-722 and 81-3126, no person, official, or agency shall have  
7 access to information in the tracking system of child protection  
8 cases maintained pursuant to section 28-715 or in records in the  
9 central register of child protection cases maintained pursuant to  
10 section 28-718 unless in furtherance of purposes directly connected  
11 with the administration of the Child Protection Act. Such persons,  
12 officials, and agencies having access to such information shall  
13 include, but not be limited to:

14           (1) A law enforcement agency investigating a report of  
15 known or suspected child abuse or neglect;

16           (2) A county attorney in preparation of a child abuse or  
17 neglect petition or termination of parental rights petition;

18           (3) A physician who has before him or her a child whom he  
19 or she reasonably suspects may be abused or neglected;

20           (4) An agency having the legal responsibility or  
21 authorization to care for, treat, or supervise an abused or  
22 neglected child or a parent, a guardian, or other person  
23 responsible for the abused or neglected child's welfare who is the

1 subject of the report of child abuse or neglect;

2 (5) Any person engaged in bona fide research or auditing.

3 No information identifying the subjects of the report of child  
4 abuse or neglect shall be made available to the researcher or  
5 auditor;

6 (6) The Foster Care Review Office and the designated  
7 local foster care review board when the information relates to a  
8 child in a foster care placement as defined in section 43-1301.  
9 The information provided to the office and local board shall not  
10 include the name or identity of any person making a report of  
11 suspected child abuse or neglect;

12 (7) The designated protection and advocacy system  
13 authorized pursuant to the Developmental Disabilities Assistance  
14 and Bill of Rights Act of 2000, 42 U.S.C. 15001, as the act  
15 existed on January 1, 2005, and the Protection and Advocacy for  
16 Mentally Ill Individuals Act, 42 U.S.C. 10801, as the act existed  
17 on September 1, 2001, acting upon a complaint received from or  
18 on behalf of a person with developmental disabilities or mental  
19 illness;

20 (8) The person or persons having custody of the abused or  
21 neglected child in situations of alleged out-of-home child abuse or  
22 neglect; ~~and~~

23 (9) For purposes of licensing providers of child care  
24 programs, the Department of Health and Human Services; ~~and-~~

25 (10) A probation officer administering juvenile  
26 intake services pursuant to section 29-2260.01, conducting  
27 court-ordered predispositional investigations prior to disposition,

1 or supervising a juvenile upon disposition.

2           Sec. 2. Section 29-2204, Revised Statutes Cumulative  
3 Supplement, 2012, is amended to read:

4           29-2204 (1) Except when a term of life imprisonment is  
5 required by law, in imposing an indeterminate sentence upon an  
6 offender the court shall:

7           (a)(i) Until July 1, 1998, fix the minimum and maximum  
8 limits of the sentence to be served within the limits provided by  
9 law, except that when a maximum limit of life is imposed by the  
10 court for a Class IB felony, the minimum limit may be any term of  
11 years not less than the statutory mandatory minimum; and

12           (ii) Beginning July 1, 1998:

13           (A) Fix the minimum and maximum limits of the sentence  
14 to be served within the limits provided by law for any class of  
15 felony other than a Class IV felony, except that when a maximum  
16 limit of life is imposed by the court for a Class IB felony, the  
17 minimum limit may be any term of years not less than the statutory  
18 mandatory minimum. If the criminal offense is a Class IV felony,  
19 the court shall fix the minimum and maximum limits of the sentence,  
20 but the minimum limit fixed by the court shall not be less than  
21 the minimum provided by law nor more than one-third of the maximum  
22 term and the maximum limit shall not be greater than the maximum  
23 provided by law; or

24           (B) Impose a definite term of years, in which event the  
25 maximum term of the sentence shall be the term imposed by the court  
26 and the minimum term shall be the minimum sentence provided by law;

27           (b) Advise the offender on the record the time the

1 offender will serve on his or her minimum term before attaining  
2 parole eligibility assuming that no good time for which the  
3 offender will be eligible is lost; and

4 (c) Advise the offender on the record the time the  
5 offender will serve on his or her maximum term before attaining  
6 mandatory release assuming that no good time for which the offender  
7 will be eligible is lost.

8 If any discrepancy exists between the statement of  
9 the minimum limit of the sentence and the statement of parole  
10 eligibility or between the statement of the maximum limit of the  
11 sentence and the statement of mandatory release, the statements  
12 of the minimum limit and the maximum limit shall control the  
13 calculation of the offender's term. If the court imposes more  
14 than one sentence upon an offender or imposes a sentence upon  
15 an offender who is at that time serving another sentence, the  
16 court shall state whether the sentences are to be concurrent or  
17 consecutive.

18 (2) (a) When the court is of the opinion that imprisonment  
19 may be appropriate but desires more detailed information as a  
20 basis for determining the sentence to be imposed than has been  
21 provided by the presentence report required by section 29-2261, the  
22 court shall commit an offender to the Department of Correctional  
23 Services for a period not exceeding ninety days. The department  
24 shall conduct a complete study of the offender during that time,  
25 inquiring into such matters as his or her previous delinquency or  
26 criminal experience, social background, capabilities, and mental,  
27 emotional, and physical health and the rehabilitative resources

1 or programs which may be available to suit his or her needs. By  
2 the expiration of the period of commitment or by the expiration  
3 of such additional time as the court shall grant, not exceeding  
4 a further period of ninety days, the offender shall be returned  
5 to the court for sentencing and the court shall be provided  
6 with a written report of the results of the study, including  
7 whatever recommendations the department believes will be helpful to  
8 a proper resolution of the case. After receiving the report and the  
9 recommendations, the court shall proceed to sentence the offender  
10 in accordance with subsection (1) of this section. The term of the  
11 sentence shall run from the date of original commitment under this  
12 subsection.

13 (b) In order to encourage the use of this procedure  
14 in appropriate cases, all costs incurred during the period the  
15 defendant is held in a state institution under this subsection  
16 shall be a responsibility of the state and the county shall  
17 be liable only for the cost of delivering the defendant to the  
18 institution and the cost of returning him or her to the appropriate  
19 court for sentencing or such other disposition as the court may  
20 then deem appropriate.

21 (3) Except when a term of life is required by law,  
22 whenever the defendant was under eighteen years of age at the time  
23 he or she committed the crime for which he or she was convicted,  
24 the court may, in its discretion, instead of imposing the penalty  
25 provided for the crime, make such disposition of the defendant  
26 as the court deems proper under the Nebraska Juvenile Code. ~~Prior~~  
27 Until October 1, 2013, prior to making a disposition which commits

1 the juvenile to the Office of Juvenile Services, the court shall  
2 order the juvenile to be evaluated by the office if the juvenile  
3 has not had an evaluation within the past twelve months.

4 Sec. 3. Section 29-2257, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 29-2257 The Nebraska Probation System is established  
7 which shall consist of the probation administrator, chief  
8 probation officers, probation officers, and support staff.  
9 The system shall be responsible for juvenile intake services,  
10 preadjudication juvenile supervision services under section 43-254  
11 beginning October 1, 2013, for presentence and other probation  
12 investigations, for the direct supervision of persons placed  
13 on probation, and for non-probation-based programs and services  
14 authorized by an interlocal agreement pursuant to subdivision (16)  
15 of section 29-2252. The system shall be sufficient in size to  
16 assure that no probation officer carries a caseload larger than is  
17 compatible with adequate probation investigation or supervision.  
18 Probation officers shall be compensated with salaries substantially  
19 equal to other state employees who have similar responsibilities.

20 This provision for salary equalization shall apply only  
21 to probation officers and support staff and shall not apply to  
22 chief probation officers, the probation administrator, the chief  
23 deputy administrator, the deputy probation administrator, or any  
24 other similarly established management positions.

25 Sec. 4. Section 29-2258, Revised Statutes Cumulative  
26 Supplement, 2012, is amended to read:

27 29-2258 A district probation officer shall:

1                   (1) Conduct juvenile intake interviews and investigations  
2 in accordance with sections 43-253 and 43-260.01 and, beginning  
3 October 1, 2013, supervise delivery of preadjudication juvenile  
4 services under subdivision (6) of section 43-254;

5                   (2) Make presentence and other investigations, as may be  
6 required by law or directed by a court in which he or she is  
7 serving;

8                   (3) Supervise probationers in accordance with the rules  
9 and regulations of the office and the directions of the sentencing  
10 court;

11                   (4) Advise the sentencing court, in accordance with  
12 the Nebraska Probation Administration Act and such rules and  
13 regulations of the office, of violations of the conditions of  
14 probation by individual probationers;

15                   (5) Advise the sentencing court, in accordance with the  
16 rules and regulations of the office and the direction of the court,  
17 when the situation of a probationer may require a modification of  
18 the conditions of probation or when a probationer's adjustment is  
19 such as to warrant termination of probation;

20                   (6) Provide each probationer with a statement of the  
21 period and conditions of his or her probation;

22                   (7) Whenever necessary, exercise the power of arrest or  
23 temporary custody as provided in section 29-2266 or 43-286.01;

24                   (8) Establish procedures for the direction and guidance  
25 of deputy probation officers under his or her jurisdiction and  
26 advise such officers in regard to the most effective performance of  
27 their duties;

1           (9) Supervise and evaluate deputy probation officers  
2 under his or her jurisdiction;

3           (10) Delegate such duties and responsibilities to a  
4 deputy probation officer as he or she deems appropriate;

5           (11) Make such reports as required by the administrator,  
6 the judges of the probation district in which he or she serves, or  
7 the Supreme Court;

8           (12) Keep accurate and complete accounts of all money or  
9 property collected or received from probationers and give receipts  
10 therefor;

11           (13) Cooperate fully with and render all reasonable  
12 assistance to other probation officers;

13           (14) In counties with a population of less than  
14 twenty-five thousand people, participate in pretrial diversion  
15 programs established pursuant to sections 29-3601 to 29-3604  
16 and juvenile pretrial diversion programs established pursuant to  
17 sections 43-260.02 to 43-260.07 as requested by judges of the  
18 probation district in which he or she serves or as requested by  
19 a county attorney and approved by the judges of the probation  
20 district in which he or she serves, except that participation in  
21 such programs shall not require appointment of additional personnel  
22 and shall be consistent with the probation officer's current  
23 caseload;

24           (15) Participate, at the direction of the probation  
25 administrator pursuant to an interlocal agreement which meets the  
26 requirements of section 29-2255, in non-probation-based programs  
27 and services;

1           (16) Perform such other duties not inconsistent with the  
2 Nebraska Probation Administration Act or the rules and regulations  
3 of the office as a court may from time to time direct; and

4           (17) Exercise all powers and perform all duties necessary  
5 and proper to carry out his or her responsibilities.

6           Sec. 5. Section 42-364, Revised Statutes Cumulative  
7 Supplement, 2012, is amended to read:

8           42-364 (1)(a) In an action under Chapter 42 involving  
9 child support, child custody, parenting time, visitation, or other  
10 access, the parties and their counsel, if represented, shall  
11 develop a parenting plan as provided in the Parenting Act. If  
12 the parties and counsel do not develop a parenting plan, the  
13 complaint shall so indicate as provided in section 42-353 and  
14 ~~before July 1, 2010, the case may be referred to mediation,~~  
15 ~~specialized alternative dispute resolution, or other alternative~~  
16 ~~dispute resolution process and on or after such date the case~~  
17 shall be referred to mediation or specialized alternative dispute  
18 resolution as provided in the Parenting Act. For good cause shown  
19 and (i) when both parents agree and such parental agreement is  
20 bona fide and not asserted to avoid the purposes of the Parenting  
21 Act, or (ii) when mediation or specialized alternative dispute  
22 resolution is not possible without undue delay or hardship to  
23 either parent, the mediation or specialized alternative dispute  
24 resolution requirement may be waived by the court. In such a case  
25 where waiver of the mediation or specialized alternative dispute  
26 resolution is sought, the court shall hold an evidentiary hearing  
27 and the burden of proof for the party or parties seeking waiver is

1 by clear and convincing evidence.

2 (b) The decree in an action involving the custody of  
3 a minor child shall include the determination of legal custody  
4 and physical custody based upon the best interests of the  
5 child, as defined in the Parenting Act, and child support. Such  
6 determinations shall be made by incorporation into the decree of  
7 (i) a parenting plan developed by the parties, if approved by the  
8 court, or (ii) a parenting plan developed by the court based upon  
9 evidence produced after a hearing in open court if no parenting  
10 plan is developed by the parties or the plan developed by the  
11 parties is not approved by the court. The decree shall conform to  
12 the Parenting Act.

13 (c) The social security number of each parent and the  
14 minor child shall be furnished to the clerk of the district court  
15 but shall not be disclosed or considered a public record.

16 (2) In determining legal custody or physical custody,  
17 the court shall not give preference to either parent based on the  
18 sex of the parent and, except as provided in section 43-2933, no  
19 presumption shall exist that either parent is more fit or suitable  
20 than the other. Custody shall be determined on the basis of the  
21 best interests of the child, as defined in the Parenting Act.  
22 Unless parental rights are terminated, both parents shall continue  
23 to have the rights stated in section 42-381.

24 (3) Custody of a minor child may be placed with both  
25 parents on a joint legal custody or joint physical custody basis,  
26 or both, (a) when both parents agree to such an arrangement in the  
27 parenting plan and the court determines that such an arrangement is

1 in the best interests of the child or (b) if the court specifically  
2 finds, after a hearing in open court, that joint physical custody  
3 or joint legal custody, or both, is in the best interests of the  
4 minor child regardless of any parental agreement or consent.

5 (4) In determining the amount of child support to be  
6 paid by a parent, the court shall consider the earning capacity  
7 of each parent and the guidelines provided by the Supreme Court  
8 pursuant to section 42-364.16 for the establishment of child  
9 support obligations. Upon application, hearing, and presentation of  
10 evidence of an abusive disregard of the use of child support money  
11 or cash medical support paid by one party to the other, the court  
12 may require the party receiving such payment to file a verified  
13 report with the court, as often as the court requires, stating  
14 the manner in which child support money or cash medical support is  
15 used. Child support money or cash medical support paid to the party  
16 having physical custody of the minor child shall be the property of  
17 such party except as provided in section 43-512.07. The clerk of  
18 the district court shall maintain a record, separate from all other  
19 judgment dockets, of all decrees and orders in which the payment  
20 of child support, cash medical support, or spousal support has  
21 been ordered, whether ordered by a district court, county court,  
22 separate juvenile court, or county court sitting as a juvenile  
23 court. Orders for child support or cash medical support in cases  
24 in which a party has applied for services under Title IV-D of  
25 the federal Social Security Act, as amended, shall be reviewed as  
26 provided in sections 43-512.12 to 43-512.18.

27 (5) Whenever termination of parental rights is placed

1 in issue: ~~(a) The~~ the court shall transfer jurisdiction to a  
2 juvenile court established pursuant to the Nebraska Juvenile Code  
3 unless a showing is made that the county court or district court  
4 is a more appropriate forum. In making such determination, the  
5 court may consider such factors as cost to the parties, undue  
6 delay, congestion of dockets, and relative resources available for  
7 investigative and supervisory assistance. A determination that the  
8 county court or district court is a more appropriate forum shall  
9 not be a final order for the purpose of enabling an appeal. If  
10 no such transfer is made, the court shall ~~appoint an attorney as~~  
11 ~~guardian ad litem to protect the interests of any minor child.~~  
12 ~~The court may terminate the parental rights of one or both parents~~  
13 ~~after notice and hearing when the court finds such action to be in~~  
14 ~~the best interests of the minor child,~~ as defined in the Parenting  
15 Act, and it appears by the evidence that one or more of the  
16 grounds for termination of parental rights stated in section 43-292  
17 exist; and conduct the termination of parental rights proceeding as  
18 provided in the Nebraska Juvenile Code.

19 (b) The court shall inform a parent who does not have  
20 legal counsel of the parent's right to retain counsel and of  
21 the parent's right to retain legal counsel at county expense if  
22 such parent is unable to afford legal counsel. If such parent  
23 is unable to afford legal counsel and requests the court to  
24 appoint legal counsel, the court shall immediately appoint an  
25 attorney to represent the parent in the termination proceedings.  
26 The court shall order the county to pay the attorney's fees and  
27 all reasonable expenses incurred by the attorney in protecting the

1 ~~rights of the parent. At such hearing, the guardian ad litem shall~~  
2 ~~take all action necessary to protect the interests of the minor~~  
3 ~~child. The court shall fix the fees and expenses of the guardian ad~~  
4 ~~litem and tax the same as costs but may order the county to pay on~~  
5 ~~finding the responsible party indigent and unable to pay.~~

6 (6) Modification proceedings relating to support,  
7 custody, parenting time, visitation, other access, or removal of  
8 children from the jurisdiction of the court shall be commenced  
9 by filing a complaint to modify. Modification of a parenting  
10 plan is governed by the Parenting Act. Proceedings to modify a  
11 parenting plan shall be commenced by filing a complaint to modify.  
12 Such actions may be referred to mediation, specialized alternative  
13 dispute resolution, or other alternative dispute resolution process  
14 before July 1, 2010, and on and after such date shall be referred  
15 to mediation or specialized alternative dispute resolution as  
16 provided in the Parenting Act. For good cause shown and (a) when  
17 both parents agree and such parental agreement is bona fide and  
18 not asserted to avoid the purposes of the Parenting Act, or (b)  
19 when mediation or specialized alternative dispute resolution is not  
20 possible without undue delay or hardship to either parent, the  
21 mediation or specialized alternative dispute resolution requirement  
22 may be waived by the court. In such a case where waiver of the  
23 mediation or specialized alternative dispute resolution is sought,  
24 the court shall hold an evidentiary hearing and the burden of proof  
25 for the party or parties seeking waiver is by clear and convincing  
26 evidence. Service of process and other procedure shall comply with  
27 the requirements for a dissolution action.

1           (7) In any proceeding under this section relating to  
2 custody of a child of school age, certified copies of school  
3 records relating to attendance and academic progress of such child  
4 are admissible in evidence.

