

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 561

Final Reading

Introduced by Ashford, 20; Campbell, 25; Krist, 10; McGill, 26;
Chambers, 11.

Read first time January 23, 2013

Committee: Judiciary

A BILL

1 FOR AN ACT relating to juveniles; to amend sections 29-2257, 43-247,
2 43-251, 43-260.01, 43-260.04, 43-260.05, 43-260.07,
3 43-279.01, 43-281, 43-284, 43-284.01, 43-404, 43-406,
4 43-407, 43-408, 43-410, 43-413, 43-414, 43-417, 43-418,
5 43-419, 43-420, 43-421, 43-422, 43-423, 43-1411.01,
6 43-2402, 43-2404, 43-2404.01, 43-2411, 43-2930, 43-3503,
7 81-1417, 83-4,124, 83-4,125, 83-4,132, and 83-4,134,
8 Reissue Revised Statutes of Nebraska, and sections
9 28-726, 29-2204, 29-2258, 42-364, 43-245, 43-251.01,
10 43-254, 43-258, 43-272.01, 43-285, 43-286, 43-2,108.05,
11 43-2,129, 43-405, 43-412, 43-415, 43-416, 43-2404.02,
12 43-2412, 43-4203, 43-4314, 43-4318, 43-4320, 43-4321,
13 43-4324, 81-8,245, 83-4,126, 83-4,131, and 83-4,133,
14 Revised Statutes Cumulative Supplement, 2012; to change
15 provisions relating to the Department of Health and Human
16 Services, the Office of Juvenile Services, the Office of

1 Probation Administration, probation officers, and
2 juvenile detention, pretrial diversion, evaluation,
3 placement, treatment, parole, and discharge; to change
4 provisions relating to sealed records, parenting plans,
5 custody, termination of parental rights, juvenile
6 facilities, and the Commission Grant Program; to rename
7 and change provisions of the County Juvenile Services Aid
8 Program; to change membership and powers and duties of
9 the Nebraska Coalition for Juvenile Justice; to create
10 the positions of Director of the Community-based Juvenile
11 Services Aid Program and Director of Juvenile Diversion
12 Programs; to create the Community and Family Reentry
13 Process; to state intent regarding the Nebraska Juvenile
14 Service Delivery Project and appropriations; to change
15 duties of the Nebraska Children's Commission; to change
16 powers and duties of the Office of the Inspector General
17 of Nebraska Child Welfare; to provide powers and duties
18 for the Public Counsel; to add a member to the Nebraska
19 Commission on Law Enforcement and Criminal Justice; to
20 provide for applicability of minimum jail standards for
21 staff secure juvenile facilities; to define and redefine
22 terms; to provide for a model alternative response for
23 child abuse or neglect reports; to eliminate obsolete
24 provisions; to harmonize provisions; to repeal the
25 original sections; and to declare an emergency.

1 Be it enacted by the people of the State of Nebraska,

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

3 28-726 Except as provided in this section and sections
4 28-722 and 81-3126, no person, official, or agency shall have access
5 to information in the tracking system of child protection cases
6 maintained pursuant to section 28-715 or in records in the central
7 register of child protection cases maintained pursuant to section
8 28-718 unless in furtherance of purposes directly connected with the
9 administration of the Child Protection Act. Such persons, officials,
10 and agencies having access to such information shall include, but not
11 be limited to:

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

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

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

18 (4) An agency having the legal responsibility or
19 authorization to care for, treat, or supervise an abused or neglected
20 child or a parent, a guardian, or other person responsible for the
21 abused or neglected child's welfare who is the subject of the report
22 of child abuse or neglect;

23 (5) Any person engaged in bona fide research or auditing.
24 No information identifying the subjects of the report of child abuse
25 or neglect shall be made available to the researcher or auditor;

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

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

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

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

19 (10) A probation officer administering juvenile intake
20 services pursuant to section 29-2260.01, conducting court-ordered
21 predispositional investigations prior to disposition, or supervising
22 a juvenile upon disposition.

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

25 29-2204 (1) Except when a term of life imprisonment is

1 required by law, in imposing an indeterminate sentence upon an
2 offender the court shall:

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

8 (ii) Beginning July 1, 1998:

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

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

23 (b) Advise the offender on the record the time the
24 offender will serve on his or her minimum term before attaining
25 parole eligibility assuming that no good time for which the offender

1 will be eligible is lost; and

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

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

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

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

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

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

1 the juvenile to be evaluated by the office if the juvenile has not
2 had an evaluation within the past twelve months.

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

5 29-2257 The Nebraska Probation System is established
6 which shall consist of the probation administrator, chief probation
7 officers, probation officers, and support staff. The system shall be
8 responsible for juvenile intake services, for preadjudication
9 juvenile supervision services under section 43-254 beginning October
10 1, 2013, for presentence and other probation investigations, for the
11 direct supervision of persons placed on probation, and for non-
12 probation-based programs and services authorized by an interlocal
13 agreement pursuant to subdivision (16) of section 29-2252. The system
14 shall be sufficient in size to assure that no probation officer
15 carries a caseload larger than is compatible with adequate probation
16 investigation or supervision. Probation officers shall be compensated
17 with salaries substantially equal to other state employees who have
18 similar responsibilities.

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

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

1 29-2258 A district probation officer shall:

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

6 (2) Make presentence and other investigations, as may be
7 required by law or directed by a court in which he or she is 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 the
12 Nebraska Probation Administration Act and such rules and regulations
13 of the office, of violations of the conditions of probation by
14 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 the
18 conditions of probation or when a probationer's adjustment is such as
19 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 advise

1 such officers in regard to the most effective performance of their
2 duties;

3 (9) Supervise and evaluate deputy probation officers
4 under his or her jurisdiction;

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

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

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

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

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

25 (15) Participate, at the direction of the probation

1 administrator pursuant to an interlocal agreement which meets the
2 requirements of section 29-2255, in non-probation-based programs and
3 services;

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

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

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

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

1 specialized alternative dispute resolution requirement may be waived
2 by the court. In such a case where waiver of the mediation or
3 specialized alternative dispute resolution is sought, the court shall
4 hold an evidentiary hearing and the burden of proof for the party or
5 parties seeking waiver is by clear and convincing evidence.

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

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

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

1 in section 42-381.

2 (3) Custody of a minor child may be placed with both
3 parents on a joint legal custody or joint physical custody basis, or
4 both, (a) when both parents agree to such an arrangement in the
5 parenting plan and the court determines that such an arrangement is
6 in the best interests of the child or (b) if the court specifically
7 finds, after a hearing in open court, that joint physical custody or
8 joint legal custody, or both, is in the best interests of the minor
9 child regardless of any parental agreement or consent.

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

1 court, county court, separate juvenile court, or county court sitting
2 as a juvenile court. Orders for child support or cash medical support
3 in cases in which a party has applied for services under Title IV-D
4 of the federal Social Security Act, as amended, shall be reviewed as
5 provided in sections 43-512.12 to 43-512.18.

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

24 ~~(b) The court shall inform a parent who does not have~~
25 ~~legal counsel of the parent's right to retain counsel and of the~~

1 ~~parent's right to retain legal counsel at county expense if such~~
2 ~~parent is unable to afford legal counsel. If such parent is unable to~~
3 ~~afford legal counsel and requests the court to appoint legal counsel,~~
4 ~~the court shall immediately appoint an attorney to represent the~~
5 ~~parent in the termination proceedings. The court shall order the~~
6 ~~county to pay the attorney's fees and all reasonable expenses~~
7 ~~incurred by the attorney in protecting the rights of the parent. At~~
8 ~~such hearing, the guardian ad litem shall take all action necessary~~
9 ~~to protect the interests of the minor child. The court shall fix the~~
10 ~~fees and expenses of the guardian ad litem and tax the same as costs~~
11 ~~but may order the county to pay on finding the responsible party~~
12 ~~indigent and unable to pay.~~

13 (6) Modification proceedings relating to support,
14 custody, parenting time, visitation, other access, or removal of
15 children from the jurisdiction of the court shall be commenced by
16 filing a complaint to modify. Modification of a parenting plan is
17 governed by the Parenting Act. Proceedings to modify a parenting plan
18 shall be commenced by filing a complaint to modify. Such actions ~~may~~
19 ~~be referred to mediation, specialized alternative dispute resolution,~~
20 ~~or other alternative dispute resolution process before July 1, 2010,~~
21 ~~and on and after such date shall be referred to mediation or~~
22 ~~specialized alternative dispute resolution as provided in the~~
23 ~~Parenting Act. For good cause shown and (a) when both parents agree~~
24 ~~and such parental agreement is bona fide and not asserted to avoid~~
25 ~~the purposes of the Parenting Act, or (b) when mediation or~~

1 specialized alternative dispute resolution is not possible without
2 undue delay or hardship to either parent, the mediation or
3 specialized alternative dispute resolution requirement may be waived
4 by the court. In such a case where waiver of the mediation or
5 specialized alternative dispute resolution is sought, the court shall
6 hold an evidentiary hearing and the burden of proof for the party or
7 parties seeking waiver is by clear and convincing evidence. Service
8 of process and other procedure shall comply with the requirements for
9 a dissolution action.

10 (7) In any proceeding under this section relating to
11 custody of a child of school age, certified copies of school records
12 relating to attendance and academic progress of such child are
13 admissible in evidence.

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

16 43-245 For purposes of the Nebraska Juvenile Code, unless
17 the context otherwise requires:

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

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

22 (3) Civil citation means a noncriminal notice which
23 cannot result in a criminal record and is described in section
24 43-248.02;

25 (4) Cost or costs means (a) the sum or equivalent

1 expended, paid, or charged for goods or services, or expenses
2 incurred, or (b) the contracted or negotiated price;

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

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

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

12 (8) Guardian means a person, other than a parent, who has
13 qualified by law as the guardian of a juvenile pursuant to
14 testamentary or court appointment, but excludes a person who is
15 merely a guardian ad litem;

16 ~~(7)~~-(9) Juvenile means any person under the age of
17 eighteen;

18 ~~(8)~~-(10) Juvenile court means the separate juvenile court
19 where it has been established pursuant to sections 43-2,111 to
20 43-2,127 and the county court sitting as a juvenile court in all
21 other counties. Nothing in the Nebraska Juvenile Code shall be
22 construed to deprive the district courts of their habeas corpus,
23 common-law, or chancery jurisdiction or the county courts and
24 district courts of jurisdiction of domestic relations matters as
25 defined in section 25-2740;

1 ~~(9)~~(11) Juvenile detention facility has the same meaning
2 as in section 83-4,125;

3 (12) Legal custody has the same meaning as in section
4 43-2922;

5 ~~(10)~~(13) Mediator for juvenile offender and victim
6 mediation means a person who (a) has completed at least thirty hours
7 of training in conflict resolution techniques, neutrality, agreement
8 writing, and ethics set forth in section 25-2913, (b) has an
9 additional eight hours of juvenile offender and victim mediation
10 training, and (c) meets the apprenticeship requirements set forth in
11 section 25-2913;

12 ~~(11)~~(14) Mental health facility means a treatment
13 facility as defined in section 71-914 or a government, private, or
14 state hospital which treats mental illness;

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

19 ~~(13)~~(16) Nonsecure detention means detention
20 characterized by the absence of restrictive hardware, construction,
21 and procedure. Nonsecure detention services may include a range of
22 placement and supervision options, such as home detention, electronic
23 monitoring, day reporting, drug court, tracking and monitoring
24 supervision, staff secure and temporary holdover facilities, and
25 group homes;

1 ~~(14)~~(17) Parent means one or both parents or a
2 ~~stepparent~~stepparents when ~~such~~the stepparent is married to the
3 ~~custodial~~a parent who has physical custody of the juvenile as of the
4 filing of the petition;

5 ~~(15)~~(18) Parties means the juvenile as described in
6 section 43-247 and his or her parent, guardian, or custodian;

7 (19) Physical custody has the same meaning as in section
8 43-2922;

9 ~~(16)~~(20) Except in proceedings under the Nebraska Indian
10 Child Welfare Act, relative means father, mother, grandfather,
11 grandmother, brother, sister, stepfather, stepmother, stepbrother,
12 stepsister, uncle, aunt, first cousin, nephew, or niece;

13 ~~(17)~~(21) Seal a record means that a record shall not be
14 available to the public except upon the order of a court upon good
15 cause shown;

16 ~~(18)~~(22) Secure detention means detention in a highly
17 structured, residential, hardware-secured facility designed to
18 restrict a juvenile's movement;

19 (23) Staff secure juvenile facility means a juvenile
20 residential facility operated by a political subdivision (a) which
21 does not include construction designed to physically restrict the
22 movements and activities of juveniles who are in custody in the
23 facility, (b) in which physical restriction of movement or activity
24 of juveniles is provided solely through staff, (c) which may
25 establish reasonable rules restricting ingress to and egress from the

1 facility, and (d) in which the movements and activities of individual
2 juvenile residents may, for treatment purposes, be restricted or
3 subject to control through the use of intensive staff supervision.
4 Staff secure juvenile facility does not include any institution
5 operated by the department;

6 ~~(19)~~(24) Status offender means a juvenile who has been
7 charged with or adjudicated for conduct which would not be a crime if
8 committed by an adult, including, but not limited to, juveniles
9 charged under subdivision (3)(b) of section 43-247 and sections
10 53-180.01 and 53-180.02; and

11 ~~(20)~~(25) Traffic offense means any nonfelonious act in
12 violation of a law or ordinance regulating vehicular or pedestrian
13 travel, whether designated a misdemeanor or a traffic infraction.