5           Sec. 6. Section 43-245, Revised Statutes Cumulative  
6 Supplement, 2012, is amended to read:

7           43-245 For purposes of the Nebraska Juvenile Code, unless  
8 the context otherwise requires:

9           (1) Age of majority means nineteen years of age;

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

13          (3) Civil citation means a noncriminal notice which  
14 cannot result in a criminal record and is described in section  
15 43-248.02;

16          (4) Cost or costs means (a) the sum or equivalent  
17 expended, paid, or charged for goods or services, or expenses  
18 incurred, or (b) the contracted or negotiated price;

19          (5) Criminal street gang means a group of three or more  
20 people with a common identifying name, sign, or symbol whose group  
21 identity or purposes include engaging in illegal activities;

22          (6) Criminal street gang member means a person who  
23 willingly or voluntarily becomes and remains a member of a criminal  
24 street gang;

25          (7) Custodian means a nonparental caretaker having  
26 physical custody of the juvenile and includes an appointee  
27 described in section 43-294;

1           ~~(8)~~ Guardian means a person, other than a parent, who  
2 has qualified by law as the guardian of a juvenile pursuant to  
3 testamentary or court appointment, but excludes a person who is  
4 merely a guardian ad litem;

5           ~~(7)~~ (9) Juvenile means any person under the age of  
6 eighteen;

7           ~~(8)~~ (10) Juvenile court means the separate juvenile court  
8 where it has been established pursuant to sections 43-2,111 to  
9 43-2,127 and the county court sitting as a juvenile court in all  
10 other counties. Nothing in the Nebraska Juvenile Code shall be  
11 construed to deprive the district courts of their habeas corpus,  
12 common-law, or chancery jurisdiction or the county courts and  
13 district courts of jurisdiction of domestic relations matters as  
14 defined in section 25-2740;

15           ~~(9)~~ (11) Juvenile detention facility has the same meaning  
16 as in section 83-4,125;

17           (12) Legal custody has the same meaning as in section  
18 43-2922;

19           ~~(10)~~ (13) Mediator for juvenile offender and victim  
20 mediation means a person who (a) has completed at least thirty  
21 hours of training in conflict resolution techniques, neutrality,  
22 agreement writing, and ethics set forth in section 25-2913, (b) has  
23 an additional eight hours of juvenile offender and victim mediation  
24 training, and (c) meets the apprenticeship requirements set forth  
25 in section 25-2913;

26           ~~(11)~~ (14) Mental health facility means a treatment  
27 facility as defined in section 71-914 or a government, private, or

1 state hospital which treats mental illness;

2 ~~(12)~~ (15) Nonoffender means a juvenile who is subject  
3 to the jurisdiction of the juvenile court for reasons other  
4 than legally prohibited conduct, including, but not limited to,  
5 juveniles described in subdivision (3)(a) of section 43-247;

6 ~~(13)~~ (16) Nonsecure detention means detention  
7 characterized by the absence of restrictive hardware, construction,  
8 and procedure. Nonsecure detention services may include a range  
9 of placement and supervision options, such as home detention,  
10 electronic monitoring, day reporting, drug court, tracking and  
11 monitoring supervision, staff secure and temporary holdover  
12 facilities, and group homes;

13 ~~(14)~~ (17) Parent means one or both parents or a  
14 ~~stepparent~~ stepparents when such ~~the~~ stepparent is married to  
15 ~~the custodial~~ a parent who has physical custody of the juvenile as  
16 of the filing of the petition;

17 ~~(15)~~ (18) Parties means the juvenile as described in  
18 section 43-247 and his or her parent, guardian, or custodian;

19 (19) Physical custody has the same meaning as in section  
20 43-2922;

21 ~~(16)~~ (20) Except in proceedings under the Nebraska Indian  
22 Child Welfare Act, relative means father, mother, grandfather,  
23 grandmother, brother, sister, stepfather, stepmother, stepbrother,  
24 stepsister, uncle, aunt, first cousin, nephew, or niece;

25 ~~(17)~~ (21) Seal a record means that a record shall not be  
26 available to the public except upon the order of a court upon good  
27 cause shown;

1           ~~(18)~~ (22) Secure detention means detention in a highly  
2 structured, residential, hardware-secured facility designed to  
3 restrict a juvenile's movement;

4           (23) Staff secure juvenile facility means a juvenile  
5 residential facility operated by a political subdivision (a) which  
6 does not include construction designed to physically restrict  
7 the movements and activities of juveniles who are in custody in  
8 the facility, (b) in which physical restriction of movement or  
9 activity of juveniles is provided solely through staff, (c) which  
10 may establish reasonable rules restricting ingress to and egress  
11 from the facility, and (d) in which the movements and activities  
12 of individual juvenile residents may, for treatment purposes, be  
13 restricted or subject to control through the use of intensive staff  
14 supervision. Staff secure juvenile facility does not include any  
15 institution operated by the department;

16           ~~(19)~~ (24) Status offender means a juvenile who has been  
17 charged with or adjudicated for conduct which would not be a crime  
18 if committed by an adult, including, but not limited to, juveniles  
19 charged under subdivision (3)(b) of section 43-247 and sections  
20 53-180.01 and 53-180.02; and

21           ~~(20)~~ (25) Traffic offense means any nonfelonious act in  
22 violation of a law or ordinance regulating vehicular or pedestrian  
23 travel, whether designated a misdemeanor or a traffic infraction.

24           Sec. 7. Section 43-247, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26           43-247 ~~The~~ Except as provided in section 8 of this act,  
27 the juvenile court shall have exclusive original jurisdiction as

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

23           The juvenile court in each county as herein provided  
24 shall have jurisdiction of:

25           (1) Any juvenile who has committed an act other than  
26 a traffic offense which would constitute a misdemeanor or an  
27 infraction under the laws of this state, or violation of a city or

1 village ordinance;

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

4 (3) Any juvenile (a) who is homeless or destitute, or  
5 without proper support through no fault of his or her parent,  
6 guardian, or custodian; who is abandoned by his or her parent,  
7 guardian, or custodian; who lacks proper parental care by reason of  
8 the fault or habits of his or her parent, guardian, or custodian;  
9 whose parent, guardian, or custodian neglects or refuses to provide  
10 proper or necessary subsistence, education, or other care necessary  
11 for the health, morals, or well-being of such juvenile; whose  
12 parent, guardian, or custodian is unable to provide or neglects  
13 or refuses to provide special care made necessary by the mental  
14 condition of the juvenile; or who is in a situation or engages  
15 in an occupation dangerous to life or limb or injurious to the  
16 health or morals of such juvenile, (b) who, by reason of being  
17 wayward or habitually disobedient, is uncontrolled by his or her  
18 parent, guardian, or custodian; who deports himself or herself  
19 so as to injure or endanger seriously the morals or health of  
20 himself, herself, or others; or who is habitually truant from home  
21 or school, or (c) who is mentally ill and dangerous as defined in  
22 section 71-908;

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

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

27 (6) The proceedings for termination of parental rights;

1 as provided in the Nebraska Juvenile Code;

2 ~~(7) The proceedings for termination of parental rights as~~  
3 ~~provided in section 42-364;~~

4 ~~(8) (7) Any juvenile who has been voluntarily~~  
5 ~~relinquished, pursuant to section 43-106.01, to the Department of~~  
6 ~~Health and Human Services or any child placement agency licensed by~~  
7 ~~the Department of Health and Human Services;~~

8 ~~(9) (8) Any juvenile who was a ward of the juvenile court~~  
9 ~~at the inception of his or her guardianship and whose guardianship~~  
10 ~~has been disrupted or terminated;~~

11 ~~(10) (9) The adoption or guardianship proceedings for a~~  
12 ~~child over which the juvenile court already has jurisdiction under~~  
13 ~~another provision of the Nebraska Juvenile Code; and~~

14 ~~(11) (10) The paternity or custody determination for a~~  
15 ~~child over which the juvenile court already has jurisdiction.~~

16 Notwithstanding the provisions of the Nebraska Juvenile  
17 Code, the determination of jurisdiction over any Indian child as  
18 defined in section 43-1503 shall be subject to the Nebraska Indian  
19 Child Welfare Act; and the district court shall have exclusive  
20 jurisdiction in proceedings brought pursuant to section 71-510.

21 Sec. 8. (1) Notwithstanding any other provision of  
22 Nebraska law, on and after October 1, 2013, a juvenile court  
23 shall not:

24 (a) Place any juvenile adjudicated or pending  
25 adjudication under subdivision (1), (2), (3)(b), or (4) of section  
26 43-247 with the Department of Health and Human Services or the  
27 Office of Juvenile Services, other than as allowed under subsection

1 (2) or (3) of this section;

2 (b) Commit any juvenile adjudicated or pending  
3 adjudication under subdivision (1), (2), (3)(b), or (4) of section  
4 43-247 to the care and custody of the Department of Health and  
5 Human Services or the Office of Juvenile Services, other than as  
6 allowed under subsection (2) or (3) of this section;

7 (c) Require the Department of Health and Human Services  
8 or Office of Juvenile Services to supervise any juvenile  
9 adjudicated or pending adjudication under subdivision (1), (2),  
10 (3)(b), or (4) of section 43-247, other than as allowed under  
11 subsection (2) or (3) of this section; or

12 (d) Require the Department of Health and Human Services  
13 or the Office of Juvenile Services to provide, arrange for, or  
14 pay for any services for any juvenile adjudicated or pending  
15 adjudication under subdivision (1), (2), (3)(b), or (4) of section  
16 43-247, or for any party to cases under those subdivisions, other  
17 than as allowed under subsection (2) or (3) of this section.

18 (2) Notwithstanding any other provision of Nebraska law,  
19 on and after July 1, 2013, a juvenile court shall not commit  
20 a juvenile to the Office of Juvenile Services for placement at  
21 a youth rehabilitation center, except as part of an order of  
22 intensive supervised probation under subdivision (1)(b)(ii) of  
23 section 43-286.

24 (3) Nothing in this section shall be construed to limit  
25 the authority or duties of the Department of Health and Human  
26 Services in relation to juveniles adjudicated under subdivision  
27 (1), (2), (3)(b), or (4) of section 43-247 who were committed to

1 the care and custody of the Department of Health and Human Services  
2 prior to October 1, 2013, to the Office of Juvenile Services for  
3 community-based services prior to October 1, 2013, or to the Office  
4 of Juvenile Services for placement at a youth rehabilitation and  
5 treatment center prior to July 1, 2013. The care and custody of  
6 such juveniles with the Department of Health and Human Services or  
7 the Office of Juvenile Services shall continue in accordance with  
8 the Nebraska Juvenile Code and the Juvenile Services Act as such  
9 acts existed on January 1, 2013, until:

10 (a) The juvenile reaches the age of majority;

11 (b) The juvenile is no longer under the care and custody  
12 of the department pursuant to a court order or for any other  
13 reason, a guardian other than the department is appointed for the  
14 juvenile, or the juvenile is adopted;

15 (c) The juvenile is discharged pursuant to section  
16 43-412, as such section existed on January 1, 2013; or

17 (d) A juvenile court terminates its jurisdiction of the  
18 juvenile.

19 Sec. 9. Section 43-251, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 43-251 (1) When a juvenile is taken into custody pursuant  
22 to sections 43-248 and 43-250, the court or magistrate may take any  
23 action for preadjudication placement or detention prescribed in the  
24 Nebraska Juvenile Code.

25 (2) Any juvenile taken into custody under the Nebraska  
26 Juvenile Code for allegedly being mentally ill and dangerous  
27 shall not be placed in a staff secure juvenile facility, jail,

1 or detention facility designed for juveniles who are accused of  
2 criminal acts or for juveniles as described in subdivision (1),  
3 (2), or (4) of section 43-247 either as a temporary placement by  
4 a peace officer, as a temporary placement by a court, or as an  
5 adjudication placement by the court.

6 Sec. 10. Section 43-251.01, Revised Statutes Cumulative  
7 Supplement, 2012, is amended to read:

8 43-251.01 All placements and commitments of juveniles for  
9 evaluations or as temporary or final dispositions are subject to  
10 the following:

11 (1) No juvenile shall be confined in an adult  
12 correctional facility as a disposition of the court;

13 (2) A juvenile who is found to be a juvenile as described  
14 in subdivision (3) of section 43-247 shall not be placed in an  
15 adult correctional facility, the secure youth confinement facility  
16 operated by the Department of Correctional Services, or a youth  
17 rehabilitation and treatment center or committed to the Office of  
18 Juvenile Services;

19 (3) A juvenile who is found to be a juvenile as described  
20 in subdivision (1), (2), or (4) of section 43-247 shall not be  
21 assigned or transferred to an adult correctional facility or the  
22 secure youth confinement facility operated by the Department of  
23 Correctional Services; ~~and~~

24 (4) A juvenile under the age of fourteen years shall not  
25 be placed with or committed to a youth rehabilitation and treatment  
26 center; ~~and except as provided in section 43-286.~~

27 (5) A juvenile shall not be detained in secure detention

1 or placed at a youth rehabilitation and treatment center unless  
2 detention or placement of such juvenile is a matter of immediate  
3 and urgent necessity for the protection of such juvenile or the  
4 person or property of another or if it appears that such juvenile  
5 is likely to flee the jurisdiction of the court.

6           Sec. 11. Section 43-254, Revised Statutes Cumulative  
7 Supplement, 2012, is amended to read:

8           43-254 Pending the adjudication of any case, and subject  
9 to subdivision (5) of section 43-251.01, if it appears that the  
10 need for placement or further detention exists, the juvenile may  
11 be (1) placed or detained a reasonable period of time on order  
12 of the court in the temporary custody of either the person having  
13 charge of the juvenile or some other suitable person, (2) kept in  
14 some suitable place provided by the city or county authorities,  
15 (3) placed in any proper and accredited charitable institution,  
16 (4) placed in a state institution, except any adult correctional  
17 facility, when proper facilities are available and the only local  
18 facility is a city or county jail, at the expense of the committing  
19 county on a per diem basis as determined from time to time by the  
20 head of the particular institution, or (5) placed in the temporary  
21 care and custody of the Department of Health and Human Services  
22 when it does not appear that there is any need for secure detention  
23 except that beginning October 1, 2013, no juvenile alleged to be  
24 a juvenile described in subdivision (1), (2), (3)(b), or (4) of  
25 section 43-247 shall be placed in the care and custody or under  
26 the supervision of the Department of Health and Human Services,  
27 or (6) beginning October 1, 2013, offered supervision options as

1 determined pursuant to section 43-260.01, through the Office of  
2 Probation Administration as ordered by the court and agreed to in  
3 writing by the parties, if the juvenile is alleged to be a juvenile  
4 described in subdivision (1), (2), (3)(b), or (4) of section 43-247  
5 and it does not appear that there is any need for secure detention.

6 The court may assess the cost of such placement or detention in  
7 whole or in part to the parent of the juvenile as provided in  
8 section 43-290.

9           If a juvenile has been removed from his or her parent,  
10 guardian, or custodian pursuant to subdivision (2) of section  
11 43-248, the court may enter an order continuing detention or  
12 placement upon a written determination that continuation of the  
13 juvenile in his or her home would be contrary to the health,  
14 safety, or welfare of such juvenile and that reasonable efforts  
15 were made to preserve and reunify the family if required under  
16 subsections (1) through (4) of section 43-283.01.

17           Sec. 12. Section 43-258, Revised Statutes Cumulative  
18 Supplement, 2012, is amended to read:

19           43-258 (1) Pending the adjudication of any case under the  
20 Nebraska Juvenile Code, the court may order the juvenile examined  
21 by a physician, surgeon, psychiatrist, duly authorized community  
22 mental health service program, or psychologist to aid the court  
23 in determining (a) a material allegation in the petition relating  
24 to the juvenile's physical or mental condition, (b) the juvenile's  
25 competence to participate in the proceedings, (c) the juvenile's  
26 responsibility for his or her acts, or (d) whether or not to  
27 provide emergency medical treatment.

1           (2) (a) Pending the adjudication of any case under the  
2 Nebraska Juvenile Code and after a showing of probable cause that  
3 the juvenile is within the court's jurisdiction, for the purposes  
4 of subsection (1) of this section, the court may order such  
5 juvenile to be placed with the Department of Health and Human  
6 Services for evaluation, except that, on and after October 1, 2013,  
7 no juvenile alleged to be a juvenile as described in subdivision  
8 (1), (2), (3) (b), or (4) of section 43-247 shall be placed with  
9 the Department of Health and Human Services. If a juvenile is  
10 placed with the Department of Health and Human Services under this  
11 subdivision, the - The department shall make arrangements for an  
12 appropriate evaluation. The department shall determine whether the  
13 evaluation will be made on a residential or nonresidential basis.  
14 Placement with the department for the purposes of this section  
15 shall be for a period not to exceed thirty days. If necessary  
16 to complete the evaluation, the court may order an extension not  
17 to exceed an additional thirty days. Any temporary placement of a  
18 juvenile made under this section shall be in the least restrictive  
19 environment consistent with the best interests of the juvenile and  
20 the safety of the community.

21           (b) Beginning October 1, 2013, pending the adjudication  
22 of any case in which a juvenile is alleged to be a juvenile  
23 as described in subdivision (1), (2), (3) (b), or (4) of section  
24 43-247 and after a showing of probable cause that the juvenile  
25 is within the court's jurisdiction, for the purposes of subsection  
26 (1) of this section, the court may order an evaluation. The  
27 Office of Probation Administration shall provide and pay for any

1 evaluation ordered by the court under this subdivision if the  
2 office determines that there are no parental funds or private  
3 or public insurance available to pay for such evaluation. Any  
4 temporary placement of a juvenile made under this section shall  
5 be in the least restrictive environment consistent with the best  
6 interests of the juvenile and the safety of the community.

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

16           (4) During any period of detention or evaluation prior to  
17 adjudication:

18           (a) Except as provided in subdivision (4)(b) of this  
19 section, the county in which the case is pending is responsible for  
20 all detention costs incurred before and after an evaluation period  
21 prior to adjudication, the cost of delivering the juvenile to the  
22 location of the evaluation, and the cost of returning the juvenile  
23 to the court for further proceedings; and

24           (b) The ~~state~~ Department of Health and Human Services is  
25 responsible for (i) the costs incurred during an evaluation when  
26 the juvenile has been placed with the ~~Department of Health and~~  
27 ~~Human Services~~ department unless otherwise ordered by the court

1 pursuant to section 43-290 and (ii) the preevaluation detention  
2 costs for any days over the first ten days from the date the court  
3 places the juvenile with the department for evaluation, except  
4 that on and after October 1, 2013, the department shall not be  
5 responsible for any such costs in any case in which a juvenile  
6 is alleged to be a juvenile as described in subdivision (1), (2),  
7 (3) (b), or (4) of section 43-247.

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

11 Sec. 13. Section 43-260.01, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 43-260.01 The need for preadjudication placement or  
14 supervision and the need for detention of a juvenile and whether  
15 secure or nonsecure detention is indicated shall be subject to  
16 subdivision (5) of section 43-251.01 and may be determined as  
17 follows:

18 (1) The standardized juvenile detention screening  
19 instrument shall be used to evaluate the juvenile;

20 (2) If the results indicate that secure detention is  
21 not required, nonsecure detention placement or supervision options  
22 shall be pursued; and

23 (3) If the results indicate that secure detention is  
24 required, detention at the secure level as indicated by the  
25 instrument shall be pursued.

26 Sec. 14. Section 43-260.04, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1                   43-260.04 A juvenile pretrial diversion program shall:

2                   (1) Be an option available for the county attorney or  
3 city attorney based upon his or her determination under this  
4 subdivision. The county attorney or city attorney may use the  
5 following information:

6                   (a) The juvenile's age;

7                   (b) The nature of the offense and role of the juvenile in  
8 the offense;

9                   (c) The number and nature of previous offenses involving  
10 the juvenile;

11                   (d) The dangerousness or threat posed by the juvenile to  
12 persons or property; or

13                   (e) The recommendations of the referring agency, victim,  
14 and advocates for the juvenile;

15                   (2) Permit participation by a juvenile only on a  
16 voluntary basis and shall include a juvenile diversion agreement  
17 described in section 43-260.06;

18                   (3) Allow the juvenile to consult with counsel prior to a  
19 decision to participate in the program;

20                   (4) Be offered to the juvenile when practicable prior to  
21 an adjudication the filing of a juvenile petition or a criminal  
22 charge but after the arrest of the juvenile or issuance of a  
23 citation to the juvenile if after the arrest or citation a decision  
24 has been made by the county attorney or city attorney that the  
25 offense will support the filing of a juvenile petition or criminal  
26 charges;

27                   (5) Provide screening services for use in creating a

1 diversion plan utilizing appropriate services for the juvenile;

2 ~~(5)~~ (6) Result in dismissal of the juvenile petition  
3 or criminal charges if the juvenile successfully completes the  
4 program;

5 ~~(6)~~ (7) Be designed and operated to further the goals  
6 stated in section 43-260.03 and comply with sections 43-260.04 to  
7 43-260.07; and

8 ~~(7)~~ (8) Require information received by the program  
9 regarding the juvenile to remain confidential unless a release of  
10 information is signed upon admission to the program or is otherwise  
11 authorized by law.

12 Sec. 15. Section 43-260.05, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 43-260.05 A juvenile pretrial diversion program may:

15 (1) Provide screening services to the court and county  
16 attorney or city attorney to help identify likely candidates for  
17 the program;

18 (2) Establish goals for diverted juvenile offenders and  
19 monitor performance of the goals;

20 (3) ~~Perform~~ Coordinate chemical dependency assessments  
21 of diverted juvenile offenders when indicated, make appropriate  
22 referrals for treatment, and monitor treatment and aftercare;

23 (4) ~~Provide~~ Coordinate individual, group, and family  
24 counseling services;

25 (5) Oversee the payment of victim restitution by diverted  
26 juvenile offenders;

27 (6) Assist diverted juvenile offenders in identifying and

1 contacting appropriate community resources;

2 (7) ~~Provide~~ Coordinate educational services to diverted  
3 juvenile offenders to enable them to earn a high school diploma or  
4 general education development diploma; and

5 (8) Provide accurate information on how diverted juvenile  
6 offenders perform in the program to the juvenile courts, county  
7 attorneys, city attorneys, defense attorneys, and probation  
8 officers.

9 Sec. 16. Section 43-260.07, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 43-260.07 (1) ~~Beginning December 1, 2003, and every~~  
12 ~~December 1 thereafter,~~ On January 30 of each year, every county  
13 attorney or city attorney of a county or city which has a  
14 juvenile pretrial diversion program shall report to the Director  
15 of Juvenile Diversion Programs the information pertaining to the  
16 program required by rules and regulations adopted and promulgated  
17 by the Nebraska Commission on Law Enforcement and Criminal Justice.  
18 ~~to the commission.~~

19 (2) Juvenile pretrial diversion program data shall be  
20 maintained and compiled by the Director of Juvenile Diversion  
21 Programs. ~~the Nebraska Commission on Law Enforcement and Criminal~~  
22 ~~Justice.~~

23 Sec. 17. Section 43-272.01, Revised Statutes Cumulative  
24 Supplement, 2012, is amended to read:

25 43-272.01 (1) A guardian ad litem as provided for in  
26 subsections (2) and (3) of section 43-272 shall be appointed  
27 when a child is removed from his or her surroundings pursuant

1 to subdivision (2) or (3) of section 43-248, subsection (2) of  
2 section 43-250, or section 43-251. If removal has not occurred, a  
3 guardian ad litem shall be appointed at the commencement of all  
4 cases brought under subdivision (3)(a) or ~~(8)~~ (7) of section 43-247  
5 and section 28-707.

6 (2) In the course of discharging duties as guardian ad  
7 litem, the person so appointed shall consider, but not be limited  
8 to, the criteria provided in this subsection. The guardian ad  
9 litem:

10 (a) Is appointed to stand in lieu of a parent for a  
11 protected juvenile who is the subject of a juvenile court petition,  
12 shall be present at all hearings before the court in such matter  
13 unless expressly excused by the court, and may enter into such  
14 stipulations and agreements concerning adjudication and disposition  
15 deemed by him or her to be in the juvenile's best interests;

16 (b) Is not appointed to defend the parents or other  
17 custodian of the protected juvenile but shall defend the legal  
18 and social interests of such juvenile. Social interests shall  
19 be defined generally as the usual and reasonable expectations of  
20 society for the appropriate parental custody and protection and  
21 quality of life for juveniles without regard to the socioeconomic  
22 status of the parents or other custodians of the juvenile;

23 (c) May at any time after the filing of the petition  
24 move the court of jurisdiction to provide medical or psychological  
25 treatment or evaluation as set out in section 43-258. The guardian  
26 ad litem shall have access to all reports resulting from any  
27 examination ordered under section 43-258, and such reports shall be

1 used for evaluating the status of the protected juvenile;

2 (d) Shall make every reasonable effort to become  
3 familiar with the needs of the protected juvenile which (i) shall  
4 include consultation with the juvenile within two weeks after the  
5 appointment and once every six months thereafter and inquiry of  
6 the most current caseworker, foster parent, or other custodian  
7 and (ii) may include inquiry of others directly involved with  
8 the juvenile or who may have information or knowledge about the  
9 circumstances which brought the juvenile court action or related  
10 cases and the development of the juvenile, including biological  
11 parents, physicians, psychologists, teachers, and clergy members;

12 (e) May present evidence and witnesses and cross-examine  
13 witnesses at all evidentiary hearings. In any proceeding under this  
14 section relating to a child of school age, certified copies of  
15 school records relating to attendance and academic progress of such  
16 child are admissible in evidence;

17 (f) Shall be responsible for making recommendations to  
18 the court regarding the temporary and permanent placement of the  
19 protected juvenile and shall submit a written report to the court  
20 at every dispositional or review hearing, or in the alternative,  
21 the court may provide the guardian ad litem with a checklist  
22 that shall be completed and presented to the court at every  
23 dispositional or review hearing;

24 (g) Shall consider such other information as is warranted  
25 by the nature and circumstances of a particular case; and

26 (h) May file a petition in the juvenile court on behalf  
27 of the juvenile, including a supplemental petition as provided in

1 section 43-291.

2 (3) Nothing in this section shall operate to limit the  
3 discretion of the juvenile court in protecting the best interests  
4 of a juvenile who is the subject of a juvenile court petition.

5 (4) For purposes of subdivision (2)(d) of this section,  
6 the court may order the expense of such consultation, if any, to be  
7 paid by the county in which the juvenile court action is brought  
8 or the court may, after notice and hearing, assess the cost of  
9 such consultation, if any, in whole or in part to the parents of  
10 the juvenile. The ability of the parents to pay and the amount  
11 of the payment shall be determined by the court by appropriate  
12 examination.

13 Sec. 18. Section 43-279.01, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 43-279.01 (1) When the petition alleges the juvenile  
16 to be within the provisions of subdivision (3)(a) of section  
17 43-247 or when termination of parental rights is sought pursuant  
18 to subdivision (6) ~~or (7)~~ of section 43-247 and the parent, ~~or~~  
19 custodian, or guardian appears with or without counsel, the court  
20 shall inform the parties of the:

21 (a) Nature of the proceedings and the possible  
22 consequences or dispositions pursuant to sections 43-284, 43-285,  
23 and 43-288 to 43-295;

24 (b) Right of the parent to engage counsel of their choice  
25 at their own expense or to have counsel appointed if the parent is  
26 unable to afford to hire a lawyer;

27 (c) Right of a stepparent, custodian, or guardian to

1 engage counsel of their choice and, if there are allegations  
2 against the stepparent, custodian, or guardian or when the petition  
3 is amended to include such allegations, to have counsel appointed  
4 if the stepparent, custodian, or guardian is unable to afford to  
5 hire a lawyer;

6 ~~(e)~~ (d) Right to remain silent as to any matter of  
7 inquiry if the testimony sought to be elicited might tend to prove  
8 the parent ~~or~~ custodian party guilty of any crime;

9 ~~(d)~~ (e) Right to confront and cross-examine witnesses;

10 ~~(e)~~ (f) Right to testify and to compel other witnesses to  
11 attend and testify;

12 ~~(f)~~ (g) Right to a speedy adjudication hearing; and

13 ~~(g)~~ (h) Right to appeal and have a transcript or record  
14 of the proceedings for such purpose.

15 (2) The court shall have the discretion as to whether  
16 or not to appoint counsel for a person who is not a party to  
17 the proceeding. If counsel is appointed, failure of the party to  
18 maintain contact with their court-appointed counsel or to keep such  
19 counsel advised of the party's current address can result in the  
20 counsel being discharged by the court.

21 ~~(2)~~ (3) After giving the parties the information  
22 prescribed in subsection (1) of this section, the court may accept  
23 an in-court admission, an answer of no contest, or a denial from  
24 any parent, ~~or~~ custodian, or guardian as to all or any part of the  
25 allegations in the petition. The court shall ascertain a factual  
26 basis for an admission or an answer of no contest.

27 ~~(3)~~ (4) In the case of a denial, the court shall allow

1 a reasonable time for preparation if needed and then proceed  
2 to determine the question of whether the juvenile falls under  
3 the provisions of section 43-247 as alleged. After hearing the  
4 evidence, the court shall make a finding and adjudication to be  
5 entered on the records of the court as to whether the allegations  
6 in the petition have been proven by a preponderance of the evidence  
7 in cases under subdivision (3) (a) of section 43-247 or by clear and  
8 convincing evidence in proceedings to terminate parental rights.  
9 If an Indian child is involved, the standard of proof shall be  
10 in compliance with the Nebraska Indian Child Welfare Act, if  
11 applicable.

12 ~~(4)~~ (5) If the court shall find that the allegations  
13 of the petition or motion have not been proven by the requisite  
14 standard of proof, it shall dismiss the case or motion. If the  
15 court sustains the petition or motion, it shall allow a reasonable  
16 time for preparation if needed and then proceed to inquire into the  
17 matter of the proper disposition to be made of the juvenile.

18 Sec. 19. Section 43-281, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 43-281 (1) Following an adjudication of jurisdiction and  
21 prior to final disposition, the court may place the juvenile with  
22 the Office of Juvenile Services or the Department of Health and  
23 Human Services for evaluation, except that on and after October 1,  
24 2013, no juvenile adjudicated under subdivision (1), (2), (3) (b),  
25 or (4) of section 43-247 shall be placed with the office or  
26 the department. The office or department shall ~~make arrangements~~  
27 arrange and pay for an appropriate evaluation if the office or

1 department determines that there are no parental funds or private  
2 or public insurance available to pay for such evaluation, except  
3 that, on and after October 1, 2013, the office and the department  
4 shall not be responsible for such evaluations of any juvenile  
5 adjudicated under subdivision (1), (2), (3)(b), or (4) of section  
6 43-247.

7 (2) On and after October 1, 2013, following an  
8 adjudication of jurisdiction under subdivision (1), (2), (3)(b), or  
9 (4) of section 43-247 and prior to final disposition, the court  
10 may order an evaluation. The Office of Probation Administration  
11 shall arrange and pay for the evaluation ordered by the court  
12 if the office determines that there are no parental funds or  
13 private or public insurance available to pay for such evaluation.  
14 Any evaluation ordered under this subdivision shall be completed  
15 and the juvenile shall be returned to the court within twenty-one  
16 days after the evaluation is ordered. The physician, psychologist,  
17 licensed mental health practitioner, licensed drug and alcohol  
18 counselor, or other provider responsible for completing the  
19 evaluation shall have up to ten days to complete the evaluation  
20 after receiving the referral authorizing the evaluation.

21 (3) A juvenile pending evaluation ordered under  
22 subsection (1) or (2) of this section shall not reside in a  
23 detention facility at the time of the evaluation or while waiting  
24 for the completed evaluation to be returned to the court unless  
25 detention of such juvenile is a matter of immediate and urgent  
26 necessity for the protection of such juvenile or the person or  
27 property of another or if it appears that such juvenile is likely

1 to flee the jurisdiction of the court.

2           Sec. 20. Section 43-284, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           43-284 When any juvenile is adjudged to be under  
5 subdivision (3), (4), or ~~(9)~~ (8) of section 43-247, the court  
6 may permit such juvenile to remain in his or her own home subject  
7 to supervision or may make an order committing the juvenile to (1)  
8 the care of some suitable institution, (2) inpatient or outpatient  
9 treatment at a mental health facility or mental health program, (3)  
10 the care of some reputable citizen of good moral character, (4) the  
11 care of some association willing to receive the juvenile embracing  
12 in its objects the purpose of caring for or obtaining homes for  
13 such juveniles, which association shall have been accredited as  
14 provided in section 43-296, (5) the care of a suitable family,  
15 or (6) the care and custody of the Department of Health and  
16 Human Services, except that a juvenile who is adjudicated to be a  
17 juvenile described in subdivision (3)(b) or (4) of section 43-247  
18 shall not be committed to the care and custody or supervision of  
19 the department on or after October 1, 2013.

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

1 payment.

2           The amount to be paid by a county for education pursuant  
3 to this section shall not exceed the average cost for education  
4 of a public school student in the county in which the juvenile is  
5 placed and shall be paid only for education in kindergarten through  
6 grade twelve.

7           The court may enter a dispositional order removing a  
8 juvenile from his or her home upon a written determination that  
9 continuation in the home would be contrary to the health, safety,  
10 or welfare of such juvenile and that reasonable efforts to preserve  
11 and reunify the family have been made if required under section  
12 43-283.01.

13           Sec. 21. Section 43-284.01, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           43-284.01 Any juvenile adjudged to be under subdivision  
16 ~~(8)~~ (7) of section 43-247 shall remain in the custody of the  
17 Department of Health and Human Services or the licensed child  
18 placement agency to whom the juvenile has been relinquished unless  
19 the court finds by clear and convincing evidence that the best  
20 interests of the juvenile require that an alternative disposition  
21 be made. If the court makes such finding, then alternative  
22 disposition may be made as provided under section 43-284. Such  
23 alternative disposition shall relieve the department or licensed  
24 child placement agency of all responsibility with regard to such  
25 juvenile.

26           Sec. 22. Section 43-285, Revised Statutes Cumulative  
27 Supplement, 2012, is amended to read:

1           43-285 (1) When the court awards a juvenile to the care  
2 of the Department of Health and Human Services, an association,  
3 or an individual in accordance with the Nebraska Juvenile Code,  
4 the juvenile shall, unless otherwise ordered, become a ward and  
5 be subject to the guardianship of the department, association,  
6 or individual to whose care he or she is committed. Any such  
7 association and the department shall have authority, by and  
8 with the assent of the court, to determine the care, placement,  
9 medical services, psychiatric services, training, and expenditures  
10 on behalf of each juvenile committed to it. Such guardianship shall  
11 not include the guardianship of any estate of the juvenile.

12           (2)(a) This subdivision applies until October 1, 2013.  
13 Following an adjudication hearing at which a juvenile is adjudged  
14 to be under subdivision (3) of section 43-247, the court may  
15 order the department to prepare and file with the court a proposed  
16 plan for the care, placement, services, and permanency which  
17 are to be provided to such juvenile and his or her family.  
18 The health and safety of the juvenile shall be the paramount  
19 concern in the proposed plan. The department shall include in the  
20 plan for a juvenile who is sixteen years of age or older and  
21 subject to the guardianship of the department a written independent  
22 living transition proposal which meets the requirements of section  
23 43-1311.03. The court may approve the plan, modify the plan,  
24 order that an alternative plan be developed, or implement another  
25 plan that is in the juvenile's best interests. In its order the  
26 court shall include a finding regarding the appropriateness of  
27 the programs and services described in the proposal designed to

1 assist the juvenile in acquiring independent living skills. Rules  
2 of evidence shall not apply at the dispositional hearing when the  
3 court considers the plan that has been presented.

4 (b) This subdivision applies beginning October 1, 2013.  
5 Following an adjudication hearing at which a juvenile is adjudged  
6 to be under subdivision (3)(a) or (c) of section 43-247, the court  
7 may order the department to prepare and file with the court a  
8 proposed plan for the care, placement, services, and permanency  
9 which are to be provided to such juvenile and his or her family.  
10 The health and safety of the juvenile shall be the paramount  
11 concern in the proposed plan. The department shall include in the  
12 plan for a juvenile who is sixteen years of age or older and  
13 subject to the guardianship of the department a written independent  
14 living transition proposal which meets the requirements of section  
15 43-1311.03. The court may approve the plan, modify the plan,  
16 order that an alternative plan be developed, or implement another  
17 plan that is in the juvenile's best interests. In its order the  
18 court shall include a finding regarding the appropriateness of  
19 the programs and services described in the proposal designed to  
20 assist the juvenile in acquiring independent living skills. Rules  
21 of evidence shall not apply at the dispositional hearing when the  
22 court considers the plan that has been presented.

23 (3) Within thirty days after an order awarding a juvenile  
24 to the care of the department, an association, or an individual  
25 and until the juvenile reaches the age of majority, the department,  
26 association, or individual shall file with the court a report  
27 stating the location of the juvenile's placement and the needs of

1 the juvenile in order to effectuate the purposes of subdivision  
2 (1) of section 43-246. The department, association, or individual  
3 shall file a report with the court once every six months or at  
4 shorter intervals if ordered by the court or deemed appropriate  
5 by the department, association, or individual. The department,  
6 association, or individual shall file a report and notice of  
7 placement change with the court and shall send copies of the  
8 notice to all interested parties at least seven days before the  
9 placement of the juvenile is changed from what the court originally  
10 considered to be a suitable family home or institution to some  
11 other custodial situation in order to effectuate the purposes of  
12 subdivision (1) of section 43-246. The court, on its own motion  
13 or upon the filing of an objection to the change by an interested  
14 party, may order a hearing to review such a change in placement  
15 and may order that the change be stayed until the completion of  
16 the hearing. Nothing in this section shall prevent the court on  
17 an ex parte basis from approving an immediate change in placement  
18 upon good cause shown. The department may make an immediate change  
19 in placement without court approval only if the juvenile is in a  
20 harmful or dangerous situation or when the foster parents request  
21 that the juvenile be removed from their home. Approval of the court  
22 shall be sought within twenty-four hours after making the change in  
23 placement or as soon thereafter as possible. The department shall  
24 provide the juvenile's guardian ad litem with a copy of any report  
25 filed with the court by the department pursuant to this subsection.

26 (4) The court shall also hold a permanency hearing if  
27 required under section 43-1312.

1           (5) When the court awards a juvenile to the care of the  
2 department, an association, or an individual, then the department,  
3 association, or individual shall have standing as a party to file  
4 any pleading or motion, to be heard by the court with regard to  
5 such filings, and to be granted any review or relief requested in  
6 such filings consistent with the Nebraska Juvenile Code.

7           (6) Whenever a juvenile is in a foster care placement  
8 as defined in section 43-1301, the Foster Care Review Office or  
9 the designated local foster care review board may participate in  
10 proceedings concerning the juvenile as provided in section 43-1313  
11 and notice shall be given as provided in section 43-1314.

12           (7) Any written findings or recommendations of the Foster  
13 Care Review Office or the designated local foster care review board  
14 with regard to a juvenile in a foster care placement submitted to  
15 a court having jurisdiction over such juvenile shall be admissible  
16 in any proceeding concerning such juvenile if such findings or  
17 recommendations have been provided to all other parties of record.

18           (8) The executive director and any agent or employee of  
19 the Foster Care Review Office or any member of any local foster  
20 care review board participating in an investigation or making any  
21 report pursuant to the Foster Care Review Act or participating in a  
22 judicial proceeding pursuant to this section shall be immune from  
23 any civil liability that would otherwise be incurred except for  
24 false statements negligently made.

25           Sec. 23. Section 43-286, Revised Statutes Cumulative  
26 Supplement, 2012, is amended to read:

27           43-286 (1) When any juvenile is adjudicated to be a

1 juvenile described in subdivision (1), (2), or (4) of section  
2 43-247:

3 ~~(a)~~ The (a)(i) This subdivision applies until October  
4 1, 2013. The court may continue the dispositional portion of the  
5 hearing, from time to time upon such terms and conditions as the  
6 court may prescribe, including an order of restitution of any  
7 property stolen or damaged or an order requiring the juvenile to  
8 participate in community service programs, if such order is in  
9 the interest of the juvenile's reformation or rehabilitation, and,  
10 subject to the further order of the court, may:

11 ~~(i)~~ (A) Place the juvenile on probation subject to the  
12 supervision of a probation officer;

13 ~~(ii)~~ (B) Permit the juvenile to remain in his or her  
14 own home or be placed in a suitable family home, subject to the  
15 supervision of the probation officer; or

16 ~~(iii)~~ (C) Cause the juvenile to be placed in a suitable  
17 family home or institution, subject to the supervision of the  
18 probation officer. If the court has committed the juvenile to the  
19 care and custody of the Department of Health and Human Services,  
20 the department shall pay the costs of the suitable family home or  
21 institution which are not otherwise paid by the juvenile's parents.