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

16 43-247 ~~The~~Except as provided in section 8 of this act,
17 the juvenile court shall have exclusive original jurisdiction as to
18 any juvenile defined in subdivision (1) of this section who is under
19 the age of sixteen, as to any juvenile defined in subdivision (3) of
20 this section, and as to the parties and proceedings provided in
21 subdivisions (5), (6), and ~~(8)~~(7) of this section. As used in this
22 section, all references to the juvenile's age shall be the age at the
23 time the act which occasioned the juvenile court action occurred. The
24 juvenile court shall have concurrent original jurisdiction with the
25 district court as to any juvenile defined in subdivision (2) of this

1 section. The juvenile court shall have concurrent original
2 jurisdiction with the district court and county court as to any
3 juvenile defined in subdivision (1) of this section who is age
4 sixteen or seventeen, any juvenile defined in subdivision (4) of this
5 section, and any proceeding under subdivision ~~(7)~~(6) or ~~(11)~~(10) of
6 this section. The juvenile court shall have concurrent original
7 jurisdiction with the county court as to any proceeding under
8 subdivision ~~(9)~~(8) or ~~(10)~~(9) of this section. Notwithstanding any
9 disposition entered by the juvenile court under the Nebraska Juvenile
10 Code, the juvenile court's jurisdiction over any individual adjudged
11 to be within the provisions of this section shall continue until the
12 individual reaches the age of majority or the court otherwise
13 discharges the individual from its jurisdiction.

14 The juvenile court in each county as herein provided
15 shall have jurisdiction of:

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

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

22 (3) Any juvenile (a) who is homeless or destitute, or
23 without proper support through no fault of his or her parent,
24 guardian, or custodian; who is abandoned by his or her parent,
25 guardian, or custodian; who lacks proper parental care by reason of

1 the fault or habits of his or her parent, guardian, or custodian;
2 whose parent, guardian, or custodian neglects or refuses to provide
3 proper or necessary subsistence, education, or other care necessary
4 for the health, morals, or well-being of such juvenile; whose parent,
5 guardian, or custodian is unable to provide or neglects or refuses to
6 provide special care made necessary by the mental condition of the
7 juvenile; or who is in a situation or engages in an occupation
8 dangerous to life or limb or injurious to the health or morals of
9 such juvenile, (b) who, by reason of being wayward or habitually
10 disobedient, is uncontrolled by his or her parent, guardian, or
11 custodian; who deports himself or herself so as to injure or endanger
12 seriously the morals or health of himself, herself, or others; or who
13 is habitually truant from home or school, or (c) who is mentally ill
14 and dangerous as defined in section 71-908;

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

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

19 (6) The proceedings for termination of parental rights;
20 ~~as provided in the Nebraska Juvenile Code;~~

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

23 ~~(8)~~ (7) Any juvenile who has been voluntarily
24 relinquished, pursuant to section 43-106.01, to the Department of
25 Health and Human Services or any child placement agency licensed by

1 the Department of Health and Human Services;

2 ~~(9)~~(8) Any juvenile who was a ward of the juvenile court
3 at the inception of his or her guardianship and whose guardianship
4 has been disrupted or terminated;

5 ~~(10)~~(9) The adoption or guardianship proceedings for a
6 child over which the juvenile court already has jurisdiction under
7 another provision of the Nebraska Juvenile Code; and

8 ~~(11)~~(10) The paternity or custody determination for a
9 child over which the juvenile court already has jurisdiction.

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

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

18 (a) Place any juvenile adjudicated or pending
19 adjudication under subdivision (1), (2), (3)(b), or (4) of section
20 43-247 with the Department of Health and Human Services or the Office
21 of Juvenile Services, other than as allowed under subsection (2) or
22 (3) of this section;

23 (b) Commit any juvenile adjudicated or pending
24 adjudication under subdivision (1), (2), (3)(b), or (4) of section
25 43-247 to the care and custody of the Department of Health and Human

1 Services or the Office of Juvenile Services, other than as allowed
2 under subsection (2) or (3) of this section;

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

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

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

20 (3) Nothing in this section shall be construed to limit
21 the authority or duties of the Department of Health and Human
22 Services in relation to juveniles adjudicated under subdivision (1),
23 (2), (3)(b), or (4) of section 43-247 who were committed to the care
24 and custody of the Department of Health and Human Services prior to
25 October 1, 2013, to the Office of Juvenile Services for community-

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

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

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

13 (c) The juvenile is discharged pursuant to section
14 43-412, as such section existed on January 1, 2013; or

15 (d) A juvenile court terminates its jurisdiction of the
16 juvenile.

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

19 43-251 (1) When a juvenile is taken into custody pursuant
20 to sections 43-248 and 43-250, the court or magistrate may take any
21 action for preadjudication placement or detention prescribed in the
22 Nebraska Juvenile Code.

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

1 facility designed for juveniles who are accused of criminal acts or
2 for juveniles as described in subdivision (1), (2), or (4) of section
3 43-247 either as a temporary placement by a peace officer, as a
4 temporary placement by a court, or as an adjudication placement by
5 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 the
10 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 adult
15 correctional facility, the secure youth confinement facility operated
16 by the Department of Correctional Services, or a youth rehabilitation
17 and treatment center or committed to the Office of Juvenile Services;

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

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

1 (5) A juvenile shall not be detained in secure detention
2 or placed at a youth rehabilitation and treatment center unless
3 detention or placement of such juvenile is a matter of immediate and
4 urgent necessity for the protection of such juvenile or the person or
5 property of another or if it appears that such juvenile is likely to
6 flee the jurisdiction of the court.

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

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

1 placed in the care and custody or under the supervision of the
2 Department of Health and Human Services, or (6) beginning October 1,
3 2013, offered supervision options as determined pursuant to section
4 43-260.01, through the Office of Probation Administration as ordered
5 by the court and agreed to in writing by the parties, if the juvenile
6 is alleged to be a juvenile described in subdivision (1), (2), (3)
7 (b), or (4) of section 43-247 and it does not appear that there is
8 any need for secure detention. The court may assess the cost of such
9 placement or detention in whole or in part to the parent of the
10 juvenile as provided in section 43-290.

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

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

21 43-258 (1) Pending the adjudication of any case under the
22 Nebraska Juvenile Code, the court may order the juvenile examined by
23 a physician, surgeon, psychiatrist, duly authorized community mental
24 health service program, or psychologist to aid the court in
25 determining (a) a material allegation in the petition relating to the

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

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

24 (b) Beginning October 1, 2013, pending the adjudication
25 of any case in which a juvenile is alleged to be a juvenile as

1 described in subdivision (1), (2), (3)(b), or (4) of section 43-247
2 and after a showing of probable cause that the juvenile is within the
3 court's jurisdiction, for the purposes of subsection (1) of this
4 section, the court may order an evaluation. The Office of Probation
5 Administration shall provide and pay for any evaluation ordered by
6 the court under this subdivision if the office determines that there
7 are no parental funds or private or public insurance available to pay
8 for such evaluation. Any temporary placement of a juvenile made under
9 this section shall be in the least restrictive environment consistent
10 with the best interests of the juvenile and the safety of the
11 community.

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

20 (4) During any period of detention or evaluation prior to
21 adjudication:

22 (a) Except as provided in subdivision (4)(b) of this
23 section, the county in which the case is pending is responsible for
24 all detention costs incurred before and after an evaluation period
25 prior to adjudication, the cost of delivering the juvenile to the

1 location of the evaluation, and the cost of returning the juvenile to
2 the court for further proceedings; and

3 (b) The ~~state~~ Department of Health and Human Services is
4 responsible for (i) the costs incurred during an evaluation when the
5 juvenile has been placed with the ~~Department of Health and Human~~
6 ~~Services~~ department unless otherwise ordered by the court pursuant to
7 section 43-290 and (ii) the preevaluation detention costs for any
8 days over the first ten days from the date the court places the
9 juvenile with the department for evaluation, except that on and after
10 October 1, 2013, the department shall not be responsible for any such
11 costs in any case in which a juvenile is alleged to be a juvenile as
12 described in subdivision (1), (2), (3)(b), or (4) of section 43-247.

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

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

18 43-260.01 The need for preadjudication placement or
19 supervision and the need for detention of a juvenile and whether
20 secure or nonsecure detention is indicated shall be subject to
21 subdivision (5) of section 43-251.01 and may be determined as
22 follows:

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

25 (2) If the results indicate that secure detention is not

1 required, nonsecure detention placement or supervision options shall
2 be pursued; and

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

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

8 43-260.04 A juvenile pretrial diversion program shall:

9 (1) Be an option available for the county attorney or
10 city attorney based upon his or her determination under this
11 subdivision. The county attorney or city attorney may use the
12 following information:

13 (a) The juvenile's age;

14 (b) The nature of the offense and role of the juvenile in
15 the offense;

16 (c) The number and nature of previous offenses involving
17 the juvenile;

18 (d) The dangerousness or threat posed by the juvenile to
19 persons or property; or

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

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

25 (3) Allow the juvenile to consult with counsel prior to a

1 decision to participate in the program;

2 (4) Be offered to the juvenile when practicable prior to
3 an adjudication the filing of a juvenile petition or a criminal
4 charge but after the arrest of the juvenile or issuance of a citation
5 to the juvenile if after the arrest or citation a decision has been
6 made by the county attorney or city attorney that the offense will
7 support the filing of a juvenile petition or criminal charges;

8 (5) Provide screening services for use in creating a
9 diversion plan utilizing appropriate services for the juvenile;

10 ~~(5)~~-(6) Result in dismissal of the juvenile petition or
11 criminal charges if the juvenile successfully completes the program;

12 ~~(6)~~-(7) Be designed and operated to further the goals
13 stated in section 43-260.03 and comply with sections 43-260.04 to
14 43-260.07; and

15 ~~(7)~~-(8) Require information received by the program
16 regarding the juvenile to remain confidential unless a release of
17 information is signed upon admission to the program or is otherwise
18 authorized by law.

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

21 43-260.05 A juvenile pretrial diversion program may:

22 (1) Provide screening services to the court and county
23 attorney or city attorney to help identify likely candidates for the
24 program;

25 (2) Establish goals for diverted juvenile offenders and

1 monitor performance of the goals;

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

5 (4) ~~Provide~~ Coordinate individual, group, and family
6 counseling services;

7 (5) Oversee the payment of victim restitution by diverted
8 juvenile offenders;

9 (6) Assist diverted juvenile offenders in identifying and
10 contacting appropriate community resources;

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

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

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

19 43-260.07 (1) ~~Beginning December 1, 2003, and every~~
20 ~~December 1 thereafter,~~ On January 30 of each year, every county
21 attorney or city attorney of a county or city which has a juvenile
22 pretrial diversion program shall report to the Director of Juvenile
23 Diversion Programs the information pertaining to the program required
24 by rules and regulations adopted and promulgated by the Nebraska
25 Commission on Law Enforcement and Criminal Justice. ~~to the~~

1 ~~commission.~~

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

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

8 43-272.01 (1) A guardian ad litem as provided for in
9 subsections (2) and (3) of section 43-272 shall be appointed when a
10 child is removed from his or her surroundings pursuant to subdivision
11 (2) or (3) of section 43-248, subsection (2) of section 43-250, or
12 section 43-251. If removal has not occurred, a guardian ad litem
13 shall be appointed at the commencement of all cases brought under
14 subdivision (3)(a) or ~~(8)~~(7) of section 43-247 and section 28-707.

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

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

24 (b) Is not appointed to defend the parents or other
25 custodian of the protected juvenile but shall defend the legal and

1 social interests of such juvenile. Social interests shall be defined
2 generally as the usual and reasonable expectations of society for the
3 appropriate parental custody and protection and quality of life for
4 juveniles without regard to the socioeconomic status of the parents
5 or other custodians of the juvenile;

6 (c) May at any time after the filing of the petition move
7 the court of jurisdiction to provide medical or psychological
8 treatment or evaluation as set out in section 43-258. The guardian ad
9 litem shall have access to all reports resulting from any examination
10 ordered under section 43-258, and such reports shall be used for
11 evaluating the status of the protected juvenile;

12 (d) Shall make every reasonable effort to become familiar
13 with the needs of the protected juvenile which (i) shall include
14 consultation with the juvenile within two weeks after the appointment
15 and once every six months thereafter and inquiry of the most current
16 caseworker, foster parent, or other custodian and (ii) may include
17 inquiry of others directly involved with the juvenile or who may have
18 information or knowledge about the circumstances which brought the
19 juvenile court action or related cases and the development of the
20 juvenile, including biological parents, physicians, psychologists,
21 teachers, and clergy members;

22 (e) May present evidence and witnesses and cross-examine
23 witnesses at all evidentiary hearings. In any proceeding under this
24 section relating to a child of school age, certified copies of school
25 records relating to attendance and academic progress of such child

1 are admissible in evidence;

2 (f) Shall be responsible for making recommendations to
3 the court regarding the temporary and permanent placement of the
4 protected juvenile and shall submit a written report to the court at
5 every dispositional or review hearing, or in the alternative, the
6 court may provide the guardian ad litem with a checklist that shall
7 be completed and presented to the court at every dispositional or
8 review hearing;

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

11 (h) May file a petition in the juvenile court on behalf
12 of the juvenile, including a supplemental petition as provided in
13 section 43-291.