22 Under subdivision ~~(1)(a)~~ (1)(a)(i) of this section,  
23 upon a determination by the court that there are no parental,  
24 private, or other public funds available for the care, custody, and  
25 maintenance of a juvenile, the court may order a reasonable sum for  
26 the care, custody, and maintenance of the juvenile to be paid out  
27 of a fund which shall be appropriated annually by the county where

1 the petition is filed until a suitable provision may be made for  
2 the juvenile without such payment. ~~†~~ ~~ex~~

3 (ii) This subdivision applies beginning October 1, 2013.  
4 The court may continue the dispositional portion of the hearing,  
5 from time to time upon such terms and conditions as the court may  
6 prescribe, including an order of restitution of any property stolen  
7 or damaged or an order requiring the juvenile to participate in  
8 community service programs, if such order is in the interest of  
9 the juvenile's reformation or rehabilitation, and, subject to the  
10 further order of the court, may:

11 (A) Place the juvenile on probation subject to the  
12 supervision of a probation officer; or

13 (B) Permit the juvenile to remain in his or her own home  
14 or be placed in a suitable family home or institution, subject to  
15 the supervision of the probation officer.

16 If the court has placed a juvenile under the supervision  
17 of a probation officer, the Office of Probation Administration  
18 shall pay the costs of the suitable family home or institution  
19 which are not otherwise paid by the juvenile's parents.

20 Under subdivision (1)(a)(ii) of this section, upon a  
21 determination by the court that there are no parental, private, or  
22 other public funds available for the care, custody, and maintenance  
23 of a juvenile, the court may order a reasonable sum for the care,  
24 custody, and maintenance of the juvenile to be paid out of a  
25 fund which shall be appropriated annually by the county where the  
26 petition is filed until a suitable provision may be made for the  
27 juvenile without such payment;

1           (b) (i) This subdivision applies to all juveniles  
2 committed to the Office of Juvenile Services prior to July 1,  
3 2013. The court may commit such juvenile to the Office of Juvenile  
4 Services, but a juvenile under the age of fourteen years shall not  
5 be placed at the Youth Rehabilitation and Treatment Center-Geneva  
6 or the Youth Rehabilitation and Treatment Center-Kearney unless  
7 he or she has violated the terms of probation or has committed  
8 an additional offense and the court finds that the interests of  
9 the juvenile and the welfare of the community demand his or her  
10 commitment. This minimum age provision shall not apply if the act  
11 in question is murder or manslaughter.

12           ~~(b)~~ (ii) This subdivision applies to all juveniles  
13 committed to the Office of Juvenile Services for placement at  
14 a youth rehabilitation and treatment center on or after July 1,  
15 2013. Unless prohibited by section 43-251.01, the court may commit  
16 such juvenile to the Office of Juvenile Services for placement  
17 at a youth rehabilitation and treatment center as a condition  
18 of an order of intensive supervised probation if all levels of  
19 probation supervision and options for community-based services have  
20 been exhausted and placement of such juvenile is a matter of  
21 immediate and urgent necessity for the protection of such juvenile  
22 or the person or property of another or if it appears that such  
23 juvenile is likely to flee the jurisdiction of the court. Intensive  
24 supervised probation for purposes of this subdivision means that  
25 the Office of Juvenile Services shall be responsible for the care  
26 and custody of the juvenile until the Office of Juvenile Services  
27 discharges the juvenile. Upon discharge of the juvenile, the court

1 shall hold a review hearing on the conditions of probation and  
2 enter any order allowed under subdivision (1)(a) of this section.

3 The Office of Juvenile Services shall work in collaboration with  
4 the Office of Probation Administration in developing individualized  
5 reentry plans as created in section 54 of this act and shall  
6 notify the committing court at least sixty days prior to discharge.

7 The Office of Juvenile Services shall pay the cost of the care  
8 and custody of the juvenile from the time of commitment until  
9 discharge from the Office of Juvenile Services; or ~~7~~ but a juvenile  
10 under the age of fourteen years shall not be placed at the  
11 Youth Rehabilitation and Treatment Center-Geneva or the Youth  
12 Rehabilitation and Treatment Center-Kearney unless he or she has  
13 violated the terms of probation or has committed an additional  
14 offense and the court finds that the interests of the juvenile and  
15 the welfare of the community demand his or her commitment. This  
16 minimum age provision shall not apply if the act in question is  
17 murder or manslaughter.

18 (c) Beginning July 1, 2013, and until October 1, 2013,  
19 the court may commit such juvenile to the Office of Juvenile  
20 Services for community supervision.

21 (2) When any juvenile is found by the court to be a  
22 juvenile described in subdivision (3)(b) of section 43-247, the  
23 court may enter such order as it is empowered to enter under  
24 subdivision (1)(a) of this section or until October 1, 2013, enter  
25 an order committing or placing the juvenile to the care and custody  
26 of the Department of Health and Human Services.

27 (3) When any juvenile is adjudicated to be a juvenile

1 described in subdivision (1), (2), (3)(b), or (4) of section 43-247  
2 because of a nonviolent act or acts and the juvenile has not  
3 previously been adjudicated to be such a juvenile because of a  
4 violent act or acts, the court may, with the agreement of the  
5 victim, order the juvenile to attend juvenile offender and victim  
6 mediation with a mediator or at an approved center selected from  
7 the roster made available pursuant to section 25-2908.

8 (4) When a juvenile is placed on probation and a  
9 probation officer has reasonable cause to believe that such  
10 juvenile has committed or is about to commit a substance abuse  
11 violation, a noncriminal violation, or a violation of a condition  
12 of his or her probation, the probation officer shall take  
13 appropriate measures as provided in section 43-286.01.

14 (5)(a) When a juvenile is placed on probation or under  
15 the supervision of the court and it is alleged that the juvenile is  
16 again a juvenile described in subdivision (1), (2), (3)(b), or (4)  
17 of section 43-247, a petition may be filed and the same procedure  
18 followed and rights given at a hearing on the original petition. If  
19 an adjudication is made that the allegations of the petition are  
20 true, the court may make any disposition authorized by this section  
21 for such adjudications.

22 (b) When a juvenile is placed on probation or under  
23 the supervision of the court for conduct under subdivision (1),  
24 (2), (3)(b), or (4) of section 43-247 and it is alleged that the  
25 juvenile has violated a term of probation or supervision or that  
26 the juvenile has violated an order of the court, a motion to revoke  
27 probation or supervision or to change the disposition may be filed

1 and proceedings held as follows:

2 (i) The motion shall set forth specific factual  
3 allegations of the alleged violations and a copy of such motion  
4 shall be served on all persons required to be served by sections  
5 43-262 to 43-267;

6 (ii) The juvenile shall be entitled to a hearing before  
7 the court to determine the validity of the allegations. At such  
8 hearing the juvenile shall be entitled to those rights relating  
9 to counsel provided by section 43-272 and those rights relating  
10 to detention provided by sections 43-254 to 43-256. The juvenile  
11 shall also be entitled to speak and present documents, witnesses,  
12 or other evidence on his or her own behalf. He or she may confront  
13 persons who have given adverse information concerning the alleged  
14 violations, may cross-examine such persons, and may show that he  
15 or she did not violate the conditions of his or her probation  
16 or supervision or an order of the court or, if he or she did,  
17 that mitigating circumstances suggest that the violation does not  
18 warrant revocation of probation or supervision or a change of  
19 disposition. The hearing shall be held within a reasonable time  
20 after the juvenile is taken into custody;

21 (iii) The hearing shall be conducted in an informal  
22 manner and shall be flexible enough to consider evidence, including  
23 letters, affidavits, and other material, that would not be  
24 admissible in an adversarial criminal trial;

25 (iv) The juvenile shall be given a preliminary hearing  
26 in all cases when the juvenile is confined, detained, or otherwise  
27 significantly deprived of his or her liberty as a result of his

1 or her alleged violation of probation, supervision, or court order.  
2 Such preliminary hearing shall be held before an impartial person  
3 other than his or her probation officer or any person directly  
4 involved with the case. If, as a result of such preliminary  
5 hearing, probable cause is found to exist, the juvenile shall be  
6 entitled to a hearing before the court in accordance with this  
7 subsection;

8 (v) If the juvenile is found by the court to have  
9 violated the terms of his or her probation or supervision or an  
10 order of the court, the court may modify the terms and conditions  
11 of the probation, supervision, or other court order, extend the  
12 period of probation, supervision, or other court order, or enter  
13 any order of disposition that could have been made at the time the  
14 original order was entered; and

15 (vi) In cases when the court revokes probation,  
16 supervision, or other court order, it shall enter a written  
17 statement as to the evidence relied on and the reasons for  
18 revocation.

19 Sec. 24. Section 43-2,108.05, Revised Statutes Cumulative  
20 Supplement, 2012, is amended to read:

21 43-2,108.05 (1) If the court orders the record of a  
22 juvenile sealed pursuant to section 43-2,108.04, the court shall:

23 (a) Order that all records, including any information  
24 or other data concerning any proceedings relating to the offense,  
25 including the arrest, taking into custody, petition, complaint,  
26 indictment, information, trial, hearing, adjudication, correctional  
27 supervision, dismissal, or other disposition or sentence, be deemed

1 never to have occurred;

2 (b) Send notice of the order to seal the record (i) to  
3 the Nebraska Commission on Law Enforcement and Criminal Justice,  
4 (ii) if the record includes impoundment or prohibition to obtain  
5 a license or permit pursuant to section 43-287, to the Department  
6 of Motor Vehicles, (iii) if the juvenile whose record has been  
7 ordered sealed was a ward of the state at the time the proceeding  
8 was initiated or if the Department of Health and Human Services  
9 was a party in the proceeding, to such department, and (iv) to  
10 law enforcement agencies, county attorneys, and city attorneys  
11 referenced in the court record;

12 (c) Order all notified under subdivision (1)(b) of this  
13 section to seal all records pertaining to the offense;

14 (d) If the case was transferred from district court to  
15 juvenile court or was transferred under section 43-282, send notice  
16 of the order to seal the record to the transferring court; and

17 (e) Explain to the juvenile what sealing the record means  
18 verbally if the juvenile is present in the court at the time the  
19 court issues the sealing order or by written notice sent by regular  
20 mail to the juvenile's last-known address if the juvenile is not  
21 present in the court at the time the court issues the sealing  
22 order.

23 (2) The effect of having a record sealed under section  
24 43-2,108.04 is that thereafter no person is allowed to release  
25 any information concerning such record, except as provided by  
26 this section. After a record is sealed, the person whose record  
27 was sealed can respond to any public inquiry as if the offense

1 resulting in such record never occurred. A government agency and  
2 any other public office or agency shall reply to any public  
3 inquiry that no information exists regarding a sealed record.  
4 Except as provided in subsection (3) of this section, an order  
5 to seal the record applies to every government agency and any  
6 other public office or agency that has a record relating to the  
7 offense, regardless of whether it receives notice of the hearing  
8 on the sealing of the record or a copy of the order. Upon the  
9 written request of a person whose record has been sealed and the  
10 presentation of a copy of such order, a government agency or any  
11 other public office or agency shall seal all records pertaining to  
12 the offense.

13 (3) A sealed record is accessible to law enforcement  
14 officers, county attorneys, and city attorneys in the  
15 investigation, prosecution, and sentencing of crimes, to the  
16 sentencing judge in the sentencing of criminal defendants, and  
17 to any attorney representing the subject of the sealed record.  
18 Inspection of records that have been ordered sealed under section  
19 43-2,108.04 may be made by the following persons or for the  
20 following purposes:

21 (a) By the court or by any person allowed to inspect such  
22 records by an order of the court for good cause shown;

23 (b) By the court, city attorney, or county attorney  
24 for purposes of collection of any remaining parental support or  
25 obligation balances under section 43-290;

26 (c) By the Nebraska Probation System for purposes of  
27 juvenile intake services, for presentence and other probation

1 investigations, and for the direct supervision of persons placed  
2 on probation and by the Department of Correctional Services,  
3 the Office of Juvenile Services, a juvenile assessment center, a  
4 criminal detention facility, ~~or~~ a juvenile detention facility, or a  
5 staff secure juvenile facility, for an individual committed to it,  
6 placed with it, or under its care;

7 (d) By the Department of Health and Human Services for  
8 purposes of juvenile intake services, the preparation of case  
9 plans and reports, the preparation of evaluations, compliance with  
10 federal reporting requirements, or the supervision and protection  
11 of persons placed with the department or for licensing or  
12 certification purposes under sections 71-1901 to 71-1906.01 or  
13 the Child Care Licensing Act;

14 (e) Upon application, by the person who is the subject of  
15 the sealed record and by persons authorized by the person who is  
16 the subject of the sealed record who are named in that application;

17 (f) At the request of a party in a civil action that is  
18 based on a case that has a sealed record, as needed for the civil  
19 action. The party also may copy the sealed record as needed for the  
20 civil action. The sealed record shall be used solely in the civil  
21 action and is otherwise confidential and subject to this section;

22 (g) By persons engaged in bona fide research, with  
23 the permission of the court, only if the research results  
24 in no disclosure of the person's identity and protects the  
25 confidentiality of the sealed record; or

26 (h) By a law enforcement agency if a person whose record  
27 has been sealed applies for employment with the law enforcement

1 agency.

2 (4) Nothing in this section prohibits the Department of  
3 Health and Human Services from releasing information from sealed  
4 records in the performance of its duties with respect to the  
5 supervision and protection of persons served by the department.

6 (5) In any application for employment, bonding, license,  
7 education, or other right or privilege, any appearance as a  
8 witness, or any other public inquiry, a person cannot be questioned  
9 with respect to any offense for which the record is sealed. If  
10 an inquiry is made in violation of this subsection, the person  
11 may respond as if the offense never occurred. Applications for  
12 employment shall contain specific language that states that the  
13 applicant is not obligated to disclose a sealed record. Employers  
14 shall not ask if an applicant has had a record sealed. The  
15 Department of Labor shall develop a link on the department's web  
16 site to inform employers that employers cannot ask if an applicant  
17 had a record sealed and that an application for employment shall  
18 contain specific language that states that the applicant is not  
19 obligated to disclose a sealed record.

20 (6) Any person who violates this section may be held in  
21 contempt of court.

22 Sec. 25. Section 43-2,129, Revised Statutes Cumulative  
23 Supplement, 2012, is amended to read:

24 43-2,129 Sections 43-245 to 43-2,129 and section 8 of  
25 this act shall be known and may be cited as the Nebraska Juvenile  
26 Code.

27 Sec. 26. Section 43-404, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           43-404 (1) This subsection applies until July 1, 2014.

3 There is created within the Department of Health and Human  
4 Services the Office of Juvenile Services. The office shall have  
5 oversight and control of state juvenile correctional facilities and  
6 programs other than the secure youth confinement facility which is  
7 under the control of the Department of Correctional Services. The  
8 Administrator of the Office of Juvenile Services shall be appointed  
9 by the chief executive officer of the department or his or her  
10 designee and shall be responsible for the administration of the  
11 facilities and programs of the office. The department may contract  
12 with a state agency or private provider to operate any facilities  
13 and programs of the Office of Juvenile Services.

14           (2) This subsection applies beginning July 1, 2014. There  
15 is created within the Department of Health and Human Services the  
16 Office of Juvenile Services. The office shall have oversight and  
17 control of the youth rehabilitation and treatment centers. The  
18 Administrator of the Office of Juvenile Services shall be appointed  
19 by the chief executive officer of the department or his or her  
20 designee and shall be responsible for the administration of the  
21 facilities and programs of the office. The department may contract  
22 with a state agency or private provider to operate any facilities  
23 and programs of the Office of Juvenile Services.

24           Sec. 27. Section 43-405, Revised Statutes Cumulative  
25 Supplement, 2012, is amended to read:

26           43-405 The administrative duties of the Office of  
27 Juvenile Services are to:

1           (1) Manage, establish policies for, and administer the  
2 office, including all facilities and programs operated by the  
3 office or provided through the office by contract with a provider;

4           (2) Supervise employees of the office, including  
5 employees of the facilities and programs operated by the office;

6           (3) Have separate budgeting procedures and develop and  
7 report budget information separately from the Department of Health  
8 and Human Services;

9           (4) Adopt and promulgate rules and regulations for  
10 the levels of treatment and for management, control, screening,  
11 ~~evaluation,~~ treatment, rehabilitation, ~~parole,~~ transfer, and  
12 discharge of, until October 1, 2013, evaluation of juveniles placed  
13 with or committed to the Office of Juvenile Services, and, until  
14 July 1, 2014, parole of, juveniles placed with or committed to the  
15 Office of Juvenile Services;

16           (5) Ensure that statistical information concerning  
17 juveniles placed with or committed to facilities or programs of  
18 the office is collected, developed, and maintained for purposes of  
19 research and the development of treatment programs;

20           (6) Monitor commitments, placements, and evaluations at  
21 facilities and programs operated by the office or through contracts  
22 with providers and submit electronically an annual report of  
23 its findings to the Legislature. For 2012, 2013, and 2014, the  
24 office shall also provide the report to the Health and Human  
25 Services Committee of the Legislature on or before September  
26 15. The report shall include an assessment of the administrative  
27 costs of operating the facilities, the cost of programming, the

1 savings realized through reductions in commitments, placements, and  
2 evaluations, and information regarding the collaboration required  
3 by section 83-101;

4 (7) Coordinate the programs and services of the juvenile  
5 justice system with other governmental agencies and political  
6 subdivisions;

7 (8) Coordinate educational, vocational, and social  
8 counseling;

9 (9) ~~Coordinate~~ Until July 1, 2014, coordinate  
10 community-based services for juveniles and their families;

11 (10) ~~Supervise~~ Until July 1, 2014, supervise and  
12 coordinate juvenile parole and aftercare services; and

13 (11) Exercise all powers and perform all duties necessary  
14 to carry out its responsibilities under the Health and Human  
15 Services, Office of Juvenile Services Act.

16 Sec. 28. Section 43-406, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 43-406 The Office of Juvenile Services shall utilize:

19 (1) Risk and needs assessment instruments for use in  
20 determining the level of treatment for the juvenile;

21 (2) A case classification process to include levels of  
22 treatment defined by rules and regulations and case management  
23 standards for each level of treatment. The process shall provide  
24 for a balance of accountability, public safety, and treatment;

25 (3) Case management for all juveniles committed to the  
26 office;

27 (4) A Until July 1, 2014, a purchase-of-care system which

1 will facilitate the development of a statewide community-based  
2 array of care with the involvement of the private sector and the  
3 local public sector. Care services may be purchased from private  
4 providers to provide a wider diversity of services. This system  
5 shall include accessing existing Title IV-E funds of the federal  
6 Social Security Act, as amended, medicaid funds, and other funding  
7 sources to support eligible community-based services. Such services  
8 developed and purchased shall include, but not be limited to,  
9 evaluation services. Services shall be offered and delivered on a  
10 regional basis;

11 (5) ~~Community-based~~ Until October 1, 2013,  
12 community-based evaluation programs, supplemented by one or more  
13 residential evaluation programs. A residential evaluation program  
14 shall be provided in a county containing a city of the metropolitan  
15 class. Community-based evaluation services shall replace the  
16 residential evaluation services available at the Youth Diagnostic  
17 and Rehabilitation Center by December 31, 1999; and

18 (6) A management information system. The system shall  
19 be a unified, interdepartmental client information system which  
20 supports the management function as well as the service function.

21 Sec. 29. Section 43-407, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 43-407 (1) This subsection applies to all juveniles  
24 committed to the Office of Juvenile Services for placement at a  
25 youth rehabilitation and treatment center prior to July 1, 2013.  
26 The Office of Juvenile Services shall design and make available  
27 programs and treatment services through the Youth Rehabilitation

1 and Treatment Center-Kearney and Youth Rehabilitation and Treatment  
2 Center-Geneva. The programs and treatment services shall be based  
3 upon the individual or family evaluation process and treatment  
4 plan. The treatment plan shall be developed within fourteen days  
5 after admission. If a juvenile placed at the Youth Rehabilitation  
6 and Treatment Center-Kearney or Youth Rehabilitation and Treatment  
7 Center-Geneva is assessed as needing inpatient or subacute  
8 substance abuse or behavioral health residential treatment, the  
9 juvenile may be transferred to a program or facility if the  
10 treatment and security needs of the juvenile can be met. The  
11 assessment process shall include involvement of both private and  
12 public sector behavioral health providers. The selection of the  
13 treatment venue for each juvenile shall include individualized  
14 case planning and incorporate the goals of the juvenile justice  
15 system pursuant to section 43-402. Juveniles committed to the Youth  
16 Rehabilitation and Treatment Center-Kearney or Youth Rehabilitation  
17 and Treatment Center-Geneva who are transferred to alternative  
18 settings for treatment remain committed to the Department of Health  
19 and Human Services and the Office of Juvenile Services until  
20 discharged from such custody. Programs and treatment services shall  
21 address:

22 ~~(1)~~ (a) Behavioral impairments, severe emotional  
23 disturbances, sex offender behaviors, and other mental health or  
24 psychiatric disorders;

25 ~~(2)~~ (b) Drug and alcohol addiction;

26 ~~(3)~~ (c) Health and medical needs;

27 ~~(4)~~ (d) Education, special education, and related

1 services;

2 ~~(5)~~ (e) Individual, group, and family counseling services  
3 as appropriate with any treatment plan related to subdivisions ~~(1)~~  
4 (a) through ~~(4)~~ (d) of this ~~section~~, subsection. Services shall  
5 also be made available for juveniles who have been physically or  
6 sexually abused;

7 ~~(6)~~ (f) A case management and coordination process,  
8 designed to assure appropriate reintegration of the juvenile to  
9 his or her family, school, and community. This process shall  
10 follow individualized planning which shall begin at intake and  
11 evaluation. Structured programming shall be scheduled for all  
12 juveniles. This programming shall include a strong academic program  
13 as well as classes in health education, living skills, vocational  
14 training, behavior management and modification, money management,  
15 family and parent responsibilities, substance abuse awareness,  
16 physical education, job skills training, and job placement  
17 assistance. Participation shall be required of all juveniles if  
18 such programming is determined to be age and developmentally  
19 appropriate. The goal of such structured programming shall be to  
20 provide the academic and life skills necessary for a juvenile to  
21 successfully return to his or her home and community upon release;  
22 and

23 ~~(7)~~ (g) The design and delivery of treatment programs  
24 through the youth rehabilitation and treatment centers as well as  
25 any licensing or certification requirements, and the office shall  
26 follow the requirements as stated within Title XIX and Title IV-E  
27 of the federal Social Security Act, as such act existed on May 25,

1 2007, the Special Education Act, or other funding guidelines as  
2 appropriate. It is the intent of the Legislature that these funding  
3 sources shall be utilized to support service needs of eligible  
4 juveniles.

5 (2) This subsection applies to all juveniles committed  
6 to the Office of Juvenile Services for placement at a youth  
7 rehabilitation and treatment center on or after July 1, 2013.  
8 The Office of Juvenile Services shall design and make available  
9 programs and treatment services through the Youth Rehabilitation  
10 and Treatment Center-Kearney and Youth Rehabilitation and Treatment  
11 Center-Geneva. The programs and treatment services shall be based  
12 upon the individual or family evaluation process and treatment  
13 plan. The treatment plan shall be developed within fourteen days  
14 after admission. If a juvenile placed at the Youth Rehabilitation  
15 and Treatment Center-Kearney or Youth Rehabilitation and Treatment  
16 Center-Geneva is assessed as needing inpatient or subacute  
17 substance abuse or behavioral health residential treatment, the  
18 Office of Juvenile Services may arrange for such treatment to be  
19 provided at the Hastings Regional Center or may transition the  
20 juvenile to another inpatient or subacute residential treatment  
21 facility in the State of Nebraska. Except in a case requiring  
22 emergency admission to an inpatient facility, the juvenile shall  
23 not be discharged by the Office of Juvenile Services until the  
24 juvenile has been returned to the court for a review of his or her  
25 conditions of probation and the juvenile has been transitioned to  
26 the clinically appropriate level of care. Programs and treatment  
27 services shall address:

1           (a) Behavioral impairments, severe emotional  
2 disturbances, sex offender behaviors, and other mental health or  
3 psychiatric disorders;

4           (b) Drug and alcohol addiction;

5           (c) Health and medical needs;

6           (d) Education, special education, and related services;

7           (e) Individual, group, and family counseling services

8 as appropriate with any treatment plan related to subdivisions

9 (a) through (d) of this subsection. Services shall also be made  
10 available for juveniles who have been physically or sexually  
11 abused;

12           (f) A case management and coordination process, designed  
13 to assure appropriate reintegration of the juvenile to his or  
14 her family, school, and community. This process shall follow  
15 individualized planning which shall begin at intake and evaluation.

16 Structured programming shall be scheduled for all juveniles.  
17 This programming shall include a strong academic program as  
18 well as classes in health education, living skills, vocational  
19 training, behavior management and modification, money management,  
20 family and parent responsibilities, substance abuse awareness,  
21 physical education, job skills training, and job placement  
22 assistance. Participation shall be required of all juveniles if  
23 such programming is determined to be age and developmentally  
24 appropriate. The goal of such structured programming shall be to  
25 provide the academic and life skills necessary for a juvenile to  
26 successfully return to his or her home and community upon release;  
27 and

1           (g) The design and delivery of treatment programs through  
2 the youth rehabilitation and treatment centers as well as any  
3 licensing or certification requirements, and the office shall  
4 follow the requirements as stated within Title XIX and Title IV-E  
5 of the federal Social Security Act, as such act existed on January  
6 1, 2013, the Special Education Act, or other funding guidelines as  
7 appropriate. It is the intent of the Legislature that these funding  
8 sources shall be utilized to support service needs of eligible  
9 juveniles.

10           Sec. 30. Section 43-408, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           43-408 ~~(1)~~ (1)(a) This subsection applies to all  
13 juveniles committed to the Office of Juvenile Services for  
14 placement at a youth rehabilitation and treatment center prior to  
15 July 1, 2013, and to all juveniles committed to the Office of  
16 Juvenile Services for community supervision prior to October 1,  
17 2013. Whenever any juvenile is committed under any provision of law  
18 to the Office of Juvenile Services, to any facility operated by the  
19 Office of Juvenile Services, or to the custody of the Administrator  
20 of the Office of Juvenile Services, a superintendent of a facility,  
21 or an administrator of a program, the juvenile is deemed committed  
22 to the Office of Juvenile Services. Juveniles committed to the  
23 Office of Juvenile Services shall also be considered committed to  
24 the care and custody of the Department of Health and Human Services  
25 for the purpose of obtaining health care and treatment services.

26           ~~(2)~~ (b) The committing court shall order the initial  
27 level of treatment for a juvenile committed to the Office of

1 Juvenile Services. Prior to determining the initial level of  
2 treatment for a juvenile, the court may solicit a recommendation  
3 regarding the initial level of treatment from the Office of  
4 Juvenile Services. Under this ~~section~~, subsection, the committing  
5 court shall not order a specific placement for a juvenile. The  
6 court shall continue to maintain jurisdiction over any juvenile  
7 committed to the Office of Juvenile Services until such time that  
8 the juvenile is discharged from the Office of Juvenile Services.  
9 The court shall conduct review hearings every six months, or at the  
10 request of the juvenile, for any juvenile committed to the Office  
11 of Juvenile Services who is placed outside his or her home, except  
12 for a juvenile residing at a youth rehabilitation and treatment  
13 center. The court shall determine whether an out-of-home placement  
14 made by the Office of Juvenile Services is in the best interests  
15 of the juvenile, with due consideration being given by the court  
16 to public safety. If the court determines that the out-of-home  
17 placement is not in the best interests of the juvenile, the court  
18 may order other treatment services for the juvenile.

19 ~~(3)~~ (c) After the initial level of treatment is ordered  
20 by the committing court, the Office of Juvenile Services shall  
21 provide treatment services which conform to the court's level  
22 of treatment determination. Within thirty days after making an  
23 actual placement, the Office of Juvenile Services shall provide the  
24 committing court with written notification of where the juvenile  
25 has been placed. At least once every six months thereafter, until  
26 the juvenile is discharged from the care and custody of the Office  
27 of Juvenile Services, the office shall provide the committing court

1 with written notification of the juvenile's actual placement and  
2 the level of treatment that the juvenile is receiving.

3 ~~(4)~~ (d) For transfer hearings, the burden of proof to  
4 justify the transfer is on the Office of Juvenile Services, the  
5 standard of proof is clear and convincing evidence, and the strict  
6 rules of evidence do not apply. Transfers of juveniles from one  
7 place of treatment to another are subject to section 43-251.01 and  
8 to the following:

9 ~~(a)~~ (i) Except as provided in subdivision ~~(b)~~ (d)(ii) of  
10 this subsection, if the Office of Juvenile Services proposes to  
11 transfer the juvenile from a less restrictive to a more restrictive  
12 place of treatment, a plan outlining the proposed change and the  
13 reasons for the proposed change shall be presented to the court  
14 which committed the juvenile. Such change shall occur only after a  
15 hearing and a finding by the committing court that the change is  
16 in the best interests of the juvenile, with due consideration being  
17 given by the court to public safety. At the hearing, the juvenile  
18 has the right to be represented by counsel;

19 ~~(b)~~ (ii) The Office of Juvenile Services may make an  
20 immediate temporary change without prior approval by the committing  
21 court only if the juvenile is in a harmful or dangerous situation,  
22 is suffering a medical emergency, is exhibiting behavior which  
23 warrants temporary removal, or has been placed in a non-state-owned  
24 facility and such facility has requested that the juvenile be  
25 removed. Approval of the committing court shall be sought within  
26 fifteen days of making an immediate temporary change, at which time  
27 a hearing shall occur before the court. The court shall determine

1 whether it is in the best interests of the juvenile to remain in  
2 the new place of treatment, with due consideration being given by  
3 the court to public safety. At the hearing, the juvenile has the  
4 right to be represented by counsel; and

5 ~~(e)~~ (iii) If the proposed change seeks to transfer the  
6 juvenile from a more restrictive to a less restrictive place  
7 of treatment or to transfer the juvenile from the juvenile's  
8 current place of treatment to another which has the same level  
9 of restriction as the current place of treatment, the Office  
10 of Juvenile Services shall notify the juvenile, the juvenile's  
11 parents, custodian, or legal guardian, the committing court, the  
12 county attorney, the counsel for the juvenile, and the guardian  
13 ad litem of the proposed change. The juvenile has fifteen days  
14 after the date of the notice to request an administrative hearing  
15 with the Office of Juvenile Services, at which time the Office  
16 of Juvenile Services shall determine whether it is in the best  
17 interests of the juvenile for the proposed change to occur, with  
18 due consideration being given by the office to public safety.  
19 The juvenile may be represented by counsel at the juvenile's  
20 own expense. If the juvenile is aggrieved by the administrative  
21 decision of the Office of Juvenile Services, the juvenile may  
22 appeal that decision to the committing court within fifteen days  
23 after the Office of Juvenile Services' decision. At the hearing  
24 before the committing court, the juvenile has the right to be  
25 represented by counsel.

26 ~~(5)~~ (e) If a juvenile is placed in detention after the  
27 initial level of treatment is determined by the committing court,

1 the committing court shall hold a hearing every fourteen days to  
2 review the status of the juvenile. Placement of a juvenile in  
3 detention shall not be considered as a treatment service.

4 ~~(6)~~ (f) The committing court's review of a change of  
5 place of treatment pursuant to this ~~section~~ subsection does not  
6 apply to parole revocation hearings.

7 (2) (a) This subsection applies to all juveniles committed  
8 to the Office of Juvenile Services for placement at a youth  
9 rehabilitation and treatment center on or after July 1, 2013.  
10 Whenever any juvenile is committed to the Office of Juvenile  
11 Services, the juvenile shall also be considered committed to the  
12 care and custody of the Department of Health and Human Services for  
13 the purpose of obtaining health care and treatment services.

14 (b) The committing court shall order placement at a youth  
15 rehabilitation and treatment center for a juvenile committed to the  
16 Office of Juvenile Services. The court shall continue to maintain  
17 jurisdiction over any juvenile committed to the Office of Juvenile  
18 Services for the purpose of reviewing the juvenile's probation upon  
19 discharge from the care and custody of the Office of Juvenile  
20 Services.

21 (c) If a juvenile is placed in detention while awaiting  
22 placement at a youth rehabilitation and treatment center and the  
23 placement has not occurred within fourteen days, the committing  
24 court shall hold a hearing every fourteen days to review the status  
25 of the juvenile. Placement of a juvenile in detention shall not be  
26 considered a treatment service.

27 Sec. 31. Section 43-410, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           43-410 (1) This subsection applies until July 1, 2014.

3 Any peace officer, juvenile parole officer, or direct care staff  
4 member of the Office of Juvenile Services has the authority to  
5 apprehend and detain a juvenile who has absconded or is attempting  
6 to abscond from a placement for evaluation or commitment to the  
7 Office of Juvenile Services and shall cause the juvenile to be  
8 returned to the facility or program or an appropriate juvenile  
9 detention facility or staff secure juvenile facility. For purposes  
10 of this ~~section~~, subsection, direct care staff member means any  
11 staff member charged with the day-to-day care and supervision of  
12 juveniles housed at a facility or program operated directly by the  
13 office or security staff who has received training in apprehension  
14 techniques and procedures.

15           (2)(a) This subsection applies beginning July 1, 2014.

16 Any peace officer or direct care staff member of the Office  
17 of Juvenile Services has the authority to apprehend and detain  
18 a juvenile who has absconded or is attempting to abscond from  
19 commitment to the Office of Juvenile Services and shall cause the  
20 juvenile to be returned to the youth rehabilitation and treatment  
21 center or an appropriate juvenile detention facility or staff  
22 secure juvenile facility.

23           (b) For purposes of this subsection, direct care staff  
24 member means any staff member charged with the day-to-day care and  
25 supervision of juveniles at a youth rehabilitation and treatment  
26 center or security staff who has received training in apprehension  
27 techniques and procedures.

1           Sec. 32. Section 43-412, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

3           43-412 (1) Every juvenile committed to the Office of  
4 Juvenile Services pursuant to the Nebraska Juvenile Code or  
5 pursuant to subsection (3) of section 29-2204 shall remain  
6 committed until he or she attains the age of nineteen or is  
7 legally discharged.

8           (2) ~~The~~ Upon attainment of the age of nineteen or absent  
9 a continuing order of intensive supervised probation, discharge of  
10 any juvenile pursuant to the rules and regulations ~~or upon his or~~  
11 ~~her attainment of the age of nineteen~~ shall be a complete release  
12 from all penalties incurred by conviction or adjudication of the  
13 offense for which he or she was committed.

14           (3) The Office of Juvenile Services shall provide the  
15 committing court, Office of Probation Administration, county  
16 attorney, defense attorney, if any, and guardian ad litem, if any,  
17 with written notification of the juvenile's discharge within thirty  
18 days ~~of~~ prior to a juvenile being discharged from the care and  
19 custody of the office.

20           Sec. 33. Section 43-413, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22           43-413 (1) This section applies to all juveniles placed  
23 with the Office of Juvenile Services for evaluation prior to  
24 October 1, 2013. A court may, pursuant to section 43-281, place a  
25 juvenile with the Office of Juvenile Services or the Department of  
26 Health and Human Services for an evaluation to aid the court in the  
27 disposition.

1           (2) A juvenile convicted as an adult shall be placed with  
2 the Office of Juvenile Services for evaluation prior to sentencing  
3 as provided by subsection (3) of section 29-2204.

4           (3) All juveniles shall be evaluated prior to commitment  
5 to the Office of Juvenile Services unless the court finds that  
6 (a) there has been a substantially equivalent evaluation within  
7 the last twelve months that makes reevaluation unnecessary or (b)  
8 an addendum to a previous evaluation rather than a reevaluation  
9 would be appropriate. The court shall not commit such juvenile  
10 to the temporary custody of the Office of Juvenile Services prior  
11 to disposition. The office may place a juvenile in residential or  
12 nonresidential community-based evaluation services for purposes of  
13 evaluation to assist the court in determining the initial level of  
14 treatment for the juvenile.

15           (4) During any period of detention or evaluation prior to  
16 disposition:

17           (a) Except as provided in subdivision (4)(b) of this  
18 section, the county in which the case is pending is responsible  
19 for all detention costs incurred before and after an evaluation  
20 period prior to disposition, the cost of delivering the juvenile  
21 to the facility or institution for an evaluation, and the cost of  
22 returning the juvenile to the court for disposition; and

23           (b) The state is responsible for (i) the costs incurred  
24 during an evaluation unless otherwise ordered by the court pursuant  
25 to section 43-290 and (ii) the preevaluation detention costs for  
26 any days over the first ten days from the date the evaluation is  
27 ordered by the court.

1           (5) The Office of Juvenile Services and the Department of  
2 Health and Human Services are not responsible for predisposition  
3 costs except as provided in subdivision (4) (b) of this section.

4           Sec. 34. Section 43-414, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           43-414 This section applies to all juveniles placed with  
7 the Office of Juvenile Services for evaluation prior to October  
8 1, 2013. Each juvenile placed for evaluation with the Office of  
9 Juvenile Services shall be subjected to medical examination and  
10 evaluation as directed by the office.

11          Sec. 35. Section 43-415, Revised Statutes Cumulative  
12 Supplement, 2012, is amended to read:

13          43-415 This section applies to all juveniles placed with  
14 the Office of Juvenile Services for evaluation prior to October 1,  
15 2013. A juvenile placed for evaluation with the Office of Juvenile  
16 Services shall be returned to the court upon the completion of the  
17 evaluation or at the end of thirty days, whichever comes first.  
18 When the office finds that an extension of the thirty-day period  
19 is necessary to complete the evaluation, the court may order an  
20 extension not to exceed an additional thirty days. The court shall  
21 hold a hearing within ten days after the evaluation is completed  
22 and returned to the court by the office.

23          Sec. 36. Section 43-416, Revised Statutes Cumulative  
24 Supplement, 2012, is amended to read:

25          43-416 This section applies to all juveniles committed  
26 to the Office of Juvenile Services for placement at a youth  
27 rehabilitation and treatment center prior to July 1, 2013. This

1 shall not apply after June 30, 2014. The Office of Juvenile  
2 Services shall have administrative authority over the parole  
3 function for juveniles committed to a youth rehabilitation and  
4 treatment center and may (1) determine the time of release on  
5 parole of committed juveniles eligible for such release, (2) fix  
6 the conditions of parole, revoke parole, issue or authorize the  
7 issuance of detainers for the apprehension and detention of parole  
8 violators, and impose other sanctions short of revocation for  
9 violation of conditions of parole, and (3) determine the time of  
10 discharge from parole. The office shall provide the committing  
11 court with written notification of the juvenile's discharge from  
12 parole within thirty days of a juvenile being discharged from the  
13 supervision of the office.

14           Sec. 37. Section 43-417, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           43-417 (1) This subsection applies to all juveniles  
17 committed to the Office of Juvenile Services for placement at a  
18 youth rehabilitation and treatment center prior to July 1, 2013.