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

17 (4) For purposes of subdivision (2)(d) of this section,
18 the court may order the expense of such consultation, if any, to be
19 paid by the county in which the juvenile court action is brought or
20 the court may, after notice and hearing, assess the cost of such
21 consultation, if any, in whole or in part to the parents of the
22 juvenile. The ability of the parents to pay and the amount of the
23 payment shall be determined by the court by appropriate examination.

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

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

7 (a) Nature of the proceedings and the possible
8 consequences or dispositions pursuant to sections 43-284, 43-285, and
9 43-288 to 43-295;

10 (b) Right of the parent to engage counsel of their his or
11 her choice at their his or her own expense or to have counsel
12 appointed if the parent is unable to afford to hire a lawyer;

13 (c) Right of a stepparent, custodian, or guardian to
14 engage counsel of his or her choice and, if there are allegations
15 against the stepparent, custodian, or guardian or when the petition
16 is amended to include such allegations, to have counsel appointed if
17 the stepparent, custodian, or guardian is unable to afford to hire a
18 lawyer;

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

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

23 ~~(e)~~-(f) Right to testify and to compel other witnesses to
24 attend and testify;

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

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

3 (2) The court shall have the discretion as to whether or
4 not to appoint counsel for a person who is not a party to the
5 proceeding. If counsel is appointed, failure of the party to maintain
6 contact with his or her court-appointed counsel or to keep such
7 counsel advised of the party's current address may result in the
8 counsel being discharged by the court.

9 ~~(2)~~-(3) After giving the parties the information
10 prescribed in subsection (1) of this section, the court may accept an
11 in-court admission, an answer of no contest, or a denial from any
12 parent, ~~or~~ custodian, or guardian as to all or any part of the
13 allegations in the petition. The court shall ascertain a factual
14 basis for an admission or an answer of no contest.

15 ~~(3)~~-(4) In the case of a denial, the court shall allow a
16 reasonable time for preparation if needed and then proceed to
17 determine the question of whether the juvenile falls under the
18 provisions of section 43-247 as alleged. After hearing the evidence,
19 the court shall make a finding and adjudication to be entered on the
20 records of the court as to whether the allegations in the petition
21 have been proven by a preponderance of the evidence in cases under
22 subdivision (3)(a) of section 43-247 or by clear and convincing
23 evidence in proceedings to terminate parental rights. If an Indian
24 child is involved, the standard of proof shall be in compliance with
25 the Nebraska Indian Child Welfare Act, if applicable.

1 ~~(4)-(5)~~ If the court shall find that the allegations of
2 the petition or motion have not been proven by the requisite standard
3 of proof, it shall dismiss the case or motion. If the court sustains
4 the petition or motion, it shall allow a reasonable time for
5 preparation if needed and then proceed to inquire into the matter of
6 the proper disposition to be made of the juvenile.

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

9 43-281 (1) Following an adjudication of jurisdiction and
10 prior to final disposition, the court may place the juvenile with the
11 Office of Juvenile Services or the Department of Health and Human
12 Services for evaluation, except that on and after October 1, 2013, no
13 juvenile adjudicated under subdivision (1), (2), (3)(b), or (4) of
14 section 43-247 shall be placed with the office or the department. The
15 office or department shall ~~make arrangements~~ arrange and pay for an
16 appropriate evaluation if the office or department determines that
17 there are no parental funds or private or public insurance available
18 to pay for such evaluation, except that on and after October 1, 2013,
19 the office and the department shall not be responsible for such
20 evaluations of any juvenile adjudicated under subdivision (1), (2),
21 (3)(b), or (4) of section 43-247.

22 (2) On and after October 1, 2013, following an
23 adjudication of jurisdiction under subdivision (1), (2), (3)(b), or
24 (4) of section 43-247 and prior to final disposition, the court may
25 order an evaluation. The Office of Probation Administration shall

1 arrange and pay for the evaluation ordered by the court if the office
2 determines that there are no parental funds or private or public
3 insurance available to pay for such evaluation. Any evaluation
4 ordered under this subsection shall be completed and the juvenile
5 shall be returned to the court within twenty-one days after the
6 evaluation is ordered. The physician, psychologist, licensed mental
7 health practitioner, licensed drug and alcohol counselor, or other
8 provider responsible for completing the evaluation shall have up to
9 ten days to complete the evaluation after receiving the referral
10 authorizing the evaluation.

11 (3) A juvenile pending evaluation ordered under
12 subsection (1) or (2) of this section shall not reside in a detention
13 facility at the time of the evaluation or while waiting for the
14 completed evaluation to be returned to the court unless detention of
15 such juvenile is a matter of immediate and urgent necessity for the
16 protection of such juvenile or the person or property of another or
17 if it appears that such juvenile is likely to flee the jurisdiction
18 of the court.

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

21 43-284 When any juvenile is adjudged to be under
22 subdivision (3), (4), or ~~(9)~~(8) of section 43-247, the court may
23 permit such juvenile to remain in his or her own home subject to
24 supervision or may make an order committing the juvenile to (1) the
25 care of some suitable institution, (2) inpatient or outpatient

1 treatment at a mental health facility or mental health program, (3)
2 the care of some reputable citizen of good moral character, (4) the
3 care of some association willing to receive the juvenile embracing in
4 its objects the purpose of caring for or obtaining homes for such
5 juveniles, which association shall have been accredited as provided
6 in section 43-296, (5) the care of a suitable family, or (6) the care
7 and custody of the Department of Health and Human Services, except
8 that a juvenile who is adjudicated to be a juvenile described in
9 subdivision (3)(b) or (4) of section 43-247 shall not be committed to
10 the care and custody or supervision of the department on or after
11 October 1, 2013.

12 Under subdivision (1), (2), (3), (4), or (5) of this
13 section, upon a determination by the court that there are no
14 parental, private, or other public funds available for the care,
15 custody, education, and maintenance of a juvenile, the court may
16 order a reasonable sum for the care, custody, education, and
17 maintenance of the juvenile to be paid out of a fund which shall be
18 appropriated annually by the county where the petition is filed until
19 suitable provisions may be made for the juvenile without such
20 payment.

21 The amount to be paid by a county for education pursuant
22 to this section shall not exceed the average cost for education of a
23 public school student in the county in which the juvenile is placed
24 and shall be paid only for education in kindergarten through grade
25 twelve.

1 The court may enter a dispositional order removing a
2 juvenile from his or her home upon a written determination that
3 continuation in the home would be contrary to the health, safety, or
4 welfare of such juvenile and that reasonable efforts to preserve and
5 reunify the family have been made if required under section
6 43-283.01.

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

9 43-284.01 Any juvenile adjudged to be under subdivision
10 ~~(8)~~(7) of section 43-247 shall remain in the custody of the
11 Department of Health and Human Services or the licensed child
12 placement agency to whom the juvenile has been relinquished unless
13 the court finds by clear and convincing evidence that the best
14 interests of the juvenile require that an alternative disposition be
15 made. If the court makes such finding, then alternative disposition
16 may be made as provided under section 43-284. Such alternative
17 disposition shall relieve the department or licensed child placement
18 agency of all responsibility with regard to such juvenile.

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

21 43-285 (1) When the court awards a juvenile to the care
22 of the Department of Health and Human Services, an association, or an
23 individual in accordance with the Nebraska Juvenile Code, the
24 juvenile shall, unless otherwise ordered, become a ward and be
25 subject to the guardianship of the department, association, or

1 individual to whose care he or she is committed. Any such association
2 and the department shall have authority, by and with the assent of
3 the court, to determine the care, placement, medical services,
4 psychiatric services, training, and expenditures on behalf of each
5 juvenile committed to it. Such guardianship shall not include the
6 guardianship of any estate of the juvenile.

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

25 (b) This subdivision applies beginning October 1, 2013.

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

18 (3) Within thirty days after an order awarding a juvenile
19 to the care of the department, an association, or an individual and
20 until the juvenile reaches the age of majority, the department,
21 association, or individual shall file with the court a report stating
22 the location of the juvenile's placement and the needs of the
23 juvenile in order to effectuate the purposes of subdivision (1) of
24 section 43-246. The department, association, or individual shall file
25 a report with the court once every six months or at shorter intervals

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

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

24 (5) When the court awards a juvenile to the care of the
25 department, an association, or an individual, then the department,

1 association, or individual shall have standing as a party to file any
2 pleading or motion, to be heard by the court with regard to such
3 filings, and to be granted any review or relief requested in such
4 filings consistent with the Nebraska Juvenile Code.

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

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

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

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

25 43-286 (1) When any juvenile is adjudicated to be a

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

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

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

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

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

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

1 which shall be appropriated annually by the county where the petition
2 is filed until a suitable provision may be made for the juvenile
3 without such payment. ~~; or~~

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

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

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

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

21 Under subdivision (1)(a)(ii) of this section, upon a
22 determination by the court that there are no parental, private, or
23 other public funds available for the care, custody, and maintenance
24 of a juvenile, the court may order a reasonable sum for the care,
25 custody, and maintenance of the juvenile to be paid out of a fund

1 which shall be appropriated annually by the county where the petition
2 is filed until a suitable provision may be made for the juvenile
3 without such payment;

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

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

1 flee the jurisdiction of the court. Intensive supervised probation
2 for purposes of this subdivision means that the Office of Juvenile
3 Services shall be responsible for the care and custody of the
4 juvenile until the Office of Juvenile Services discharges the
5 juvenile. Upon discharge of the juvenile, the court shall hold a
6 review hearing on the conditions of probation and enter any order
7 allowed under subdivision (1)(a) of this section. The Office of
8 Juvenile Services shall work in collaboration with the Office of
9 Probation Administration in developing individualized reentry plans
10 as created in section 54 of this act and shall notify the committing
11 court at least sixty days prior to discharge. The Office of Juvenile
12 Services shall pay the cost of the care and custody of the juvenile
13 from the time of commitment until discharge from the Office of
14 Juvenile Services; or , but a juvenile under the age of fourteen
15 years shall not be placed at the Youth Rehabilitation and Treatment
16 Center Geneva or the Youth Rehabilitation and Treatment Center-
17 Kearney unless he or she has violated the terms of probation or has
18 committed an additional offense and the court finds that the
19 interests of the juvenile and the welfare of the community demand his
20 or her commitment. This minimum age provision shall not apply if the
21 act in question is murder or manslaughter.

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

25 (2) When any juvenile is found by the court to be a

1 juvenile described in subdivision (3)(b) of section 43-247, the court
2 may enter such order as it is empowered to enter under subdivision
3 (1)(a) of this section or until October 1, 2013, enter an order
4 committing or placing the juvenile to the care and custody of the
5 Department of Health and Human Services.

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

14 (4) When a juvenile is placed on probation and a
15 probation officer has reasonable cause to believe that such juvenile
16 has committed or is about to commit a substance abuse violation, a
17 noncriminal violation, or a violation of a condition of his or her
18 probation, the probation officer shall take appropriate measures as
19 provided in section 43-286.01.

20 (5)(a) When a juvenile is placed on probation or under
21 the supervision of the court and it is alleged that the juvenile is
22 again a juvenile described in subdivision (1), (2), (3)(b), or (4) of
23 section 43-247, a petition may be filed and the same procedure
24 followed and rights given at a hearing on the original petition. If
25 an adjudication is made that the allegations of the petition are

1 true, the court may make any disposition authorized by this section
2 for such adjudications.

3 (b) When a juvenile is placed on probation or under the
4 supervision of the court for conduct under subdivision (1), (2), (3)
5 (b), or (4) of section 43-247 and it is alleged that the juvenile has
6 violated a term of probation or supervision or that the juvenile has
7 violated an order of the court, a motion to revoke probation or
8 supervision or to change the disposition may be filed and proceedings
9 held as follows:

10 (i) The motion shall set forth specific factual
11 allegations of the alleged violations and a copy of such motion shall
12 be served on all persons required to be served by sections 43-262 to
13 43-267;

14 (ii) The juvenile shall be entitled to a hearing before
15 the court to determine the validity of the allegations. At such
16 hearing the juvenile shall be entitled to those rights relating to
17 counsel provided by section 43-272 and those rights relating to
18 detention provided by sections 43-254 to 43-256. The juvenile shall
19 also be entitled to speak and present documents, witnesses, or other
20 evidence on his or her own behalf. He or she may confront persons who
21 have given adverse information concerning the alleged violations, may
22 cross-examine such persons, and may show that he or she did not
23 violate the conditions of his or her probation or supervision or an
24 order of the court or, if he or she did, that mitigating
25 circumstances suggest that the violation does not warrant revocation

1 of probation or supervision or a change of disposition. The hearing
2 shall be held within a reasonable time after the juvenile is taken
3 into custody;

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

8 (iv) The juvenile shall be given a preliminary hearing in
9 all cases when the juvenile is confined, detained, or otherwise
10 significantly deprived of his or her liberty as a result of his or
11 her alleged violation of probation, supervision, or court order. Such
12 preliminary hearing shall be held before an impartial person other
13 than his or her probation officer or any person directly involved
14 with the case. If, as a result of such preliminary hearing, probable
15 cause is found to exist, the juvenile shall be entitled to a hearing
16 before the court in accordance with this subsection;

17 (v) If the juvenile is found by the court to have
18 violated the terms of his or her probation or supervision or an order
19 of the court, the court may modify the terms and conditions of the
20 probation, supervision, or other court order, extend the period of
21 probation, supervision, or other court order, or enter any order of
22 disposition that could have been made at the time the original order
23 was entered; and

24 (vi) In cases when the court revokes probation,
25 supervision, or other court order, it shall enter a written statement

1 as to the evidence relied on and the reasons for revocation.

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

4 43-2,108.05 (1) If the court orders the record of a
5 juvenile sealed pursuant to section 43-2,108.04, the court shall:

6 (a) Order that all records, including any information or
7 other data concerning any proceedings relating to the offense,
8 including the arrest, taking into custody, petition, complaint,
9 indictment, information, trial, hearing, adjudication, correctional
10 supervision, dismissal, or other disposition or sentence, be deemed
11 never to have occurred;

12 (b) Send notice of the order to seal the record (i) to
13 the Nebraska Commission on Law Enforcement and Criminal Justice, (ii)
14 if the record includes impoundment or prohibition to obtain a license
15 or permit pursuant to section 43-287, to the Department of Motor
16 Vehicles, (iii) if the juvenile whose record has been ordered sealed
17 was a ward of the state at the time the proceeding was initiated or
18 if the Department of Health and Human Services was a party in the
19 proceeding, to such department, and (iv) to law enforcement agencies,
20 county attorneys, and city attorneys referenced in the court record;

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

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

1 (e) Explain to the juvenile what sealing the record means
2 verbally if the juvenile is present in the court at the time the
3 court issues the sealing order or by written notice sent by regular
4 mail to the juvenile's last-known address if the juvenile is not
5 present in the court at the time the court issues the sealing order.

6 (2) The effect of having a record sealed under section
7 43-2,108.04 is that thereafter no person is allowed to release any
8 information concerning such record, except as provided by this
9 section. After a record is sealed, the person whose record was sealed
10 can respond to any public inquiry as if the offense resulting in such
11 record never occurred. A government agency and any other public
12 office or agency shall reply to any public inquiry that no
13 information exists regarding a sealed record. Except as provided in
14 subsection (3) of this section, an order to seal the record applies
15 to every government agency and any other public office or agency that
16 has a record relating to the offense, regardless of whether it
17 receives notice of the hearing on the sealing of the record or a copy
18 of the order. Upon the written request of a person whose record has
19 been sealed and the presentation of a copy of such order, a
20 government agency or any other public office or agency shall seal all
21 records pertaining to the offense.

22 (3) A sealed record is accessible to law enforcement
23 officers, county attorneys, and city attorneys in the investigation,
24 prosecution, and sentencing of crimes, to the sentencing judge in the
25 sentencing of criminal defendants, and to any attorney representing

1 the subject of the sealed record. Inspection of records that have
2 been ordered sealed under section 43-2,108.04 may be made by the
3 following persons or for the following purposes:

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

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

9 (c) By the Nebraska Probation System for purposes of
10 juvenile intake services, for presentence and other probation
11 investigations, and for the direct supervision of persons placed on
12 probation and by the Department of Correctional Services, the Office
13 of Juvenile Services, a juvenile assessment center, a criminal
14 detention facility, ~~or~~ a juvenile detention facility, or a staff
15 secure juvenile facility, for an individual committed to it, placed
16 with it, or under its care;

17 (d) By the Department of Health and Human Services for
18 purposes of juvenile intake services, the preparation of case plans
19 and reports, the preparation of evaluations, compliance with federal
20 reporting requirements, or the supervision and protection of persons
21 placed with the department or for licensing or certification purposes
22 under sections 71-1901 to 71-1906.01 or the Child Care Licensing Act;

23 (e) Upon application, by the person who is the subject of
24 the sealed record and by persons authorized by the person who is the
25 subject of the sealed record who are named in that application;

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

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

10 (h) By a law enforcement agency if a person whose record
11 has been sealed applies for employment with the law enforcement
12 agency.

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

17 (5) In any application for employment, bonding, license,
18 education, or other right or privilege, any appearance as a witness,
19 or any other public inquiry, a person cannot be questioned with
20 respect to any offense for which the record is sealed. If an inquiry
21 is made in violation of this subsection, the person may respond as if
22 the offense never occurred. Applications for employment shall contain
23 specific language that states that the applicant is not obligated to
24 disclose a sealed record. Employers shall not ask if an applicant has
25 had a record sealed. The Department of Labor shall develop a link on

1 the department's web site to inform employers that employers cannot
2 ask if an applicant had a record sealed and that an application for
3 employment shall contain specific language that states that the
4 applicant is not obligated to disclose a sealed record.

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

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

9 43-2,129 Sections 43-245 to 43-2,129 and section 8 of
10 this act shall be known and may be cited as the Nebraska Juvenile
11 Code.

12 Sec. 26. Section 43-404, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 43-404 (1) This subsection applies until July 1, 2014.
15 There is created within the Department of Health and Human Services
16 the Office of Juvenile Services. The office shall have oversight and
17 control of state juvenile correctional facilities and programs other
18 than the secure youth confinement facility which is under the control
19 of the Department of Correctional Services. The Administrator of the
20 Office of Juvenile Services shall be appointed by the chief executive
21 officer of the department or his or her designee and shall be
22 responsible for the administration of the facilities and programs of
23 the office. The department may contract with a state agency or
24 private provider to operate any facilities and programs of the Office
25 of Juvenile Services.

1 (2) This subsection applies beginning July 1, 2014. There
2 is created within the Department of Health and Human Services the
3 Office of Juvenile Services. The office shall have oversight and
4 control of the youth rehabilitation and treatment centers. The
5 Administrator of the Office of Juvenile Services shall be appointed
6 by the chief executive officer of the department or his or her
7 designee and shall be responsible for the administration of the
8 facilities and programs of the office. The department may contract
9 with a state agency or private provider to operate any facilities and
10 programs of the Office of Juvenile Services.

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

13 43-405 The administrative duties of the Office of
14 Juvenile Services are to:

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

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

20 (3) Have separate budgeting procedures and develop and
21 report budget information separately from the Department of Health
22 and Human Services;

23 (4) Adopt and promulgate rules and regulations for the
24 levels of treatment and for management, control, screening,
25 ~~evaluation,~~—~~treatment,~~ rehabilitation, ~~parole,~~—~~transfer,~~ and

1 discharge, evaluation until October 1, 2013, and parole until July 1,
2 2014, of juveniles placed with or committed to the Office of Juvenile
3 Services;

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

8 (6) Monitor commitments, placements, and evaluations at
9 facilities and programs operated by the office or through contracts
10 with providers and submit electronically an annual report of its
11 findings to the Legislature. For 2012, 2013, and 2014, the office
12 shall also provide the report to the Health and Human Services
13 Committee of the Legislature on or before September 15. The report
14 shall include an assessment of the administrative costs of operating
15 the facilities, the cost of programming, the savings realized through
16 reductions in commitments, placements, and evaluations, and
17 information regarding the collaboration required by section 83-101;

18 (7) Coordinate the programs and services of the juvenile
19 justice system with other governmental agencies and political
20 subdivisions;

21 (8) Coordinate educational, vocational, and social
22 counseling;

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

25 (10) ~~Supervise~~ Until July 1, 2014, supervise and

1 coordinate juvenile parole and aftercare services; and

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

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

7 43-406 The Office of Juvenile Services shall utilize:

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

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

14 (3) Case management for all juveniles committed to the
15 office;

16 (4) ~~A-Until July 1, 2014, a purchase-of-care system which~~
17 will facilitate the development of a statewide community-based array
18 of care with the involvement of the private sector and the local
19 public sector. Care services may be purchased from private providers
20 to provide a wider diversity of services. This system shall include
21 accessing existing Title IV-E funds of the federal Social Security
22 Act, as amended, medicaid funds, and other funding sources to support
23 eligible community-based services. Such services developed and
24 purchased shall include, but not be limited to, evaluation services.
25 Services shall be offered and delivered on a regional basis;

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

8 (6) A management information system. The system shall be
9 a unified, interdepartmental client information system which supports
10 the management function as well as the service function.

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

13 43-407 (1) This subsection applies to all juveniles
14 committed to the Office of Juvenile Services for placement at a youth
15 rehabilitation and treatment center prior to July 1, 2013. The Office
16 of Juvenile Services shall design and make available programs and
17 treatment services through the Youth Rehabilitation and Treatment
18 Center-Kearney and Youth Rehabilitation and Treatment Center-Geneva.
19 The programs and treatment services shall be based upon the
20 individual or family evaluation process and treatment plan. The
21 treatment plan shall be developed within fourteen days after
22 admission. If a juvenile placed at the Youth Rehabilitation and
23 Treatment Center-Kearney or Youth Rehabilitation and Treatment
24 Center-Geneva is assessed as needing inpatient or subacute substance
25 abuse or behavioral health residential treatment, the juvenile may be

1 transferred to a program or facility if the treatment and security
2 needs of the juvenile can be met. The assessment process shall
3 include involvement of both private and public sector behavioral
4 health providers. The selection of the treatment venue for each
5 juvenile shall include individualized case planning and incorporate
6 the goals of the juvenile justice system pursuant to section 43-402.
7 Juveniles committed to the Youth Rehabilitation and Treatment Center-
8 Kearney or Youth Rehabilitation and Treatment Center-Geneva who are
9 transferred to alternative settings for treatment remain committed to
10 the Department of Health and Human Services and the Office of
11 Juvenile Services until discharged from such custody. Programs and
12 treatment services shall address:

13 ~~(1)~~—(a) Behavioral impairments, severe emotional
14 disturbances, sex offender behaviors, and other mental health or
15 psychiatric disorders;

16 ~~(2)~~—(b) Drug and alcohol addiction;

17 ~~(3)~~—(c) Health and medical needs;

18 ~~(4)~~—(d) Education, special education, and related
19 services;

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

25 ~~(6)~~—(f) A case management and coordination process,

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

15 ~~(7)~~ (g) The design and delivery of treatment programs
16 through the youth rehabilitation and treatment centers as well as any
17 licensing or certification requirements, and the office shall follow
18 the requirements as stated within Title XIX and Title IV-E of the
19 federal Social Security Act, as such act existed on May 25, 2007, the
20 Special Education Act, or other funding guidelines as appropriate. It
21 is the intent of the Legislature that these funding sources shall be
22 utilized to support service needs of eligible juveniles.

23 (2) This subsection applies to all juveniles committed to
24 the Office of Juvenile Services for placement at a youth
25 rehabilitation and treatment center on or after July 1, 2013. The

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

20 (a) Behavioral impairments, severe emotional
21 disturbances, sex offender behaviors, and other mental health or
22 psychiatric disorders;

23 (b) Drug and alcohol addiction;

24 (c) Health and medical needs;

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

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

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

20 (g) The design and delivery of treatment programs through
21 the youth rehabilitation and treatment centers as well as any
22 licensing or certification requirements, and the office shall follow
23 the requirements as stated within Title XIX and Title IV-E of the
24 federal Social Security Act, as such act existed on January 1, 2013,
25 the Special Education Act, or other funding guidelines as

1 appropriate. It is the intent of the Legislature that these funding
2 sources shall be utilized to support service needs of eligible
3 juveniles.

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

6 43-408 ~~(1)~~—(1)(a) This subsection applies to all
7 juveniles committed to the Office of Juvenile Services for placement
8 at a youth rehabilitation and treatment center prior to July 1, 2013,
9 and to all juveniles committed to the Office of Juvenile Services for
10 community supervision prior to October 1, 2013. Whenever any juvenile
11 is committed ~~under any provision of law~~ to the Office of Juvenile
12 Services, to any facility operated by the Office of Juvenile
13 Services, or to the custody of the Administrator of the Office of
14 Juvenile Services, a superintendent of a facility, or an
15 administrator of a program, the juvenile is deemed committed to the
16 Office of Juvenile Services. Juveniles committed to the Office of
17 Juvenile Services shall also be considered committed to the care and
18 custody of the Department of Health and Human Services for the
19 purpose of obtaining health care and treatment services.