19 In administering juvenile parole, the Office of Juvenile Services  
20 shall consider whether ~~(1)~~ (a) the juvenile has completed the  
21 goals of his or her individual treatment plan or received maximum  
22 benefit from institutional treatment, ~~(2)~~ (b) the juvenile would  
23 benefit from continued services under community supervision, ~~(3)~~  
24 (c) the juvenile can function in a community setting, ~~(4)~~ (d) there  
25 is reason to believe that the juvenile will not commit further  
26 violations of law, and ~~(5)~~ (e) there is reason to believe that the  
27 juvenile will comply with the conditions of parole.

1           (2) This subsection applies to all juveniles committed  
2 to the Office of Juvenile Services for placement at a youth  
3 rehabilitation and treatment center on or after July 1, 2013.  
4 In determining whether to discharge a juvenile from a youth  
5 rehabilitation and treatment center, the Office of Juvenile  
6 Services shall consider whether (a) the juvenile has completed  
7 the goals of his or her individual treatment plan or received  
8 maximum benefit from institutional treatment, (b) the juvenile  
9 would benefit from continued services under community supervision,  
10 (c) the juvenile can function in a community setting, (d) there  
11 is reason to believe that the juvenile will not commit further  
12 violations of law, and (e) there is reason to believe that the  
13 juvenile will comply with the conditions of probation.

14           Sec. 38. Section 43-418, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           43-418 (1) This section applies to all juveniles  
17 committed to the Office of Juvenile Services for placement at a  
18 youth rehabilitation and treatment center prior to July 1, 2013.  
19 Any juvenile parole officer or peace officer may apprehend and  
20 detain a juvenile who is on parole if the officer has reasonable  
21 cause to believe that a juvenile has violated or is about to  
22 violate a condition of his or her parole and that the juvenile  
23 will attempt to leave the jurisdiction or will place lives or  
24 property in danger unless the juvenile is detained. A juvenile  
25 parole officer may call upon a peace officer to assist him or her  
26 in apprehending and detaining a juvenile pursuant to this section.  
27 Such juvenile may be held in an appropriate juvenile facility

1 pending hearing on the allegations.

2 (2) Juvenile parole officers may search for and seize  
3 contraband and evidence related to possible parole violations by a  
4 juvenile.

5 (3) Whether or not a juvenile is apprehended and detained  
6 by a juvenile parole officer or peace officer, if there is reason  
7 to believe that a juvenile has violated a condition of his or  
8 her parole, the Office of Juvenile Services may issue the juvenile  
9 written notice of the alleged parole violations and notice of a  
10 hearing on the alleged parole violations.

11 Sec. 39. Section 43-419, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 43-419 (1) This section applies to all juveniles  
14 committed to the Office of Juvenile Services for placement at  
15 a youth rehabilitation and treatment center prior to July 1,  
16 2013. When a juvenile is apprehended and detained for an alleged  
17 violation of juvenile parole, he or she shall have a preliminary  
18 hearing as soon as practicable and no later than within seventy-two  
19 hours of being apprehended and detained. An impartial hearing  
20 officer shall conduct the preliminary hearing. The impartial  
21 hearing officer shall not be the juvenile parole officer alleging  
22 the violation of parole or a witness to the alleged violation.  
23 The impartial hearing officer may be an employee of the Office  
24 of Juvenile Services, including a supervisor or a juvenile parole  
25 officer, other than the parole officer filing the allegations.

26 (2) The juvenile parolee shall receive notice of the  
27 preliminary hearing, its purpose, and the alleged violations prior

1 to the commencement of the hearing. The juvenile parolee may  
2 present relevant information, question adverse witnesses, and make  
3 a statement regarding the alleged parole violations. The rules of  
4 evidence shall not apply at such hearings and the hearing officer  
5 may rely upon any available information.

6 (3) The hearing officer shall determine whether there is  
7 probable cause to believe that the juvenile has violated a term or  
8 condition of his or her parole and shall issue that decision in  
9 writing. The decision shall either indicate there is not probable  
10 cause to believe that the juvenile parolee has violated the terms  
11 of his or her parole and dismiss the allegations and return  
12 the juvenile to parole supervision, or it shall indicate there  
13 is probable cause to believe that the juvenile has violated a  
14 condition of parole and state where the juvenile will be held  
15 pending the revocation hearing. The preliminary hearing officer  
16 shall consider the seriousness of the alleged violation, the public  
17 safety, and the best interests of the juvenile in determining where  
18 the juvenile shall be held pending the revocation hearing.

19 Sec. 40. Section 43-420, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 43-420 (1) This subsection applies until July 1, 2013.  
22 Any hearing required or permitted for juveniles in the custody  
23 of the Office of Juvenile Services, except a preliminary parole  
24 revocation hearing, shall be conducted by a hearing officer who is  
25 an attorney licensed to practice law in the State of Nebraska and  
26 may be an employee of the Department of Health and Human Services  
27 or an attorney who is an independent contractor. If the hearing

1 officer is an employee of the department, he or she shall not be  
2 assigned to any duties requiring him or her to give ongoing legal  
3 advice to any person employed by or who is a contractor with the  
4 office.

5 (2) This subsection applies beginning July 1, 2013. Any  
6 hearing required or permitted for juveniles in the custody of  
7 the Office of Juvenile Services shall be conducted by a hearing  
8 officer who is an attorney licensed to practice law in the State  
9 of Nebraska and may be an employee of the Department of Health and  
10 Human Services or an attorney who is an independent contractor.  
11 If the hearing officer is an employee of the department, he or  
12 she shall not be assigned to any duties requiring him or her to  
13 give ongoing legal advice to any person employed by or who is a  
14 contractor with the office.

15 Sec. 41. Section 43-421, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 43-421 This section applies to all juveniles committed  
18 to the Office of Juvenile Services for placement at a youth  
19 rehabilitation and treatment center prior to July 1, 2013. When a  
20 juvenile is charged with being in violation of a condition of his  
21 or her parole, the juvenile is entitled to:

22 (1) Notice of the alleged violations of parole at least  
23 twenty-four hours prior to a hearing on the allegations. Such  
24 notice shall contain a concise statement of the purpose of the  
25 hearing and the factual allegations upon which evidence will be  
26 offered;

27 (2) A prompt hearing, within fourteen days after the

1 preliminary hearing, if the juvenile is being held pending the  
2 hearing;

3 (3) Reasonable continuances granted by the hearing  
4 officer for the juvenile to prepare for the hearing;

5 (4) Have his or her parents notified of the hearing and  
6 allegations and have his or her parents attend the hearing;

7 (5) Be represented by legal counsel at the expense of  
8 the Department of Health and Human Services unless retained legal  
9 counsel is available to the juvenile. The department may contract  
10 with attorneys to provide such representation to juveniles charged  
11 with parole violations;

12 (6) Compel witnesses to attend, testify on his or her own  
13 behalf, present evidence, and cross-examine witnesses against him  
14 or her; and

15 (7) Present a statement on his or her own behalf.

16 Sec. 42. Section 43-422, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 43-422 This section applies to all juveniles committed  
19 to the Office of Juvenile Services for placement at a youth  
20 rehabilitation and treatment center prior to July 1, 2013. After  
21 receiving notice of the allegations of a violation of parole, being  
22 notified of the possible consequences, being informed of his or  
23 her rights pertaining to the hearing, and having an opportunity to  
24 confer with his or her parents or precommitment custodian and legal  
25 counsel, if desired, the juvenile may waive his or her right to  
26 a hearing and admit to the allegations. Such waiver and admission  
27 shall be in writing and submitted, together with a recommended

1 disposition by the hearing officer, to the Administrator of the  
2 Office of Juvenile Services or his or her designee.

3 Sec. 43. Section 43-423, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 43-423 This section applies to all juveniles committed  
6 to the Office of Juvenile Services for placement at a youth  
7 rehabilitation and treatment center prior to July 1, 2013. At the  
8 parole violation hearing, the hearing officer shall again advise  
9 the juvenile of his or her rights and ensure that the juvenile has  
10 received the notice of allegations and the possible consequences.  
11 Strict rules of evidence shall not be applied. The hearing officer  
12 shall determine whether the detention of the juvenile or other  
13 restrictions are necessary for the safety of the juvenile or  
14 for the public safety and shall indicate to what extent the  
15 juvenile will continue to be detained or restricted pending a  
16 final decision and administrative appeal. The hearing officer shall  
17 issue a written recommended disposition to the Administrator of  
18 the Office of Juvenile Services or his or her designee who shall  
19 promptly affirm, modify, or reverse the recommended disposition.  
20 The final decision of the administrator or his or her designee  
21 may be appealed pursuant to the Administrative Procedure Act.  
22 The Department of Health and Human Services shall be deemed to  
23 have acted within its jurisdiction if its action is in the best  
24 interests of the juvenile with due consideration being given to  
25 public safety. The appeal shall in all other respects be governed  
26 by the Administrative Procedure Act.

27 Sec. 44. Section 43-1411.01, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           43-1411.01 (1) An action for paternity or parental  
3 support under sections 43-1401 to 43-1418 may be initiated by  
4 filing a complaint with the clerk of the district court as provided  
5 in section 25-2740. Such proceeding may be heard by the county  
6 court or the district court as provided in section 25-2740. A  
7 paternity determination under sections 43-1411 to 43-1418 may also  
8 be decided in a county court or separate juvenile court if the  
9 county court or separate juvenile court already has jurisdiction  
10 over the child whose paternity is to be determined.

11           (2) Whenever termination of parental rights is placed  
12 in issue in any case arising under sections 43-1401 to 43-1418,  
13 ~~subsection (5) of section 42-364~~ the Nebraska Juvenile Code and the  
14 Parenting Act shall apply to such proceedings.

15           Sec. 45. Section 43-2402, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           43-2402 For purposes of the Juvenile Services Act:

18           (1) Coalition means the Nebraska Coalition for Juvenile  
19 Justice established pursuant to section 43-2411;

20           (2) Commission means the Nebraska Commission on Law  
21 Enforcement and Criminal Justice;

22           (3) Commission Grant Program means grants provided to  
23 eligible applicants under section 43-2406;

24           (4) ~~County~~ Community-based Juvenile Services Aid Program  
25 means aid to counties and federally recognized or state-recognized  
26 Indian tribes provided under section 43-2404.02;

27           (5) Eligible applicant means a community-based agency or

1 organization, political subdivision, school district, federally  
2 recognized or state-recognized Indian tribe, or state agency  
3 necessary to comply with the federal act;

4 (6) Federal act means the Juvenile Justice and  
5 Delinquency Prevention Act of 1974, 42 U.S.C. 5601 et seq., as the  
6 act existed on ~~July 1, 2001,~~ January 1, 2013;

7 (7) Juvenile means a person who is under eighteen years  
8 of age; and

9 (8) Office of Juvenile Services means the Office of  
10 Juvenile Services created in section 43-404.

11 Sec. 46. Section 43-2404, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 43-2404 The coalition shall make award recommendations  
14 to the commission, at least annually, in accordance with the  
15 Juvenile Services Act and the federal act for grants made under  
16 the Commission Grant Program. Such grants shall be used to assist  
17 ~~communities~~ in the implementation and operation of programs or  
18 services identified in ~~their~~ the applicable comprehensive juvenile  
19 services plan, to include: Programs for local planning and service  
20 coordination; screening, assessment, and evaluation; diversion;  
21 alternatives to detention; family support services; treatment  
22 services; reentry services; truancy prevention and intervention  
23 programs; and other services documented by data that will  
24 positively impact juveniles and families in the juvenile justice  
25 system. including, ~~but not limited to,~~ ~~programs for assessment~~  
26 ~~and evaluation,~~ ~~the prevention of delinquent behavior,~~ ~~diversion,~~  
27 ~~detention,~~ ~~shelter care,~~ ~~intensive juvenile probation services,~~

1 ~~restitution, family support services, and community centers for the~~  
2 ~~care and treatment of juveniles in need of services.~~

3           Sec. 47. Section 43-2404.01, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           43-2404.01 (1) To be eligible for participation in  
6 either the Commission Grant Program or the ~~County~~ Community-based  
7 Juvenile Services Aid Program, ~~counties shall develop and adopt~~  
8 a comprehensive juvenile services plan and ~~submit such plan~~  
9 shall be developed, adopted, and submitted to the commission in  
10 accordance with the federal act and rules and regulations adopted  
11 and promulgated by the commission in consultation with the ~~Office~~  
12 ~~of Juvenile Services.~~ Director of the Community-based Juvenile  
13 Services Aid Program, the Director of Juvenile Diversion Programs,  
14 the Office of Probation Administration, and the University of  
15 Nebraska at Omaha, Juvenile Justice Institute. Such plan may be  
16 developed by eligible applicants for the Commission Grant Program  
17 and by individual counties, or by multiple counties, by federally  
18 recognized or state-recognized Indian tribes, or by any combination  
19 of the three for the Community-based Juvenile Services Aid Program.  
20 Comprehensive juvenile services plans shall:

21           (a) Be developed by a comprehensive community team  
22 representing juvenile justice system stakeholders;

23           (b) Be based on data relevant to juvenile and family  
24 issues;

25           (c) Identify policies and practices that are  
26 research-based or standardized and reliable and are implemented  
27 with fidelity and which have been researched and demonstrate

1 positive outcomes;

2 (d) Identify clear implementation strategies; and

3 (e) Identify how the impact of the program or service  
4 will be measured.

5 (2) Any portion of the comprehensive juvenile services  
6 plan dealing with administration, procedures, and programs of the  
7 juvenile court shall not be submitted to the commission without  
8 the concurrence of the presiding judge or judges of the court or  
9 courts having jurisdiction in juvenile cases for the geographic  
10 area to be served. Programs or services established by such plans  
11 shall conform to the family policy tenets prescribed in sections  
12 43-532 to 43-534 and shall include policies and practices that  
13 are research-based or standardized and reliable and are implemented  
14 with fidelity and which have been researched and demonstrate  
15 positive outcomes.

16 ~~(2)~~ (3) The commission, in consultation with the Office  
17 of Juvenile Services and the coalition, shall develop or University  
18 of Nebraska at Omaha, Juvenile Justice Institute, shall contract  
19 for the development and administration of a statewide system  
20 to monitor and evaluate the effectiveness of plans and programs  
21 receiving funds from: (a) The the Commission Grant Program and  
22 (b) the County Community-based Juvenile Services Aid Program in  
23 preventing persons from entering the juvenile justice system and in  
24 rehabilitating juvenile offenders.

25 (4) There is established within the commission the  
26 position of Director of the Community-based Juvenile Services  
27 Aid Program, appointed by the executive director of the commission.

1 The director shall have extensive experience in developing and  
2 providing community-based services.

3 (5) The director shall be supervised by the executive  
4 director of the commission. The director shall:

5 (a) Provide technical assistance and guidance for the  
6 development of comprehensive juvenile services plans;

7 (b) Coordinate the review of the Community-based Juvenile  
8 Services Aid Program application as provided in section 43-2404.02  
9 and make recommendations for the distribution of funds provided  
10 under the Community-based Juvenile Services Aid Program, giving  
11 priority to those grant applications funding programs and services  
12 that will divert juveniles from the juvenile justice system, impact  
13 and effectively treat juveniles within the juvenile justice system,  
14 and reduce the juvenile detention population or assist juveniles  
15 in transitioning from out-of-home placements to in-home treatments.

16 The director shall ensure that no funds appropriated or distributed  
17 under the Community-based Juvenile Services Aid Program are used  
18 for purposes prohibited under subsection (3) of section 43-2404.02;

19 (c) Develop data collection and evaluation protocols,  
20 oversee statewide data collection, and generate an annual report on  
21 the effectiveness of juvenile services that receive funds from the  
22 Community-based Juvenile Services Aid Program;

23 (d) Develop relationships and collaborate with juvenile  
24 justice system stakeholders, provide education and training as  
25 necessary, and serve on boards and committees when approved by the  
26 commission;

27 (e) Assist juvenile justice system stakeholders in

1 developing policies and practices that are research-based or  
2 standardized and reliable and are implemented with fidelity and  
3 which have been researched and demonstrate positive outcomes;

4 (f) Develop and coordinate a statewide working group as  
5 a subcommittee of the coalition to assist in regular strategic  
6 planning related to supporting, funding, monitoring, and evaluating  
7 the effectiveness of plans and programs receiving funds from the  
8 Community-based Juvenile Services Aid Program; and

9 (g) Work with the coordinator for the coalition in  
10 facilitating the coalition's obligations under the Community-based  
11 Juvenile Services Aid Program.

12 Sec. 48. Section 43-2404.02, Revised Statutes Cumulative  
13 Supplement, 2012, is amended to read:

14 43-2404.02 (1) There is created a separate and distinct  
15 budgetary program within the commission to be known as the County  
16 Community-based Juvenile Services Aid Program. Funding acquired  
17 from participation in the federal act, state General Funds, and  
18 funding acquired from other sources which may be used for purposes  
19 consistent with the Juvenile Services Act and the federal act  
20 shall be used to aid ~~counties~~ in the establishment and provision  
21 of community-based services for ~~accused and adjudicated juvenile~~  
22 ~~offenders and to increase capacity for community-based services to~~  
23 ~~juveniles.~~ juveniles who come in contact with the juvenile justice  
24 system.

25 (2) The annual General Fund appropriation to the County  
26 Community-based Juvenile Services Aid Program shall be apportioned  
27 ~~to the counties~~ as aid in accordance with a formula established in

1 rules and regulations adopted and promulgated by the commission.  
2 The formula shall be based on the total number of residents per  
3 county and federally recognized or state-recognized Indian tribe  
4 who are twelve years of age through eighteen years of age and other  
5 relevant factors as determined by the commission. The commission  
6 may require a local match of up to forty percent from ~~counties~~ the  
7 county, multiple counties, federally recognized or state-recognized  
8 Indian tribe or tribes, or any combination of the three which  
9 is receiving aid under such program. Any local expenditures for  
10 community-based programs for juveniles may be applied toward such  
11 match requirement.

12 (3) Funds provided ~~to counties~~ under the County  
13 Community-based Juvenile Services Aid Program shall be used  
14 exclusively to assist ~~counties~~ the aid recipient in the  
15 implementation and operation of programs or the provision of  
16 services identified in ~~their~~ the aid recipient's comprehensive  
17 juvenile services plan, including, ~~but not limited to,~~ programs  
18 for assessment and evaluation, ~~prevention of delinquent~~  
19 ~~behavior, diversion, shelter care, intensive juvenile probation~~  
20 ~~services, restitution, family support services, and family group~~  
21 ~~conferencing.~~ local planning and service coordination; screening,  
22 assessment, and evaluation; diversion; alternatives to detention;  
23 family support services; treatment services; reentry services;  
24 truancy prevention and intervention programs; and other services  
25 that will positively impact juveniles and families in the  
26 juvenile justice system. In distributing funds provided under the  
27 County Community-based Juvenile Services Aid Program, ~~counties~~

1 aid recipients shall prioritize programs and services that will  
2 ~~reduce the juvenile detention population.~~ divert juveniles from  
3 the juvenile justice system, reduce the population of juveniles  
4 in juvenile detention and secure confinement, and assist in  
5 transitioning juveniles from out-of-home placements. No funds  
6 appropriated or distributed under the ~~County~~ Community-based  
7 Juvenile Services Aid Program shall be used for construction of  
8 secure detention facilities, secure youth treatment facilities,  
9 or secure youth confinement facilities. Aid received under this  
10 section shall not be used for capital construction or the lease or  
11 acquisition of facilities except for additional probation offices  
12 associated with carrying out the expanded probation duties in this  
13 legislative bill and shall not be used to replace existing funding  
14 for programs or services. Any funds not distributed to counties  
15 under this subsection shall be retained by the commission to be  
16 distributed on a competitive basis under the ~~County~~ Community-based  
17 Juvenile Services Aid Program for a county, multiple counties,  
18 federally recognized or state-recognized Indian tribes, or any  
19 combination of the three demonstrating additional need in the  
20 funding areas identified in this subsection.

21 (4) Any ~~county receiving~~ recipient of funding under the  
22 ~~County~~ Community-based Juvenile Services Aid Program shall file an  
23 annual report as required by rules and regulations adopted and  
24 promulgated by the commission. The report shall include, but not  
25 be limited to, the type of juvenile service, how the service met  
26 the goals of the comprehensive juvenile services plan, demographic  
27 information on the total number of juveniles served, ~~the units~~

1 of service provided, a listing of the county's annual juvenile  
2 justice budgeted and actual expenditures, program success rates,  
3 the total number of juveniles sent to secure juvenile detention  
4 or residential treatment and secure confinement, and a listing  
5 of the expenditures for detention, residential treatment, and  
6 nonresidential treatment.

7 (5) The commission shall report annually to the Governor  
8 and the Legislature on the distribution and use of funds  
9 appropriated under the County Community-based Juvenile Services  
10 Aid Program. The report shall include, but not be limited to,  
11 an aggregate report of the use of the Community-based Juvenile  
12 Services Aid Program funds, including the types of juvenile  
13 services and programs that were funded, demographic information  
14 on the total number of juveniles served, program success rates,  
15 the total number of juveniles sent to secure juvenile detention  
16 or residential treatment and secure confinement, and a listing  
17 of the expenditures of all counties and federally recognized  
18 or state-recognized Indian tribes for detention, residential  
19 treatment, and secure confinement. The report submitted to the  
20 Legislature shall be submitted electronically.

21 (6) The commission shall adopt and promulgate rules and  
22 regulations ~~to implement this section.~~ for the Community-based  
23 Juvenile Services Aid Program in consultation with the Director  
24 of the Community-based Juvenile Services Aid Program, the  
25 Director of Juvenile Diversion Programs, the Office of Probation  
26 Administration, the Nebraska Association of County Officials, and  
27 the University of Nebraska at Omaha, Juvenile Justice Institute.

1 The rules and regulations shall include, but not be limited to:

2 (a) The required elements of a comprehensive juvenile  
3 services plan and planning process;

4 (b) The Community-based Juvenile Services Aid Program  
5 formula, review process, match requirements, and fund distribution.

6 The distribution process shall ensure a conflict of interest  
7 policy;

8 (c) A distribution process for funds retained under  
9 subsection (3) of this section;

10 (d) A plan for evaluating the effectiveness of plans and  
11 programs receiving funding;

12 (e) A reporting process for aid recipients; and

13 (f) A reporting process for the commission to the  
14 Governor and Legislature. The report shall be made electronically  
15 to the Governor and the Legislature.

16 Sec. 49. Section 43-2411, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 43-2411 (1) The Nebraska Coalition for Juvenile Justice  
19 is created. As provided in the federal act, there shall be no  
20 less than fifteen nor more than thirty-three members of the  
21 coalition. Coalition members who are members of the judicial branch  
22 of government shall be nonvoting members of the coalition. The  
23 coalition members shall be appointed by the Governor and shall  
24 include:

25 (a) The Administrator of the Office of Juvenile Services;

26 (b) The chief executive officer of the Department of  
27 Health and Human Services or his or her designee;

- 1 (c) The Commissioner of Education or his or her designee;
- 2 (d) The executive director of the Nebraska Commission on  
3 Law Enforcement and Criminal Justice or his or her designee;
- 4 (e) The Executive Director of the Nebraska Association of  
5 County Officials or his or her designee;
- 6 (f) The probation administrator of the Office of  
7 Probation Administration or his or her designee;
- 8 (g) One county commissioner or supervisor;
- 9 (h) One person with data analysis experience;
- 10 ~~(h)~~ (i) One police chief;
- 11 ~~(i)~~ (j) One sheriff;
- 12 (k) The executive director of the Foster Care Review  
13 Office;
- 14 ~~(j)~~ (l) One separate juvenile court judge;
- 15 ~~(k)~~ (m) One county court judge;
- 16 ~~(l)~~ (n) One representative of mental health professionals  
17 who works directly with juveniles;
- 18 ~~(m)~~ (o) Three representatives, one from each  
19 congressional district, from community-based, private nonprofit  
20 organizations who work with juvenile offenders and their families;
- 21 ~~(n)~~ (p) One volunteer who works with juvenile offenders  
22 or potential juvenile offenders;
- 23 ~~(o)~~ (q) One person who works with an alternative to  
24 incarceration a detention program for juveniles;
- 25 ~~(p)~~ (r) The director or his or her designee from a youth  
26 rehabilitation and treatment center;
- 27 ~~(q)~~ (s) The director or his or her designee from a secure

1 ~~youth confinement~~ juvenile detention facility;

2 ~~(r)~~ (t) The director or his or her designee from a staff  
3 secure youth confinement facility;

4 ~~(s)~~ (u) At least five members who are under twenty-four  
5 years of age when appointed;

6 ~~(t)~~ (v) One person who works directly with juveniles who  
7 have learning or emotional difficulties or are abused or neglected;

8 ~~(u)~~ (w) One member of the Nebraska Commission on Law  
9 Enforcement and Criminal Justice;

10 (x) One member of a regional behavioral health authority  
11 established under section 71-808;

12 ~~(v)~~ (y) One county attorney; and

13 ~~(w)~~ (z) One public defender.

14 (2) The terms of members appointed pursuant to  
15 subdivisions (1)(g) through ~~(1)(w)~~ (1)(z) of this section shall  
16 be three years, except that the terms of the initial appointments  
17 of members of the coalition shall be staggered so that one-third  
18 of the members are appointed for terms of one year, one-third for  
19 terms of two years, and one-third for terms of three years, as  
20 determined by the Governor. A majority of the coalition members,  
21 including the chairperson, shall not be full-time employees of  
22 federal, state, or local government. At least one-fifth of the  
23 coalition members shall be under the age of twenty-four at the  
24 time of appointment. Any vacancy on the coalition shall be filled  
25 by appointment by the Governor. The coalition shall select a  
26 chairperson, a vice-chairperson, and such other officers as it  
27 deems necessary.

1           (3) Members of the coalition shall be reimbursed for  
2 their actual and necessary expenses pursuant to sections 81-1174 to  
3 81-1177.

4           (4) The coalition may appoint task forces or  
5 subcommittees to carry out its work. Task force and subcommittee  
6 members shall have knowledge of, responsibility for, or interest in  
7 an area related to the duties of the coalition.

8           Sec. 50. Section 43-2412, Revised Statutes Cumulative  
9 Supplement, 2012, is amended to read:

10           43-2412 (1) Consistent with the purposes and objectives  
11 of the Juvenile Services Act and the federal act, the coalition  
12 shall:

13           (a) Make recommendations to the commission on the  
14 awarding of grants under the Commission Grant Program to eligible  
15 applicants;

16           (b) Identify juvenile justice issues, share information,  
17 and monitor and evaluate programs in the juvenile justice system;

18           (c) Recommend guidelines and supervision procedures ~~to~~  
19 ~~the Office of Juvenile Services~~ to be used to develop or expand  
20 local diversion programs for juveniles from the juvenile justice  
21 system;

22           (d) Prepare an annual report to the Governor, the  
23 Legislature, the Office of Probation Administration, and the Office  
24 of Juvenile Services including recommendations on administrative  
25 and legislative actions which would improve the juvenile justice  
26 system. The report submitted to the Legislature shall be submitted  
27 electronically;

1           (e) Ensure widespread citizen involvement in all phases  
2 of its work; and

3           (f) Meet at least four times each year.

4           (2) Consistent with the purposes and objectives of the  
5 acts and within the limits of available time and appropriations,  
6 the coalition may:

7           ~~(a) Recommend criteria to the Office of Juvenile Services~~  
8 ~~for administrative procedures, including, but not limited to,~~  
9 ~~procedures for intake, detention, petition filing, and probation~~  
10 ~~supervision;~~

11           ~~(b) Recommend to the Office of Juvenile Services~~  
12 ~~minimum professional standards, including requirements for~~  
13 ~~continuing professional training, for employees of community-based,~~  
14 ~~youth-serving agencies;~~

15           ~~(c) Recommend to the Office of Juvenile Services~~  
16 ~~curricula for and cause to have conducted training sessions for~~  
17 ~~juvenile court judges and employees of other community-based,~~  
18 ~~youth-serving agencies;~~

19           ~~(d) (a) Assist and advise state and local agencies in the~~  
20 ~~establishment of volunteer training programs and the utilization of~~  
21 ~~volunteers;~~

22           ~~(e) (b) Apply for and receive funds from federal and~~  
23 ~~private sources for carrying out its powers and duties; and~~

24           ~~(f) (c) Provide technical assistance to eligible~~  
25 ~~applicants.~~

26           (3) In formulating, adopting, and promulgating the  
27 ~~standards, recommendations, and guidelines provided for in this~~

1 section, the coalition shall consider the differences among  
2 counties in population, in geography, and in the availability of  
3 local resources.

4 Sec. 51. Section 43-2930, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 43-2930 (1) Each party to a contested proceeding for  
7 a temporary order relating to parenting functions or custody,  
8 parenting time, visitation, or other access shall offer a child  
9 information affidavit as an exhibit at the hearing before the  
10 court. The child information affidavit shall be verified to the  
11 extent known or reasonably discoverable by the filing party or  
12 parties and may include the following:

13 (a) The name, address, and length of residence with any  
14 adults with whom each child has lived for the preceding twelve  
15 months; except that the address shall only include the county and  
16 state for a parent who is living in an undisclosed location because  
17 of safety concerns;

18 (b) The performance by each parent or person acting as  
19 parent for the preceding twelve months of the parenting functions  
20 relating to the daily needs of the child;

21 (c) A description of the work and child care schedules  
22 for the preceding twelve months of any person seeking custody,  
23 parenting time, visitation, or other access and any expected  
24 changes to these schedules in the near future;

25 (d) A description of the current proposed work and child  
26 care schedules; and

27 (e) A description of the child's school and

1 extracurricular activities, including who is responsible for  
2 transportation of the child.

3           The child information affidavit may also state any  
4 circumstances of child abuse or neglect, domestic intimate partner  
5 abuse, or unresolved parental conflict that are likely to pose a  
6 risk to the child and that warrant limitation on the award of  
7 temporary custody, parenting time, visitation, or other access to  
8 the child pending entry of a permanent parenting plan, including  
9 any restraining orders, protection orders, or criminal no-contact  
10 orders against either parent or a person acting as a parent by case  
11 number and jurisdiction.

12           (2) After a contested hearing by live testimony or  
13 affidavit, the court shall enter a temporary parenting order that  
14 includes:

15           (a) Provision for temporary legal custody;

16           (b) Provisions for temporary physical custody, which  
17 shall include either:

18           (i) A parenting time, visitation, or other access  
19 schedule that designates in which home each child will reside on  
20 given days of the year; or

21           (ii) A formula or method for determining such a schedule  
22 in sufficient detail that, if necessary, the schedule can be  
23 enforced in subsequent proceedings by the court;

24           (c) Designation of a temporary residence for the child;

25           (d) Reference to any existing restraining orders,  
26 protection orders, or criminal no-contact orders as well as  
27 provisions for safety and a transition plan, consistent with any

1 court's finding of child abuse or neglect, domestic intimate  
2 partner abuse, or unresolved parental conflict in order to provide  
3 for the safety of a child and ~~custodial~~ a parent who has physical  
4 custody of the child necessary for the best interests of the child;  
5 and

6 (e) If appropriate, a requirement that a parent complete  
7 a program of intervention for perpetrators of domestic violence, a  
8 program for drug or alcohol abuse, or a program designed to correct  
9 another factor as a condition of parenting time.

10 (3) A party may move for an order to show cause, and the  
11 court may enter a modified temporary parenting order.

12 (4) The State Court Administrator's office shall create a  
13 form that may be used by the parties to create a child information  
14 affidavit setting forth the elements identified in this section.

15 (5) Provisions for temporary support for the child and  
16 other financial matters may be included in the temporary parenting  
17 order.

18 Sec. 52. Section 43-3503, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 43-3503 (1) It is the intent of the Legislature to  
21 encourage counties to develop a continuum of nonsecure detention  
22 services for the purpose of enhancing, developing, and expanding  
23 the availability of such services to juveniles requiring nonsecure  
24 detention.

25 (2) A county may enhance, develop, or expand nonsecure  
26 detention services as needed with private or public providers.  
27 Grants from the Commission Grant Program and aid from the County

1 Community-based Juvenile Services Aid Program under the Juvenile  
2 Services Act and the federal Juvenile Justice and Delinquency  
3 Prevention Act of 1974 may be used to fund nonsecure detention  
4 services. Each county shall routinely review services provided by  
5 contract providers and modify services as needed.

6       Sec. 53. (1) There is established within the Nebraska  
7 Commission on Law Enforcement and Criminal Justice the position  
8 of Director of Juvenile Diversion Programs to be appointed by the  
9 executive director of the commission.

10       (2) The Director of Juvenile Diversion Programs shall be  
11 supervised by the executive director of the Nebraska Commission  
12 on Law Enforcement and Criminal Justice. The director shall be  
13 responsible for fostering, promoting, researching, and assessing  
14 juvenile pretrial diversion programs and developing new programs  
15 in collaboration with cities and counties pursuant to sections  
16 43-260.02 to 43-260.07. The director shall:

17       (a) Provide technical assistance and guidance to juvenile  
18 pretrial diversion programs for implementing evidence-based  
19 strategies or standardized, replicable practices that have been  
20 researched and have demonstrated positive outcomes;

21       (b) Develop a core juvenile pretrial diversion program  
22 packet for utilization by counties without a juvenile pretrial  
23 diversion program or counties without a district probation officer  
24 acting under section 29-2258;

25       (c) Establish baseline program guidelines for juvenile  
26 pretrial diversion programs grounded in best-practice research,  
27 develop data collection and evaluation protocols, oversee statewide

1 data collection, and generate an annual report on juvenile pretrial  
2 diversion programs;

3 (d) Develop relationships and collaborate with juvenile  
4 justice stakeholders involved in juvenile pretrial diversion  
5 programs, provide education and training as necessary, and serve on  
6 boards and committees when approved by the commission;

7 (e) Facilitate consistent communication and  
8 information-sharing among juvenile pretrial diversion program  
9 directors;

10 (f) Assist juvenile pretrial diversion program directors,  
11 county attorneys, district probation officers acting under section  
12 29-2258, and county boards in developing policies and practices  
13 that achieve the goals of quality juvenile pretrial diversion  
14 programs;

15 (g) Assist in comprehensive community planning efforts as  
16 they relate to development of juvenile pretrial diversion programs;

17 (h) Develop and coordinate a statewide working group  
18 as a subcommittee of the Nebraska Coalition for Juvenile Justice  
19 to assist in regular strategic planning related to supporting,  
20 funding, monitoring, and evaluating the effectiveness of plans and  
21 programs receiving funds from the Community-based Juvenile Services  
22 Aid Program; and

23 (i) Assist the Director of the Community-based Juvenile  
24 Services Aid Program created under section 43-2404.01 in the review  
25 of Community-based Juvenile Services Aid Program applications as  
26 provided in section 43-2404.02.

27 Sec. 54. (1) The Community and Family Reentry Process

1 is hereby created. This process is created in order to reduce  
2 recidivism and promote safe and effective reentry for the juvenile  
3 and his or her family to the community from the juvenile justice  
4 system. This process applies to all juveniles committed to the  
5 Office of Juvenile Services for placement at a youth rehabilitation  
6 and treatment center on or after July 1, 2013.

7 (2) While a juvenile is committed to a youth  
8 rehabilitation and treatment center, family team meetings shall be  
9 conducted in person or via videoconferencing at least once per  
10 month with the juvenile's support system to discuss the juvenile's  
11 transition back to the community. A juvenile's support system  
12 should be made up of any of the following: The juvenile himself  
13 or herself, any immediate family members or guardians, informal  
14 and formal supports, the juvenile's probation officer, Office of  
15 Juvenile Services personnel employed by the facility, and any  
16 additional personnel as appropriate. Once developed, individualized  
17 reentry plans should be discussed at the family team meetings  
18 with the juvenile and other members of the juvenile's support  
19 system and shall include discussions on the juvenile's placement  
20 after leaving the facility. The probation officer and the Office  
21 of Juvenile Services personnel should discuss progress and needs  
22 of the juvenile and should help the juvenile follow his or her  
23 individual reentry plan to help with his or her transition back  
24 to the community.

25 (3) Within sixty days prior to discharge from a youth  
26 rehabilitation and treatment center, or as soon as possible if the  
27 juvenile's remaining time at the youth rehabilitation and treatment

1 center is less than sixty days, an evidence-based risk screening  
2 and needs assessment should be conducted on the juvenile in order  
3 to determine the juvenile's risk of reoffending and the juvenile's  
4 individual needs upon reentering the community.

5 (4) Individualized reentry plans shall be developed  
6 with input from the juvenile and his or her support system  
7 in conjunction with a risk assessment process. Individualized  
8 reentry plans shall be finalized thirty days prior to the  
9 juvenile leaving the youth rehabilitation and treatment center  
10 or as soon as possible if the juvenile's remaining time at the  
11 center is less than thirty days. Individualized reentry plans  
12 should include specifics about the juvenile's placement upon return  
13 to the community, an education transition plan, a treatment plan  
14 with any necessary appointments being set prior to the juvenile  
15 leaving the center, and any other formal and information supports  
16 for the juvenile and his or her family. The district probation  
17 officer and Office of Juvenile Services personnel shall review the  
18 individualized reentry plan and the expected outcomes as a result  
19 of the plan with the juvenile and his or her support system within  
20 thirty days prior to the juvenile's discharge from the center.

21 (5) The probation officer shall have contact with the  
22 juvenile and the juvenile's support system within forty-eight hours  
23 after the juvenile returns to the community, and continue to assist  
24 the juvenile and the juvenile's support system in implementing  
25 and following the individualized reentry plan and monitoring the  
26 juvenile's risk through ongoing assessment updates.

27 (6) The Office of Probation Administration shall

1 establish an evidence-based reentry process that utilizes risk  
2 assessment to determine the juvenile's supervision level upon  
3 return to the community. They shall establish supervision  
4 strategies based on risk levels of the juvenile and supervise  
5 accordingly, with ongoing reassessment to assist in determining  
6 eligibility for release from probation. The Office of Probation  
7 Administration shall develop a formal matrix of graduated sanctions  
8 to be utilized prior to requesting the county attorney to file  
9 for probation revocation. The Office of Probation Administration  
10 shall provide training to its workers on risk-based supervision  
11 strategies, motivational interviewing, family engagement, community  
12 based resources, and other evidence-based reentry strategies.

13           Sec. 55. (1) It is the intent of the Legislature that  
14 the Nebraska Juvenile Service Delivery Project, established as a  
15 pilot program under section 43-4101 within the Office of Probation  
16 Administration, be expanded statewide in a three-step, phase-in  
17 process beginning July 1, 2013, with full implementation by  
18 July 1, 2014. The expansion of the project will result in the  
19 Office of Probation Administration taking over the duties of the  
20 Office of Juvenile Services with respect to its previous functions  
21 of community supervision and parole of juvenile law violators  
22 and of evaluations for such juveniles. The Office of Juvenile  
23 Services shall continue for the purpose of operating the youth  
24 rehabilitation and treatment centers and the care and custody of  
25 the juveniles placed at such centers. Expansion of the project  
26 shall be funded by the transfer of funds from the Department of  
27 Health and Human Services and the Office of Juvenile Services used

1 to fully fund community-based services and juvenile parole to the  
2 Office of Probation Administration.