20 ~~(2)~~—(b) The committing court shall order the initial
21 level of treatment for a juvenile committed to the Office of Juvenile
22 Services. Prior to determining the initial level of treatment for a
23 juvenile, the court may solicit a recommendation regarding the
24 initial level of treatment from the Office of Juvenile Services.
25 Under this section, ~~subsection,~~ the committing court shall not order

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

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

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

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

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

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

25 ~~(5)~~(e) If a juvenile is placed in detention after the

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

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

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

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

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

1 juvenile. Placement of a juvenile in detention shall not be
2 considered a treatment service.

3 Sec. 31. Section 43-410, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 43-410 (1) This subsection applies until July 1, 2014.
6 Any peace officer, juvenile parole officer, or direct care staff
7 member of the Office of Juvenile Services has the authority to
8 apprehend and detain a juvenile who has absconded or is attempting to
9 abscond from a placement for evaluation or commitment to the Office
10 of Juvenile Services and shall cause the juvenile to be returned to
11 the facility or program or an appropriate juvenile detention facility
12 or staff secure juvenile facility. For purposes of this ~~section,~~
13 subsection, direct care staff member means any staff member charged
14 with the day-to-day care and supervision of juveniles housed at a
15 facility or program operated directly by the office or security staff
16 who has received training in apprehension techniques and procedures.

17 (2)(a) This subsection applies beginning July 1, 2014.
18 Any peace officer or direct care staff member of the Office of
19 Juvenile Services has the authority to apprehend and detain a
20 juvenile who has absconded or is attempting to abscond from
21 commitment to the Office of Juvenile Services and shall cause the
22 juvenile to be returned to the youth rehabilitation and treatment
23 center or an appropriate juvenile detention facility or staff secure
24 juvenile facility.

25 (b) For purposes of this subsection, direct care staff

1 member means any staff member charged with the day-to-day care and
2 supervision of juveniles at a youth rehabilitation and treatment
3 center or security staff who has received training in apprehension
4 techniques and procedures.

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

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

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

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

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

25 43-413 (1) This section applies to all juveniles placed

1 with the Office of Juvenile Services for evaluation prior to October
2 1, 2013. A court may, pursuant to section 43-281, place a juvenile
3 with the Office of Juvenile Services or the Department of Health and
4 Human Services for an evaluation to aid the court in the disposition.

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

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

19 (4) During any period of detention or evaluation prior to
20 disposition:

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

1 the juvenile to the court for disposition; and

2 (b) The state is responsible for (i) the costs incurred
3 during an evaluation unless otherwise ordered by the court pursuant
4 to section 43-290 and (ii) the preevaluation detention costs for any
5 days over the first ten days from the date the evaluation is ordered
6 by the court.

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

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

12 43-414 This section applies to all juveniles placed with
13 the Office of Juvenile Services for evaluation prior to October 1,
14 2013. Each juvenile placed for evaluation with the Office of Juvenile
15 Services shall be subjected to medical examination and evaluation as
16 directed by the office.

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

19 43-415 This section applies to all juveniles placed with
20 the Office of Juvenile Services for evaluation prior to October 1,
21 2013. A juvenile placed for evaluation with the Office of Juvenile
22 Services shall be returned to the court upon the completion of the
23 evaluation or at the end of thirty days, whichever comes first. When
24 the office finds that an extension of the thirty-day period is
25 necessary to complete the evaluation, the court may order an

1 extension not to exceed an additional thirty days. The court shall
2 hold a hearing within ten days after the evaluation is completed and
3 returned to the court by the office.

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

6 43-416 This section applies to all juveniles committed to
7 the Office of Juvenile Services for placement at a youth
8 rehabilitation and treatment center prior to July 1, 2013. This
9 section shall not apply after June 30, 2014. The Office of Juvenile
10 Services shall have administrative authority over the parole function
11 for juveniles committed to a youth rehabilitation and treatment
12 center and may (1) determine the time of release on parole of
13 committed juveniles eligible for such release, (2) fix the conditions
14 of parole, revoke parole, issue or authorize the issuance of
15 detainers for the apprehension and detention of parole violators, and
16 impose other sanctions short of revocation for violation of
17 conditions of parole, and (3) determine the time of discharge from
18 parole. The office shall provide the committing court with written
19 notification of the juvenile's discharge from parole within thirty
20 days of a juvenile being discharged from the supervision of the
21 office.

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

24 43-417 (1) This subsection applies to all juveniles
25 committed to the Office of Juvenile Services for placement at a youth

1 rehabilitation and treatment center prior to July 1, 2013. In
2 administering juvenile parole, the Office of Juvenile Services shall
3 consider whether ~~(1)~~-(a) the juvenile has completed the goals of his
4 or her individual treatment plan or received maximum benefit from
5 institutional treatment, ~~(2)~~-(b) the juvenile would benefit from
6 continued services under community supervision, ~~(3)~~-(c) the juvenile
7 can function in a community setting, ~~(4)~~-(d) there is reason to
8 believe that the juvenile will not commit further violations of law,
9 and ~~(5)~~-(e) there is reason to believe that the juvenile will comply
10 with the conditions of parole.

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

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

1 43-418 (1) This section applies to all juveniles
2 committed to the Office of Juvenile Services for placement at a youth
3 rehabilitation and treatment center prior to July 1, 2013. Any
4 juvenile parole officer or peace officer may apprehend and detain a
5 juvenile who is on parole if the officer has reasonable cause to
6 believe that a juvenile has violated or is about to violate a
7 condition of his or her parole and that the juvenile will attempt to
8 leave the jurisdiction or will place lives or property in danger
9 unless the juvenile is detained. A juvenile parole officer may call
10 upon a peace officer to assist him or her in apprehending and
11 detaining a juvenile pursuant to this section. Such juvenile may be
12 held in an appropriate juvenile facility pending hearing on the
13 allegations.

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

17 (3) Whether or not a juvenile is apprehended and detained
18 by a juvenile parole officer or peace officer, if there is reason to
19 believe that a juvenile has violated a condition of his or her
20 parole, the Office of Juvenile Services may issue the juvenile
21 written notice of the alleged parole violations and notice of a
22 hearing on the alleged parole violations.

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

25 43-419 (1) This section applies to all juveniles

1 committed to the Office of Juvenile Services for placement at a youth
2 rehabilitation and treatment center prior to July 1, 2013. When a
3 juvenile is apprehended and detained for an alleged violation of
4 juvenile parole, he or she shall have a preliminary hearing as soon
5 as practicable and no later than within seventy-two hours of being
6 apprehended and detained. An impartial hearing officer shall conduct
7 the preliminary hearing. The impartial hearing officer shall not be
8 the juvenile parole officer alleging the violation of parole or a
9 witness to the alleged violation. The impartial hearing officer may
10 be an employee of the Office of Juvenile Services, including a
11 supervisor or a juvenile parole officer, other than the parole
12 officer filing the allegations.

13 (2) The juvenile parolee shall receive notice of the
14 preliminary hearing, its purpose, and the alleged violations prior to
15 the commencement of the hearing. The juvenile parolee may present
16 relevant information, question adverse witnesses, and make a
17 statement regarding the alleged parole violations. The rules of
18 evidence shall not apply at such hearings and the hearing officer may
19 rely upon any available information.

20 (3) The hearing officer shall determine whether there is
21 probable cause to believe that the juvenile has violated a term or
22 condition of his or her parole and shall issue that decision in
23 writing. The decision shall either indicate there is not probable
24 cause to believe that the juvenile parolee has violated the terms of
25 his or her parole and dismiss the allegations and return the juvenile

1 to parole supervision, or it shall indicate there is probable cause
2 to believe that the juvenile has violated a condition of parole and
3 state where the juvenile will be held pending the revocation hearing.
4 The preliminary hearing officer shall consider the seriousness of the
5 alleged violation, the public safety, and the best interests of the
6 juvenile in determining where the juvenile shall be held pending the
7 revocation hearing.

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

10 43-420 (1) This subsection applies until July 1, 2013.

11 Any hearing required or permitted for juveniles in the custody of the
12 Office of Juvenile Services, except a preliminary parole revocation
13 hearing, shall be conducted by a hearing officer who is an attorney
14 licensed to practice law in the State of Nebraska and may be an
15 employee of the Department of Health and Human Services or an
16 attorney who is an independent contractor. If the hearing officer is
17 an employee of the department, he or she shall not be assigned to any
18 duties requiring him or her to give ongoing legal advice to any
19 person employed by or who is a contractor with the office.

20 (2) This subsection applies beginning July 1, 2013. Any
21 hearing required or permitted for juveniles in the custody of the
22 Office of Juvenile Services shall be conducted by a hearing officer
23 who is an attorney licensed to practice law in the State of Nebraska
24 and may be an employee of the Department of Health and Human Services
25 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 Sec. 41. Section 43-421, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 43-421 This section applies to all juveniles committed to
8 the Office of Juvenile Services for placement at a youth
9 rehabilitation and treatment center prior to July 1, 2013. When a
10 juvenile is charged with being in violation of a condition of his or
11 her parole, the juvenile is entitled to:

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

16 (2) A prompt hearing, within fourteen days after the
17 preliminary hearing, if the juvenile is being held pending the
18 hearing;

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

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

23 (5) Be represented by legal counsel at the expense of the
24 Department of Health and Human Services unless retained legal counsel
25 is available to the juvenile. The department may contract with

1 attorneys to provide such representation to juveniles charged with
2 parole violations;

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

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

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

9 43-422 This section applies to all juveniles committed to
10 the Office of Juvenile Services for placement at a youth
11 rehabilitation and treatment center prior to July 1, 2013. After
12 receiving notice of the allegations of a violation of parole, being
13 notified of the possible consequences, being informed of his or her
14 rights pertaining to the hearing, and having an opportunity to confer
15 with his or her parents or precommitment custodian and legal counsel,
16 if desired, the juvenile may waive his or her right to a hearing and
17 admit to the allegations. Such waiver and admission shall be in
18 writing and submitted, together with a recommended disposition by the
19 hearing officer, to the Administrator of the Office of Juvenile
20 Services or his or her designee.

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

23 43-423 This section applies to all juveniles committed to
24 the Office of Juvenile Services for placement at a youth
25 rehabilitation and treatment center prior to July 1, 2013. At the

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

19 Sec. 44. Section 43-1411.01, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 43-1411.01 (1) An action for paternity or parental
22 support under sections 43-1401 to 43-1418 may be initiated by filing
23 a complaint with the clerk of the district court as provided in
24 section 25-2740. Such proceeding may be heard by the county court or
25 the district court as provided in section 25-2740. A paternity

1 determination under sections 43-1411 to 43-1418 may also be decided
2 in a county court or separate juvenile court if the county court or
3 separate juvenile court already has jurisdiction over the child whose
4 paternity is to be determined.

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

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

11 43-2402 For purposes of the Juvenile Services Act:

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

14 (2) Commission means the Nebraska Commission on Law
15 Enforcement and Criminal Justice;

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

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

21 (5) Eligible applicant means a community-based agency or
22 organization, political subdivision, school district, federally
23 recognized or state-recognized Indian tribe, or state agency
24 necessary to comply with the federal act;

25 (6) Federal act means the Juvenile Justice and

1 Delinquency Prevention Act of 1974, 42 U.S.C. 5601 et seq., as the
2 act existed on ~~July 1, 2001;~~ January 1, 2013;

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

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

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

9 43-2404 The coalition shall make award recommendations to
10 the commission, at least annually, in accordance with the Juvenile
11 Services Act and the federal act for grants made under the Commission
12 Grant Program. Such grants shall be used to assist ~~communities~~ in the
13 implementation and operation of programs or services identified in
14 ~~their~~ the applicable comprehensive juvenile services plan, to
15 include: Programs for local planning and service coordination;
16 screening, assessment, and evaluation; diversion; alternatives to
17 detention; family support services; treatment services; reentry
18 services; truancy prevention and intervention programs; and other
19 services documented by data that will positively impact juveniles and
20 families in the juvenile justice system. including, but not limited
21 to, programs for assessment and evaluation, the prevention of
22 delinquent behavior, diversion, detention, shelter care, intensive
23 juvenile probation services, restitution, family support services,
24 and community centers for the care and treatment of juveniles in need
25 of services.

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

3 43-2404.01 (1) To be eligible for participation in either
4 the Commission Grant Program or the ~~County~~ Community-based Juvenile
5 Services Aid Program, ~~counties shall develop and adopt a~~
6 comprehensive juvenile services plan and submit such plan shall be
7 developed, adopted, and submitted to the commission in accordance
8 with the federal act and rules and regulations adopted and
9 promulgated by the commission in consultation with the ~~Office of~~
10 ~~Juvenile Services. Director of the Community-based Juvenile Services~~
11 Aid Program, the Director of Juvenile Diversion Programs, the Office
12 of Probation Administration, and the University of Nebraska at Omaha,
13 Juvenile Justice Institute. Such plan may be developed by eligible
14 applicants for the Commission Grant Program and by individual
15 counties, ~~or~~ by multiple counties, by federally recognized or state-
16 recognized Indian tribes, or by any combination of the three for the
17 Community-based Juvenile Services Aid Program. Comprehensive juvenile
18 services plans shall:

19 (a) Be developed by a comprehensive community team
20 representing juvenile justice system stakeholders;

21 (b) Be based on data relevant to juvenile and family
22 issues;

23 (c) Identify policies and practices that are research-
24 based or standardized and reliable and are implemented with fidelity
25 and which have been researched and demonstrate positive outcomes;

1 (d) Identify clear implementation strategies; and

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

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

14 ~~(2)-(3)~~ The commission, in consultation with the Office
15 of Juvenile Services and the coalition, shall develop or University
16 of Nebraska at Omaha, Juvenile Justice Institute, shall contract for
17 the development and administration of a statewide system to monitor
18 and evaluate the effectiveness of plans and programs receiving funds
19 from: (a) The the Commission Grant Program and (b) the County
20 Community-based Juvenile Services Aid Program in preventing persons
21 from entering the juvenile justice system and in rehabilitating
22 juvenile offenders.

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

1 director shall have extensive experience in developing and providing
2 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 under
10 the Community-based Juvenile Services Aid Program, giving priority to
11 those grant applications funding programs and services that will
12 divert juveniles from the juvenile justice system, impact and
13 effectively treat juveniles within the juvenile justice system, and
14 reduce the juvenile detention population or assist juveniles in
15 transitioning from out-of-home placements to in-home treatments. The
16 director shall ensure that no funds appropriated or distributed under
17 the Community-based Juvenile Services Aid Program are used for
18 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

1 commission;

2 (e) Assist juvenile justice system stakeholders in
3 developing policies and practices that are research-based or
4 standardized and reliable and are implemented with fidelity and which
5 have been researched and demonstrate positive outcomes;

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

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

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

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

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

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

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

24 (4) Any ~~county receiving~~ recipient of funding under the
25 ~~County Community-based~~ Juvenile Services Aid Program shall file an

1 annual report as required by rules and regulations adopted and
2 promulgated by the commission. The report shall include, but not be
3 limited to, the type of juvenile service, how the service met the
4 goals of the comprehensive juvenile services plan, demographic
5 information on the total number of juveniles served, the units of
6 service provided, a listing of the county's annual juvenile justice
7 budgeted and actual expenditures, program success rates, the total
8 number of juveniles sent to secure juvenile detention or residential
9 treatment and secure confinement, and a listing of the expenditures
10 for detention, residential treatment, and nonresidential treatment.

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

24 (6) The commission shall adopt and promulgate rules and
25 regulations to implement this section. for the Community-based

1 Juvenile Services Aid Program in consultation with the Director of
2 the Community-based Juvenile Services Aid Program, the Director of
3 Juvenile Diversion Programs, the Office of Probation Administration,
4 the Nebraska Association of County Officials, and the University of
5 Nebraska at Omaha, Juvenile Justice Institute. The rules and
6 regulations shall include, but not be limited to:

7 (a) The required elements of a comprehensive juvenile
8 services plan and planning process;

9 (b) The Community-based Juvenile Services Aid Program
10 formula, review process, match requirements, and fund distribution.
11 The distribution process shall ensure a conflict of interest policy;

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

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

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

17 (f) A reporting process for the commission to the
18 Governor and Legislature. The report shall be made electronically to
19 the Governor and the Legislature.

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

22 43-2411 (1) The Nebraska Coalition for Juvenile Justice
23 is created. As provided in the federal act, there shall be no less
24 than fifteen nor more than thirty-three members of the coalition.
25 Coalition members who are members of the judicial branch of

1 government shall be nonvoting members of the coalition. The coalition
2 members shall be appointed by the Governor and shall include:

3 (a) The Administrator of the Office of Juvenile Services;
4 (b) The chief executive officer of the Department of
5 Health and Human Services or his or her designee;
6 (c) The Commissioner of Education or his or her designee;
7 (d) The executive director of the Nebraska Commission on
8 Law Enforcement and Criminal Justice or his or her designee;
9 (e) The Executive Director of the Nebraska Association of
10 County Officials or his or her designee;
11 (f) The probation administrator of the Office of
12 Probation Administration or his or her designee;
13 (g) One county commissioner or supervisor;
14 (h) One person with data analysis experience;
15 ~~(h)-(i)~~ One police chief;
16 ~~(i)-(j)~~ One sheriff;
17 (k) The executive director of the Foster Care Review
18 Office;
19 ~~(j)-(l)~~ One separate juvenile court judge;
20 ~~(k)-(m)~~ One county court judge;
21 ~~(l)-(n)~~ One representative of mental health professionals
22 who works directly with juveniles;
23 ~~(m)-(o)~~ Three representatives, one from each
24 congressional district, from community-based, private nonprofit
25 organizations who work with juvenile offenders and their families;

1 ~~(n)~~(p) One volunteer who works with juvenile offenders
2 or potential juvenile offenders;

3 ~~(o)~~(q) One person who works with an alternative to
4 ~~incarceration~~ a detention program for juveniles;

5 ~~(p)~~(r) The director or his or her designee from a youth
6 rehabilitation and treatment center;

7 ~~(q)~~(s) The director or his or her designee from a secure
8 ~~youth confinement~~ juvenile detention facility;

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

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

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

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

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

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

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

21 (2) The terms of members appointed pursuant to
22 subdivisions (1)(g) through ~~(1)(w)~~(1)(z) of this section shall be
23 three years, except that the terms of the initial appointments of
24 members of the coalition shall be staggered so that one-third of the
25 members are appointed for terms of one year, one-third for terms of

1 two years, and one-third for terms of three years, as determined by
2 the Governor. A majority of the coalition members, including the
3 chairperson, shall not be full-time employees of federal, state, or
4 local government. At least one-fifth of the coalition members shall
5 be under the age of twenty-four at the time of appointment. Any
6 vacancy on the coalition shall be filled by appointment by the
7 Governor. The coalition shall select a chairperson, a vice-
8 chairperson, and such other officers as it deems necessary.

9 (3) Members of the coalition shall be reimbursed for
10 their actual and necessary expenses pursuant to sections 81-1174 to
11 81-1177.

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

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

18 43-2412 (1) Consistent with the purposes and objectives
19 of the Juvenile Services Act and the federal act, the coalition
20 shall:

21 (a) Make recommendations to the commission on the
22 awarding of grants under the Commission Grant Program to eligible
23 applicants;

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

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

4 (d) Prepare an annual report to the Governor, the
5 Legislature, the Office of Probation Administration, and the Office
6 of Juvenile Services including recommendations on administrative and
7 legislative actions which would improve the juvenile justice system.
8 The report submitted to the Legislature shall be submitted
9 electronically;

10 (e) Ensure widespread citizen involvement in all phases
11 of its work; and

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

13 (2) Consistent with the purposes and objectives of the
14 acts and within the limits of available time and appropriations, the
15 coalition may:

16 ~~(a) Recommend criteria to the Office of Juvenile Services~~
17 ~~for administrative procedures, including, but not limited to,~~
18 ~~procedures for intake, detention, petition filing, and probation~~
19 ~~supervision;~~

20 ~~(b) Recommend to the Office of Juvenile Services minimum~~
21 ~~professional standards, including requirements for continuing~~
22 ~~professional training, for employees of community based, youth-~~
23 ~~serving agencies;~~

24 ~~(c) Recommend to the Office of Juvenile Services~~
25 ~~curricula for and cause to have conducted training sessions for~~

1 ~~juvenile court judges and employees of other community based, youth-~~
2 ~~serving agencies;~~

3 ~~(d)~~ (a) Assist and advise state and local agencies in the
4 establishment of volunteer training programs and the utilization of
5 volunteers;

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

8 ~~(f)~~ (c) Provide technical assistance to eligible
9 applicants.

10 (3) In formulating, adopting, and promulgating the
11 ~~standards, recommendations, and guidelines provided for in this~~
12 ~~section, the coalition shall consider the differences among counties~~
13 ~~in population, in geography, and in the availability of local~~
14 ~~resources.~~

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

17 43-2930 (1) Each party to a contested proceeding for a
18 temporary order relating to parenting functions or custody, parenting
19 time, visitation, or other access shall offer a child information
20 affidavit as an exhibit at the hearing before the court. The child
21 information affidavit shall be verified to the extent known or
22 reasonably discoverable by the filing party or parties and may
23 include the following:

24 (a) The name, address, and length of residence with any
25 adults with whom each child has lived for the preceding twelve

1 months; except that the address shall only include the county and
2 state for a parent who is living in an undisclosed location because
3 of safety concerns;

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

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

11 (d) A description of the current proposed work and child
12 care schedules; and

13 (e) A description of the child's school and
14 extracurricular activities, including who is responsible for
15 transportation of the child.

16 The child information affidavit may also state any
17 circumstances of child abuse or neglect, domestic intimate partner
18 abuse, or unresolved parental conflict that are likely to pose a risk
19 to the child and that warrant limitation on the award of temporary
20 custody, parenting time, visitation, or other access to the child
21 pending entry of a permanent parenting plan, including any
22 restraining orders, protection orders, or criminal no-contact orders
23 against either parent or a person acting as a parent by case number
24 and jurisdiction.

25 (2) After a contested hearing by live testimony or

1 affidavit, the court shall enter a temporary parenting order that
2 includes:

3 (a) Provision for temporary legal custody;

4 (b) Provisions for temporary physical custody, which
5 shall include either:

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

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

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

13 (d) Reference to any existing restraining orders,
14 protection orders, or criminal no-contact orders as well as
15 provisions for safety and a transition plan, consistent with any
16 court's finding of child abuse or neglect, domestic intimate partner
17 abuse, or unresolved parental conflict in order to provide for the
18 safety of a child and ~~eustodial~~a parent who has physical custody of
19 the child necessary for the best interests of the child; and

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

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

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

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

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

9 43-3503 (1) It is the intent of the Legislature to
10 encourage counties to develop a continuum of nonsecure detention
11 services for the purpose of enhancing, developing, and expanding the
12 availability of such services to juveniles requiring nonsecure
13 detention.

14 (2) A county may enhance, develop, or expand nonsecure
15 detention services as needed with private or public providers. Grants
16 from the Commission Grant Program and aid from the ~~County~~ Community-
17 based Juvenile Services Aid Program under the Juvenile Services Act
18 and the federal Juvenile Justice and Delinquency Prevention Act of
19 1974 may be used to fund nonsecure detention services. Each county
20 shall routinely review services provided by contract providers and
21 modify services as needed.

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

1 (2) The Director of Juvenile Diversion Programs shall be
2 supervised by the executive director of the Nebraska Commission on
3 Law Enforcement and Criminal Justice. The director shall be
4 responsible for fostering, promoting, researching, and assessing
5 juvenile pretrial diversion programs and developing new programs in
6 collaboration with cities and counties pursuant to sections 43-260.02
7 to 43-260.07. The director shall:

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

12 (b) Develop a core juvenile pretrial diversion program
13 packet for utilization by counties without a juvenile pretrial
14 diversion program or counties without a district probation officer
15 acting under section 29-2258;

16 (c) Establish baseline program guidelines for juvenile
17 pretrial diversion programs grounded in best-practice research,
18 develop data collection and evaluation protocols, oversee statewide
19 data collection, and generate an annual report on juvenile pretrial
20 diversion programs;

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

25 (e) Facilitate consistent communication and information-

1 sharing among juvenile pretrial diversion program directors;

2 (f) Assist juvenile pretrial diversion program directors,
3 county attorneys, district probation officers acting under section
4 29-2258, and county boards in developing policies and practices that
5 achieve the goals of quality juvenile pretrial diversion programs;

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

8 (h) Develop and coordinate a statewide working group as a
9 subcommittee of the Nebraska Coalition for Juvenile Justice to assist
10 in regular strategic planning related to supporting, funding,
11 monitoring, and evaluating the effectiveness of plans and programs
12 receiving funds from the Community-based Juvenile Services Aid
13 Program; and

14 (i) Assist the Director of the Community-based Juvenile
15 Services Aid Program created under section 43-2404.01 in the review
16 of Community-based Juvenile Services Aid Program applications as
17 provided in section 43-2404.02.

18 Sec. 54. (1) The Community and Family Reentry Process is
19 hereby created. This process is created in order to reduce recidivism
20 and promote safe and effective reentry for the juvenile and his or
21 her family to the community from the juvenile justice system. This
22 process applies to all juveniles committed to the Office of Juvenile
23 Services for placement at a youth rehabilitation and treatment center
24 on or after July 1, 2013.