3 (2) There shall be established through the use of  
4 technology an information-sharing process to support and enhance  
5 the exchange of information between the Department of Health  
6 and Human Services, Office of Probation Administration, and the  
7 Nebraska Commission on Law Enforcement and Criminal Justice. It  
8 is the intent of the Legislature to appropriate two hundred fifty  
9 thousand dollars from the General Fund to the Office of Probation  
10 Administration to facilitate the information-sharing process.

11 (3) It is the intent of the Legislature that detention  
12 costs for a juvenile shall be paid by the county containing the  
13 court which issued the order to detain in the following situations:

14 (a) A juvenile who has no prior contact with the juvenile  
15 justice system and is placed in predisposition detention; or

16 (b) A juvenile who is placed in predisposition detention  
17 for a new violation of law while under the supervision of the  
18 Office of Probation Administration.

19 (4) It is the intent of the Legislature that detention  
20 costs for a juvenile shall be paid by the Office of Probation  
21 Administration in the following situations:

22 (a) A juvenile is placed in detention as the result of an  
23 alleged violation of probation; or

24 (b) A juvenile is placed in post-disposition detention  
25 under the supervision of the Office of Probation Administration  
26 while awaiting placement.

27 (5) For purposes of this section, detention means secure

1 juvenile detention facility or staff secure juvenile facility.

2           Sec. 56. Section 43-4203, Revised Statutes Cumulative  
3 Supplement, 2012, is amended to read:

4           43-4203 (1) The Nebraska Children's Commission shall work  
5 with administrators from each of the service areas designated  
6 pursuant to section 81-3116, the teams created pursuant to section  
7 28-728, local foster care review boards, child advocacy centers,  
8 the teams created pursuant to the Supreme Court's Through the Eyes  
9 of the Child Initiative, community stakeholders, and advocates for  
10 child welfare programs and services to establish networks in each  
11 of such service areas. Such networks shall permit collaboration  
12 to strengthen the continuum of services available to child welfare  
13 agencies and to provide resources for children and juveniles  
14 outside the child protection system. Each service area shall  
15 develop its own unique strategies to be included in the statewide  
16 strategic plan. The Department of Health and Human Services shall  
17 assist in identifying the needs of each service area.

18           (2) (a) The commission shall create a committee to examine  
19 state policy regarding the prescription of psychotropic drugs for  
20 children who are wards of the state and the administration of such  
21 drugs to such children. Such committee shall review the policy and  
22 procedures for prescribing and administering such drugs and make  
23 recommendations to the commission for changes in such policy and  
24 procedures.

25           (b) The commission shall create a committee to examine  
26 the structure and responsibilities of the Office of Juvenile  
27 Services as they exist on April 12, 2012. Such committee shall

1 review the role and effectiveness of the youth rehabilitation  
2 and treatment centers in the juvenile justice system and make  
3 recommendations to the commission on the future role of the  
4 youth rehabilitation and treatment centers in the juvenile justice  
5 continuum of care, including what populations they should serve  
6 and what treatment services should be provided at the centers  
7 in order to appropriately serve those populations. Such committee  
8 shall also review how mental and behavioral health services are  
9 provided to juveniles in secure residential placements and the need  
10 for such services throughout Nebraska and make recommendations to  
11 the commission relating to those systems of care in the juvenile  
12 justice system. The committee shall collaborate with the University  
13 of Nebraska at Omaha, Juvenile Justice Institute, the University of  
14 Nebraska Medical Center, Center for Health Policy, the behavioral  
15 health regions as established in section 71-807, and state and  
16 national juvenile justice experts to develop recommendations.  
17 If the committee's recommendations include maintaining the Youth  
18 Rehabilitation and Treatment Center-Kearney, the recommendation  
19 shall include a plan to implement a rehabilitation and treatment  
20 model by upgrading the center's physical structure, staff, and  
21 staff training and the incorporation of evidence-based treatments  
22 and programs. The recommendations shall be delivered to the  
23 commission and electronically to the Judiciary Committee of the  
24 Legislature by December 1, 2013. Such committee shall also review  
25 the responsibilities of the Administrator of the Office of Juvenile  
26 Services, including oversight of the youth rehabilitation and  
27 treatment centers and juvenile parole, and make recommendations

1 to the commission relating to the future responsibilities of the  
2 administrator.

3 (c) The commission may organize committees as it  
4 deems necessary. Members of the committees may be members of  
5 the commission or may be appointed, with the approval of the  
6 majority of the commission, from individuals with knowledge of  
7 the committee's subject matter, professional expertise to assist  
8 the committee in completing its assigned responsibilities, and the  
9 ability to collaborate within the committee and with the commission  
10 to carry out the powers and duties of the commission.

11 (d) If the One Hundred Second Legislature, Second  
12 Session, 2012, creates the The Title IV-E Demonstration Project  
13 Committee ~~or~~ and the Foster Care Reimbursement Rate Committee, ~~or~~  
14 ~~both~~, such committees shall be are under the jurisdiction of the  
15 commission.

16 (3) The commission shall work with the office of the  
17 State Court Administrator, as appropriate, and entities which  
18 coordinate facilitated conferencing as described in section  
19 43-247.01. Facilitated conferencing shall be included in statewide  
20 strategic plan discussions by the commission. Facilitated  
21 conferencing shall continue to be utilized and maximized, as  
22 determined by the court of jurisdiction, during the development  
23 of the statewide strategic plan. Funding and contracting of  
24 facilitated conferencing entities shall continue to be provided by  
25 the Department of Health and Human Services to at least the same  
26 extent as such funding and contracting are being provided on April  
27 12, 2012.

1           (4) The commission shall gather information and  
2 communicate with juvenile justice specialists of the Office of  
3 Probation Administration and county officials with respect to any  
4 county-operated practice model participating in the Crossover Youth  
5 Program of the Center for Juvenile Justice Reform at Georgetown  
6 University.

7           (5) If the Nebraska Juvenile Service Delivery Project  
8 is enacted by the One Hundred Second Legislature, Second Session,  
9 2012, the commission shall coordinate and gather information about  
10 the progress and outcomes of the project.

11           Sec. 57. Section 81-1417, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13           81-1417 (1) The Nebraska Commission on Law Enforcement  
14 and Criminal Justice shall consist of ~~eighteen~~ nineteen members.  
15 The membership shall include the Governor, the Attorney General,  
16 the Superintendent of Law Enforcement and Public Safety, the  
17 Director of Correctional Services, the chief of police or director  
18 of public safety of a city of more than two hundred thousand  
19 population, the chief of police or director of public safety of  
20 a city of ~~less than~~ two hundred thousand population or less,  
21 a county sheriff, a county attorney, a county commissioner, a  
22 mayor or city manager, a person involved with the control or  
23 prevention of juvenile delinquency, the chairperson of the Nebraska  
24 Police Standards Advisory Council, the chairperson of the Nebraska  
25 Coalition for Juvenile Justice, and six members, at least one of  
26 whom shall be a woman, from the public at large. The seven members  
27 of the council shall also be considered members of the commission

1 acting as a special committee of the commission with limited powers  
2 and duties. A member of the commission may serve concurrently as a  
3 member of the council. ~~The term of the district court judge serving~~  
4 ~~on July 20, 2002, terminates on such date.~~

5 (2) The Governor may increase the membership of the  
6 commission at any time if such increase is necessary to comply  
7 with the provisions of any federal act providing funds for law  
8 enforcement or delinquency prevention purposes. Such members of the  
9 commission appointed by the Governor shall serve for terms of six  
10 years from January 1 next succeeding their appointments.

11 (3) Except for the Governor, the Attorney General, the  
12 Superintendent of Law Enforcement and Public Safety, and the  
13 Director of Correctional Services, the chairperson of the Nebraska  
14 Police Standards Advisory Council, and the chairperson of the  
15 Nebraska Coalition for Juvenile Justice, the members of the  
16 commission shall be appointed by the Governor. The membership  
17 of the commission shall represent varying geographic areas and  
18 large and small governmental subdivisions.

19 Sec. 58. Section 83-4,124, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 83-4,124 (1) It is hereby declared to be the policy  
22 of the State of Nebraska that all criminal detention facilities  
23 and juvenile detention facilities in the this state shall conform  
24 to certain minimum standards of construction, maintenance, and  
25 operation and that all juvenile detention facilities and staff  
26 secure juvenile facilities in this state shall conform to certain  
27 minimum standards relating to the operation and physical structure

1 of such facilities and the care of, programs for, and discipline of  
2 juveniles at such facilities.

3         (2) To further such policy, the Jail Standards Board  
4 is hereby created. For administrative and budgetary purposes such  
5 board shall be within the Nebraska Commission on Law Enforcement  
6 and Criminal Justice. The board shall consist of the Director of  
7 Correctional Services or, if the Director of Correctional Services  
8 chooses not to serve on the board, a person appointed by the  
9 director to serve in lieu of the director, the State Fire Marshal  
10 or his or her designee, and ~~nine~~ ten appointive members, three  
11 of whom shall be from each of the three congressional districts,  
12 to be appointed by the Governor. The appointive members of the  
13 board shall be appointed from recommendation lists containing at  
14 least three names submitted by the Nebraska Association of County  
15 Officials, the Nebraska County Sheriffs Association, the Nebraska  
16 State Bar Association, and the Police Officers Association of  
17 Nebraska. The appointive members of the board shall consist of: ~~(1)~~  
18 (a) Two county commissioners or supervisors; ~~(2)~~ (b) one county  
19 sheriff; ~~(3)~~ (c) one municipal police chief; ~~(4)~~ (d) one member of  
20 the Nebraska State Bar Association; ~~(5)~~ (e) two lay people; ~~(6)~~ (f)  
21 one person who at the time of his or her appointment is serving as  
22 an administrator responsible for the operation and maintenance of a  
23 juvenile detention facility; (g) one person who at the time of his  
24 or her appointment is serving as an administrator responsible for  
25 the operation and maintenance of a staff secure juvenile facility;  
26 and ~~(7)~~ (h) one person who at the time of his or her appointment is  
27 serving as an administrator or jailer responsible for the operation

1 and maintenance of a criminal detention facility having an average  
2 daily population of greater than fifty persons. ~~The term of the~~  
3 ~~district judge serving on July 20, 2002, terminates on such date.~~

4 (3) The terms of office for all members initially  
5 appointed shall be three years. Upon completion of the initial  
6 term of the board, the Governor shall appoint one member from  
7 each congressional district for a term of one year, one member  
8 from each congressional district for a term of two years, and  
9 one member from each congressional district for a term of three  
10 years. Succeeding appointees shall be representative of the same  
11 congressional district and shall be appointed for terms of three  
12 years. An appointee to a vacancy occurring from an unexpired term  
13 shall serve out the term of his or her predecessor. Members whose  
14 terms have expired shall continue to serve until their successors  
15 have been appointed. The member authorized by this legislative bill  
16 shall be appointed by the Governor within ninety days after the  
17 effective date of this act.

18 (4) The members of the board shall serve without  
19 compensation, but they shall be reimbursed for their actual  
20 expenses while engaged in the performance of their official duties  
21 as provided in sections 81-1174 to 81-1177.

22 Sec. 59. Section 83-4,125, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 83-4,125 For purposes of sections 83-4,124 to 83-4,134:

25 (1) Criminal detention facility ~~shall mean~~ means any  
26 institution operated by a political subdivision or a combination  
27 of political subdivisions for the careful keeping or rehabilitative

1 needs of adult or juvenile criminal offenders or those persons  
2 being detained while awaiting disposition of charges against them.  
3 Criminal detention facility ~~shall~~ does not include any institution  
4 operated by the Department of Correctional Services. Criminal  
5 detention facilities shall be classified as follows:

6 (a) Type I Facilities ~~shall mean~~ means criminal detention  
7 facilities used for the detention of persons for not more than  
8 twenty-four hours, excluding nonjudicial days;

9 (b) Type II Facilities ~~shall mean~~ means criminal  
10 detention facilities used for the detention of persons for not more  
11 than ninety-six hours, excluding nonjudicial days; and

12 (c) Type III Facilities ~~shall mean~~ means criminal  
13 detention facilities used for the detention of persons beyond  
14 ninety-six hours; and

15 (2) Juvenile detention facility ~~shall mean~~ means an  
16 institution operated by a political subdivision or political  
17 subdivisions for the secure detention and treatment of persons  
18 younger than eighteen years of age, including persons under the  
19 jurisdiction of a juvenile court, who are serving a sentence  
20 pursuant to a conviction in a county or district court or who  
21 are detained while waiting disposition of charges against them.  
22 Juvenile detention facility ~~shall~~ does not include any institution  
23 operated by the department; ~~and-~~

24 (3) Staff secure juvenile facility means a juvenile  
25 residential facility operated by a political subdivision (a) which  
26 does not include construction designed to physically restrict  
27 the movements and activities of juveniles who are in custody in

1 the facility, (b) in which physical restriction of movement or  
2 activity of juveniles is provided solely through staff, (c) which  
3 may establish reasonable rules restricting ingress to and egress  
4 from the facility, and (d) in which the movements and activities  
5 of individual juvenile residents may, for treatment purposes, be  
6 restricted or subject to control through the use of intensive staff  
7 supervision. Staff secure juvenile facility does not include any  
8 institution operated by the department.

9           Sec. 60. Section 83-4,126, Revised Statutes Cumulative  
10 Supplement, 2012, is amended to read:

11           83-4,126 (1) Except as provided in subsection (2) of this  
12 section, the Jail Standards Board shall have the authority and  
13 responsibility:

14           (a) To develop minimum standards for the construction,  
15 maintenance, and operation of criminal detention facilities;

16           (b) To perform ~~such~~ other duties as may be necessary to  
17 carry out the policy of the state regarding ~~such~~ criminal detention  
18 facilities, and juvenile detention facilities, and staff secure  
19 juvenile facilities as stated in sections 83-4,124 to 83-4,134; and

20           (c) Consistent with the purposes and objectives of the  
21 Juvenile Services Act, to develop standards for juvenile detention  
22 facilities and staff secure juvenile facilities, including, but not  
23 limited to, standards for physical facilities, care, programs, and  
24 disciplinary procedures, and to develop guidelines pertaining to  
25 the operation of such facilities.

26           (2) The Jail Standards Board shall not have authority  
27 over or responsibility for correctional facilities that are

1 accredited by a nationally recognized correctional association. A  
2 correctional facility that is accredited by a nationally recognized  
3 correctional association shall show proof of accreditation annually  
4 to the Jail Standards Board. For purposes of this subsection,  
5 nationally recognized correctional association includes, but is not  
6 limited to, the American Correctional Association or its successor.

7           Sec. 61. Section 83-4,131, Revised Statutes Cumulative  
8 Supplement, 2012, is amended to read:

9           83-4,131 Personnel of the Nebraska Commission on Law  
10 Enforcement and Criminal Justice shall visit and inspect each  
11 criminal detention facility, ~~and~~ juvenile detention facility, ~~and~~  
12 staff secure juvenile facility in the state, except correctional  
13 facilities accredited by a nationally recognized correctional  
14 association pursuant to subsection (2) of section 83-4,126, for the  
15 purpose of determining the conditions of confinement, the treatment  
16 of persons confined in the facilities, and whether such facilities  
17 comply with the minimum standards established by the Jail Standards  
18 Board. A written report of each inspection shall be made within  
19 thirty days following such inspection to the appropriate governing  
20 body responsible for the criminal detention facility, ~~or~~ juvenile  
21 detention facility, or staff secure juvenile facility involved. The  
22 report shall specify those areas in which the facility does not  
23 comply with the required minimum standards.

24           Sec. 62. Section 83-4,132, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26           83-4,132 If an inspection under sections 83-4,124 to  
27 83-4,134 discloses that the criminal detention facility, ~~or~~

1 juvenile detention facility, or staff secure juvenile facility  
2 does not meet the minimum standards established by the Jail  
3 Standards Board, the board shall send notice, together with the  
4 inspection report, to the governing body responsible for the  
5 facility. The appropriate governing body shall promptly meet to  
6 consider the inspection report, and the inspection personnel shall  
7 appear before the governing body to advise and consult concerning  
8 appropriate corrective action. The governing body shall then  
9 initiate appropriate corrective action within six months ~~of~~ after  
10 the receipt of such inspection report or may voluntarily close the  
11 facility or the objectionable portion thereof.

12           Sec. 63. Section 83-4,133, Revised Statutes Cumulative  
13 Supplement, 2012, is amended to read:

14           83-4,133 If the governing body of the juvenile detention  
15 facility, ~~or criminal detention facility, or staff secure juvenile~~  
16 facility fails to initiate corrective action within six months  
17 after the receipt of such inspection report, fails to correct the  
18 disclosed conditions, or fails to close the criminal detention  
19 facility, ~~or juvenile detention facility, or staff secure juvenile~~  
20 facility or the objectionable portion thereof, the Jail Standards  
21 Board may petition the district court within the judicial district  
22 in which such facility is located to close the facility. Such  
23 petition shall include the inspection report regarding such  
24 facility. The local governing body shall then have thirty days to  
25 respond to such petition and shall serve a copy of the response  
26 on the Jail Standards Board by certified mail, return receipt  
27 requested. Thereafter, a hearing shall be held on the petition

1 before the district court, and an order shall be rendered by such  
2 court which either:

- 3 (1) Dismisses the petition of the Jail Standards Board;  
4 (2) Directs that corrective action be initiated in some  
5 form by the local governing body of the facility in question; or  
6 (3) Directs that the facility be closed. An appeal from  
7 the decision of the district court may be taken to the Court of  
8 Appeals.

9 Sec. 64. Section 83-4,134, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 83-4,134 Sections 83-4,124 to 83-4,134 shall be  
12 implemented upon completion of the development of minimum standards  
13 by the Jail Standards Board. Thereafter, inspections shall begin,  
14 but no criminal detention facility, ~~or~~ juvenile detention facility,  
15 or staff secure juvenile facility shall be closed within one year  
16 of the date of first filing of the minimum standards in the office  
17 of the Secretary of State. After one year from the date of first  
18 filing of the minimum standards, a facility may be closed for any  
19 violation of the minimum standards. Those standards relating to the  
20 construction of the facility itself and its plumbing, heating, and  
21 wiring systems shall not be enforced so as to require the closing  
22 of any facility for a period of two years from the date of the  
23 first filing of the minimum standards unless such violations are  
24 of immediate danger to the safety of the persons confined in the  
25 facility or facility personnel, in which case such period shall be  
26 one year.

27 Sec. 65. Original sections 29-2257, 43-247, 43-251,

1 43-260.01, 43-260.04, 43-260.05, 43-260.07, 43-279.01, 43-281,  
2 43-284, 43-284.01, 43-404, 43-406, 43-407, 43-408, 43-410, 43-413,  
3 43-414, 43-417, 43-418, 43-419, 43-420, 43-421, 43-422, 43-423,  
4 43-1411.01, 43-2402, 43-2404, 43-2404.01, 43-2411, 43-2930,  
5 43-3503, 81-1417, 83-4,124, 83-4,125, 83-4,132, and 83-4,134,  
6 Reissue Revised Statutes of Nebraska, and sections 28-726, 29-2204,  
7 29-2258, 42-364, 43-245, 43-251.01, 43-254, 43-258, 43-272.01,  
8 43-285, 43-286, 43-2,108.05, 43-2,129, 43-405, 43-412, 43-415,  
9 43-416, 43-2404.02, 43-2412, 43-4203, 83-4,126, 83-4,131, and  
10 83-4,133, Revised Statutes Cumulative Supplement, 2012, are  
11 repealed.

12           Sec. 66. Since an emergency exists, this act takes effect  
13 when passed and approved according to law.