25 (2) While a juvenile is committed to a youth

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

17 (3) Within sixty days prior to discharge from a youth
18 rehabilitation and treatment center, or as soon as possible if the
19 juvenile's remaining time at the youth rehabilitation and treatment
20 center is less than sixty days, an evidence-based risk screening and
21 needs assessment should be conducted on the juvenile in order to
22 determine the juvenile's risk of reoffending and the juvenile's
23 individual needs upon reentering the community.

24 (4) Individualized reentry plans shall be developed with
25 input from the juvenile and his or her support system in conjunction

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

15 (5) The probation officer shall have contact with the
16 juvenile and the juvenile's support system within forty-eight hours
17 after the juvenile returns to the community and continue to assist
18 the juvenile and the juvenile's support system in implementing and
19 following the individualized reentry plan and monitoring the
20 juvenile's risk through ongoing assessment updates.

21 (6) The Office of Probation Administration shall
22 establish an evidence-based reentry process that utilizes risk
23 assessment to determine the juvenile's supervision level upon return
24 to the community. They shall establish supervision strategies based
25 on risk levels of the juvenile and supervise accordingly, with

1 ongoing reassessment to assist in determining eligibility for release
2 from probation. The Office of Probation Administration shall develop
3 a formal matrix of graduated sanctions to be utilized prior to
4 requesting the county attorney to file for probation revocation. The
5 Office of Probation Administration shall provide training to its
6 workers on risk-based supervision strategies, motivational
7 interviewing, family engagement, community-based resources, and other
8 evidence-based reentry strategies.

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

25 (2) There shall be established through the use of

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

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

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

13 (b) A juvenile is placed in predisposition detention for
14 a new violation of law while under the supervision of the Office of
15 Probation Administration.

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

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

21 (b) A juvenile is placed in post-disposition detention
22 under the supervision of the Office of Probation Administration while
23 awaiting placement.

24 (5) For purposes of this section, detention means a
25 secure juvenile detention facility or staff secure juvenile facility.

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

3 43-4203 (1) The Nebraska Children's Commission shall work
4 with administrators from each of the service areas designated
5 pursuant to section 81-3116, the teams created pursuant to section
6 28-728, local foster care review boards, child advocacy centers, the
7 teams created pursuant to the Supreme Court's Through the Eyes of the
8 Child Initiative, community stakeholders, and advocates for child
9 welfare programs and services to establish networks in each of such
10 service areas. Such networks shall permit collaboration to strengthen
11 the continuum of services available to child welfare agencies and to
12 provide resources for children and juveniles outside the child
13 protection system. Each service area shall develop its own unique
14 strategies to be included in the statewide strategic plan. The
15 Department of Health and Human Services shall assist in identifying
16 the needs of each service area.

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

24 (b) The commission shall create a committee to examine
25 the structure and responsibilities of the Office of Juvenile Services

1 as they exist on April 12, 2012. Such committee shall review the role
2 and effectiveness of the youth rehabilitation and treatment centers
3 in the juvenile justice system and make recommendations to the
4 commission on the future role of the youth rehabilitation and
5 treatment centers in the juvenile justice continuum of care,
6 including what populations they should serve and what treatment
7 services should be provided at the centers in order to appropriately
8 serve those populations. Such committee shall also review how mental
9 and behavioral health services are provided to juveniles in secure
10 residential placements and the need for such services throughout
11 Nebraska and make recommendations to the commission relating to those
12 systems of care in the juvenile justice system. The committee shall
13 collaborate with the University of Nebraska at Omaha, Juvenile
14 Justice Institute, the University of Nebraska Medical Center, Center
15 for Health Policy, the behavioral health regions as established in
16 section 71-807, and state and national juvenile justice experts to
17 develop recommendations. If the committee's recommendations include
18 maintaining the Youth Rehabilitation and Treatment Center-Kearney,
19 the recommendation shall include a plan to implement a rehabilitation
20 and treatment model by upgrading the center's physical structure,
21 staff, and staff training and the incorporation of evidence-based
22 treatments and programs. The recommendations shall be delivered to
23 the commission and electronically to the Judiciary Committee of the
24 Legislature by December 1, 2013. Such committee shall also review the
25 responsibilities of the Administrator of the Office of Juvenile

1 ~~Services, including oversight of the youth rehabilitation and~~
2 ~~treatment centers and juvenile parole, and make recommendations to~~
3 ~~the commission relating to the future responsibilities of the~~
4 ~~administrator.~~

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

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

18 (3) The commission shall work with the office of the
19 State Court Administrator, as appropriate, and entities which
20 coordinate facilitated conferencing as described in section
21 43-247.01. Facilitated conferencing shall be included in statewide
22 strategic plan discussions by the commission. Facilitated
23 conferencing shall continue to be utilized and maximized, as
24 determined by the court of jurisdiction, during the development of
25 the statewide strategic plan. Funding and contracting of facilitated

1 conferencing entities shall continue to be provided by the Department
2 of Health and Human Services to at least the same extent as such
3 funding and contracting are being provided on April 12, 2012.

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

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

14 Sec. 57. Section 43-4314, Revised Statutes Cumulative
15 Supplement, 2012, is amended to read:

16 43-4314 Private agency means a child welfare agency that
17 contracts with the department or the Office of Probation
18 Administration or contracts to provide services to another child
19 welfare agency that contracts with the department or the Office of
20 Probation Administration.

21 Sec. 58. Section 43-4318, Revised Statutes Cumulative
22 Supplement, 2012, is amended to read:

23 43-4318 (1) The office shall investigate:

24 (a) Allegations or incidents of possible misconduct,
25 misfeasance, malfeasance, or violations of statutes or of rules or

1 regulations of the department by an employee of or person under
2 contract with the department, a private agency, a licensed child care
3 facility, a foster parent, or any other provider of child welfare
4 services or which may provide a basis for discipline pursuant to the
5 Uniform Credentialing Act; and

6 (b) Death or serious injury in foster homes, private
7 agencies, child care facilities, juvenile detention facilities, staff
8 secure juvenile facilities, and other programs and facilities
9 licensed by or under contract with the department or the Office of
10 Probation Administration and death or serious injury in any case in
11 which services are provided by the department to a child or his or
12 her parents or any case involving an investigation under the Child
13 Protection Act, which case has been open for one year or less. The
14 department and the Office of Probation Administration shall report
15 all cases of death or serious injury of a child in a foster home,
16 private agency, child care facility or program, or other program or
17 facility licensed by the department to the Inspector General as soon
18 as reasonably possible after the department or the Office of
19 Probation Administration learns of such death or serious injury. For
20 purposes of this subdivision, serious injury means an injury or
21 illness caused by suspected abuse, neglect, or maltreatment which
22 leaves a child in critical or serious condition.

23 (2) Any investigation conducted by the Inspector General
24 shall be independent of and separate from an investigation pursuant
25 to the Child Protection Act. The Inspector General and his or her

1 staff are subject to the reporting requirements of the Child
2 Protection Act.

3 (3) Notwithstanding the fact that a criminal
4 investigation, a criminal prosecution, or both are in progress, all
5 law enforcement agencies and prosecuting attorneys shall cooperate
6 with any investigation conducted by the Inspector General and shall,
7 immediately upon request by the Inspector General, provide the
8 Inspector General with copies of all law enforcement reports which
9 are relevant to the Inspector General's investigation. All law
10 enforcement reports which have been provided to the Inspector General
11 pursuant to this section are not public records for purposes of
12 sections 84-712 to 84-712.09 and shall not be subject to discovery by
13 any other person or entity. Except to the extent that disclosure of
14 information is otherwise provided for in the Office of Inspector
15 General of Nebraska Child Welfare Act, the Inspector General shall
16 maintain the confidentiality of all law enforcement reports received
17 pursuant to its request under this section. Law enforcement agencies
18 and prosecuting attorneys shall, when requested by the Inspector
19 General, collaborate with the Inspector General regarding all other
20 information relevant to the Inspector General's investigation. If the
21 Inspector General in conjunction with the Public Counsel determines
22 it appropriate, the Inspector General may, when requested to do so by
23 a law enforcement agency or prosecuting attorney, suspend an
24 investigation by the office until a criminal investigation or
25 prosecution is completed or has proceeded to a point that, in the

1 judgment of the Inspector General, reinstatement of the Inspector
2 General's investigation will not impede or infringe upon the criminal
3 investigation or prosecution. Under no circumstance shall the
4 Inspector General interview any minor who has already been
5 interviewed by a law enforcement agency, personnel of the Division of
6 Children and Family Services of the department, or staff of a child
7 advocacy center in connection with a relevant ongoing investigation
8 of a law enforcement agency.

9 Sec. 59. Section 43-4320, Revised Statutes Cumulative
10 Supplement, 2012, is amended to read:

11 43-4320 (1) Complaints to the office may be made in
12 writing. The office shall also maintain a toll-free telephone line
13 for complaints. A complaint shall be evaluated to determine if it
14 alleges possible misconduct, misfeasance, malfeasance, or violation
15 of a statute or of rules and regulations of the department by an
16 employee of or a person under contract with the department, a private
17 agency, or a licensed child care facility, a foster parent, or any
18 other provider of child welfare services or alleges a basis for
19 discipline pursuant to the Uniform Credentialing Act. All complaints
20 shall be evaluated to determine whether a full investigation is
21 warranted.

22 (2) The office shall not conduct a full investigation of
23 a complaint unless:

24 (a) The complaint alleges misconduct, misfeasance,
25 malfeasance, violation of a statute or of rules and regulations of

1 the department, or a basis for discipline pursuant to the Uniform
2 Credentialing Act;

3 (b) The complaint is against a person within the
4 jurisdiction of the office; and

5 (c) The allegations can be independently verified through
6 investigation.

7 (3) The Inspector General shall determine within fourteen
8 days after receipt of a complaint whether it will conduct a full
9 investigation. A complaint alleging facts which, if verified, would
10 provide a basis for discipline under the Uniform Credentialing Act
11 shall be referred to the appropriate credentialing board under the
12 act.

13 (4) When a full investigation is opened on a private
14 agency that contracts with the Office of Probation Administration,
15 the Inspector General shall give notice of such investigation to the
16 Office of Probation Administration.

17 Sec. 60. Section 43-4321, Revised Statutes Cumulative
18 Supplement, 2012, is amended to read:

19 43-4321 All employees of the department, all foster
20 parents, and all owners, operators, managers, supervisors, and
21 employees of private agencies, licensed child care facilities,
22 juvenile detention facilities, staff secure juvenile facilities, and
23 other providers of child welfare services shall cooperate with the
24 office. Cooperation includes, but is not limited to, the following:

25 (1) Provision of full access to and production of records

1 and information. Providing access to and producing records and
2 information for the office is not a violation of confidentiality
3 provisions under any law, statute, rule, or regulation if done in
4 good faith for purposes of an investigation under the Office of
5 Inspector General of Nebraska Child Welfare Act;

6 (2) Fair and honest disclosure of records and information
7 reasonably requested by the office in the course of an investigation
8 under the act;

9 (3) Encouraging employees to fully comply with reasonable
10 requests of the office in the course of an investigation under the
11 act;

12 (4) Prohibition of retaliation by owners, operators, or
13 managers against employees for providing records or information or
14 filing or otherwise making a complaint to the office;

15 (5) Not requiring employees to gain supervisory approval
16 prior to filing a complaint with or providing records or information
17 to the office;

18 (6) Provision of complete and truthful answers to
19 questions posed by the office in the course of an investigation; and

20 (7) Not willfully interfering with or obstructing the
21 investigation.

22 Sec. 61. Section 43-4324, Revised Statutes Cumulative
23 Supplement, 2012, is amended to read:

24 43-4324 (1) In conducting investigations, the office
25 shall access all relevant records through subpoena, compliance with a

1 request of the office, and voluntary production. The office may
2 request or subpoena any record necessary for the investigation from
3 the department, a foster parent, a licensed child care facility, a
4 juvenile detention facility, a staff secure juvenile facility, or a
5 private agency that is pertinent to an investigation. All case files,
6 licensing files, medical records, financial and administrative
7 records, and records required to be maintained pursuant to applicable
8 licensing rules shall be produced for review by the office in the
9 course of an investigation.

10 (2) Compliance with a request of the office includes:

11 (a) Production of all records requested;

12 (b) A diligent search to ensure that all appropriate
13 records are included; and

14 (c) A continuing obligation to immediately forward to the
15 office any relevant records received, located, or generated after the
16 date of the request.

17 (3) The office shall seek access in a manner that
18 respects the dignity and human rights of all persons involved,
19 maintains the integrity of the investigation, and does not
20 unnecessarily disrupt child welfare programs or services. When
21 advance notice to a foster parent or to an administrator or his or
22 her designee is not provided, the office investigator shall, upon
23 arrival at the departmental office, bureau, or division, the private
24 agency, the licensed child care facility, the juvenile detention
25 facility, the staff secure juvenile facility, or the location of

1 another provider of child welfare services, request that an onsite
2 employee notify the administrator or his or her designee of the
3 investigator's arrival.

4 (4) When circumstances of an investigation require, the
5 office may make an unannounced visit to a foster home, a departmental
6 office, bureau, or division, a licensed child care facility, a
7 juvenile detention facility, a staff secure juvenile facility, a
8 private agency, or another provider to request records relevant to an
9 investigation.

10 (5) A responsible individual or an administrator may be
11 asked to sign a statement of record integrity and security when a
12 record is secured by request as the result of a visit by the office,
13 stating:

14 (a) That the responsible individual or the administrator
15 has made a diligent search of the office, bureau, division, private
16 agency, licensed child care facility, juvenile detention facility,
17 staff secure juvenile facility, or other provider's location to
18 determine that all appropriate records in existence at the time of
19 the request were produced;

20 (b) That the responsible individual or the administrator
21 agrees to immediately forward to the office any relevant records
22 received, located, or generated after the visit;

23 (c) The persons who have had access to the records since
24 they were secured; and

25 (d) Whether, to the best of the knowledge of the

1 responsible individual or the administrator, any records were removed
2 from or added to the record since it was secured.

3 (6) The office shall permit a responsible individual, an
4 administrator, or an employee of a departmental office, bureau, or
5 division, a private agency, a licensed child care facility, a
6 juvenile detention facility, a staff secure juvenile facility, or
7 another provider to make photocopies of the original records within a
8 reasonable time in the presence of the office for purposes of
9 creating a working record in a manner that assures confidentiality.

10 (7) The office shall present to the responsible
11 individual or the administrator or other employee of the departmental
12 office, bureau, or division, private agency, licensed child care
13 facility, juvenile detention facility, staff secure juvenile
14 facility, or other service provider a copy of the request, stating
15 the date and the titles of the records received.

16 (8) If an original record is provided during an
17 investigation, the office shall return the original record as soon as
18 practical but no later than ten working days after the date of the
19 compliance request.

20 (9) All investigations conducted by the office shall be
21 conducted in a manner designed to ensure the preservation of evidence
22 for possible use in a criminal prosecution.

23 Sec. 62. Section 81-8,245, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 81-8,245 The Public Counsel shall have the power to:

1 (1) Investigate, on complaint or on his or her own
2 motion, any administrative act of any administrative agency;

3 (2) Prescribe the methods by which complaints are to be
4 made, received, and acted upon; determine the scope and manner of
5 investigations to be made; and, subject to the requirements of
6 sections 81-8,240 to 81-8,254, determine the form, frequency, and
7 distribution of his or her conclusions, recommendations, and
8 proposals;

9 (3) Conduct inspections of the premises, or any parts
10 thereof, of any administrative agency or any property owned, leased,
11 or operated by any administrative agency as frequently as is
12 necessary, in his or her opinion, to carry out duties prescribed
13 under sections 81-8,240 to 81-8,254;

14 (4) Request and receive from each administrative agency,
15 and such agency shall provide, the assistance and information the
16 counsel deems necessary for the discharge of his or her
17 responsibilities; inspect and examine the records and documents of
18 all administrative agencies notwithstanding any other provision of
19 law; and enter and inspect premises within any administrative
20 agency's control;

21 (5) Issue a subpoena, enforceable by action in an
22 appropriate court, to compel any person to appear, give sworn
23 testimony, or produce documentary or other evidence deemed relevant
24 to a matter under his or her inquiry. A person thus required to
25 provide information shall be paid the same fees and travel allowances

1 and shall be accorded the same privileges and immunities as are
2 extended to witnesses in the district courts of this state and shall
3 also be entitled to have counsel present while being questioned;

4 (6) Undertake, participate in, or cooperate with general
5 studies or inquiries, whether or not related to any particular
6 administrative agency or any particular administrative act, if he or
7 she believes that they may enhance knowledge about or lead to
8 improvements in the functioning of administrative agencies;

9 (7) Make investigations, reports, and recommendations
10 necessary to carry out his or her duties under the State Government
11 Effectiveness Act; and

12 (8) Carry out his or her duties under the Office of
13 Inspector General of Nebraska Child Welfare Act. If any of the
14 provisions of sections 81-8,240 to 81-8,254 conflict with provisions
15 of the Office of Inspector General of Nebraska Child Welfare Act, the
16 provisions of such act shall control; and -

17 (9) Investigate and address the complaint and case of:

18 (a) Any juvenile committed to the custody of a youth
19 rehabilitation and treatment center; and

20 (b) Any juvenile released from a youth rehabilitation and
21 treatment center for reentry into the community, while that juvenile
22 is subject to the Community and Family Reentry Process and a service
23 or treatment program in which the juvenile may be involved after his
24 or her release from a youth rehabilitation and treatment center,
25 whether that service or program is administrated by the Office of

1 Juvenile Services or a private provider in the community. The Office
2 of Juvenile Services and private providers in the community shall
3 cooperate with any investigation conducted by the Public Counsel
4 pursuant to this subdivision and provide all documentation and
5 information requested by the Public Counsel in connection with such
6 an investigation.

7 Sec. 63. Section 81-1417, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 81-1417 (1) The Nebraska Commission on Law Enforcement
10 and Criminal Justice shall consist of ~~eighteen~~nineteen members. The
11 membership shall include the Governor, the Attorney General, the
12 Superintendent of Law Enforcement and Public Safety, the Director of
13 Correctional Services, the chief of police or director of public
14 safety of a city of more than two hundred thousand population, the
15 chief of police or director of public safety of a city of ~~less than~~
16 two hundred thousand population or less, a county sheriff, a county
17 attorney, a county commissioner, a mayor or city manager, a person
18 involved with the control or prevention of juvenile delinquency, the
19 chairperson of the Nebraska Police Standards Advisory Council, the
20 chairperson of the Nebraska Coalition for Juvenile Justice, and six
21 members, at least one of whom shall be a woman, from the public at
22 large. The seven members of the council shall also be considered
23 members of the commission acting as a special committee of the
24 commission with limited powers and duties. A member of the commission
25 may serve concurrently as a member of the council. ~~The term of the~~

1 ~~district court judge serving on July 20, 2002, terminates on such~~
2 ~~date.~~

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

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

17 Sec. 64. Section 83-4,124, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 83-4,124 (1) It is hereby declared to be the policy of
20 the State of Nebraska that all criminal detention facilities and
21 juvenile detention facilities in the this state shall conform to
22 certain minimum standards of construction, maintenance, and operation
23 and that all juvenile detention facilities and staff secure juvenile
24 facilities in this state shall conform to certain minimum standards
25 relating to the operation and physical structure of such facilities

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

3 (2) To further such policy, the Jail Standards Board is
4 hereby created. For administrative and budgetary purposes such board
5 shall be within the Nebraska Commission on Law Enforcement and
6 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 director
9 to serve in lieu of the director, the State Fire Marshal or his or
10 her designee, and ~~nine~~ten appointive members, three of whom shall be
11 from each of the three congressional districts, to be appointed by
12 the Governor. The appointive members of the board shall be appointed
13 from recommendation lists containing at least three names submitted
14 by the Nebraska Association of County Officials, the Nebraska County
15 Sheriffs Association, the Nebraska State Bar Association, and the
16 Police Officers Association of Nebraska. The appointive members of
17 the board shall consist of: ~~(1)~~(a) Two county commissioners or
18 supervisors; ~~(2)~~(b) one county sheriff; ~~(3)~~(c) one municipal police
19 chief; ~~(4)~~(d) one member of the Nebraska State Bar Association; ~~(5)~~
20 (e) two lay people; ~~(6)~~(f) one person who at the time of his or her
21 appointment is serving as an administrator responsible for the
22 operation and maintenance of a juvenile detention facility; (g) one
23 person who at the time of his or her appointment is serving as an
24 administrator responsible for the operation and maintenance of a
25 staff secure juvenile facility; and ~~(7)~~(h) one person who at the

1 time of his or her appointment is serving as an administrator or
2 jailer responsible for the operation and maintenance of a criminal
3 detention facility having an average daily population of greater than
4 fifty persons. ~~The term of the district judge serving on July 20,~~
5 ~~2002, terminates on such date.~~

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

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

23 Sec. 65. Section 83-4,125, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 83-4,125 For purposes of sections 83-4,124 to 83-4,134:

1 (1) Criminal detention facility ~~shall mean~~ means any
2 institution operated by a political subdivision or a combination of
3 political subdivisions for the careful keeping or rehabilitative
4 needs of adult or juvenile criminal offenders or those persons being
5 detained while awaiting disposition of charges against them. Criminal
6 detention facility ~~shall does~~ not include any institution operated by
7 the Department of Correctional Services. Criminal detention
8 facilities shall be classified as follows:

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

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

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

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

1 department; and -

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

14 Sec. 66. Section 83-4,126, Revised Statutes Cumulative
 15 Supplement, 2012, is amended to read:

16 83-4,126 (1) Except as provided in subsection (2) of this
 17 section, the Jail Standards Board shall have the authority and
 18 responsibility:

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

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

25 (c) Consistent with the purposes and objectives of the

1 Juvenile Services Act, to develop standards for juvenile detention
2 facilities and staff secure juvenile facilities, including, but not
3 limited to, standards for physical facilities, care, programs, and
4 disciplinary procedures, and to develop guidelines pertaining to the
5 operation of such facilities.

6 (2) The Jail Standards Board shall not have authority
7 over or responsibility for correctional facilities that are
8 accredited by a nationally recognized correctional association. A
9 correctional facility that is accredited by a nationally recognized
10 correctional association shall show proof of accreditation annually
11 to the Jail Standards Board. For purposes of this subsection,
12 nationally recognized correctional association includes, but is not
13 limited to, the American Correctional Association or its successor.

14 Sec. 67. Section 83-4,131, Revised Statutes Cumulative
15 Supplement, 2012, is amended to read:

16 83-4,131 Personnel of the Nebraska Commission on Law
17 Enforcement and Criminal Justice shall visit and inspect each
18 criminal detention facility, ~~and—juvenile detention facility,~~ and
19 staff secure juvenile facility in the state, except correctional
20 facilities accredited by a nationally recognized correctional
21 association pursuant to subsection (2) of section 83-4,126, for the
22 purpose of determining the conditions of confinement, the treatment
23 of persons confined in the facilities, and whether such facilities
24 comply with the minimum standards established by the Jail Standards
25 Board. A written report of each inspection shall be made within

1 thirty days following such inspection to the appropriate governing
2 body responsible for the criminal detention facility, ~~or~~ juvenile
3 detention facility, or staff secure juvenile facility involved. The
4 report shall specify those areas in which the facility does not
5 comply with the required minimum standards.

6 Sec. 68. Section 83-4,132, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 83-4,132 If an inspection under sections 83-4,124 to
9 83-4,134 discloses that the criminal detention facility, ~~or~~ juvenile
10 detention facility, or staff secure juvenile facility does not meet
11 the minimum standards established by the Jail Standards Board, the
12 board shall send notice, together with the inspection report, to the
13 governing body responsible for the facility. The appropriate
14 governing body shall promptly meet to consider the inspection report,
15 and the inspection personnel shall appear before the governing body
16 to advise and consult concerning appropriate corrective action. The
17 governing body shall then initiate appropriate corrective action
18 within six months ~~of~~ after the receipt of such inspection report or
19 may voluntarily close the facility or the objectionable portion
20 thereof.

21 Sec. 69. Section 83-4,133, Revised Statutes Cumulative
22 Supplement, 2012, is amended to read:

23 83-4,133 If the governing body of the juvenile detention
24 facility, ~~or~~ criminal detention facility, or staff secure juvenile
25 facility fails to initiate corrective action within six months after

1 the receipt of such inspection report, fails to correct the disclosed
2 conditions, or fails to close the criminal detention facility, ~~or~~
3 juvenile detention facility, or staff secure juvenile facility or the
4 objectionable portion thereof, the Jail Standards Board may petition
5 the district court within the judicial district in which such
6 facility is located to close the facility. Such petition shall
7 include the inspection report regarding such facility. The local
8 governing body shall then have thirty days to respond to such
9 petition and shall serve a copy of the response on the Jail Standards
10 Board by certified mail, return receipt requested. Thereafter, a
11 hearing shall be held on the petition before the district court, and
12 an order shall be rendered by such court which either:

- 13 (1) Dismisses the petition of the Jail Standards Board;
14 (2) Directs that corrective action be initiated in some
15 form by the local governing body of the facility in question; or
16 (3) Directs that the facility be closed. An appeal from
17 the decision of the district court may be taken to the Court of
18 Appeals.

19 Sec. 70. Section 83-4,134, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 83-4,134 Sections 83-4,124 to 83-4,134 shall be
22 implemented upon completion of the development of minimum standards
23 by the Jail Standards Board. Thereafter, inspections shall begin, but
24 no criminal detention facility, ~~or~~ juvenile detention facility, or
25 staff secure juvenile facility shall be closed within one year of the

1 date of first filing of the minimum standards in the office of the
2 Secretary of State. After one year from the date of first filing of
3 the minimum standards, a facility may be closed for any violation of
4 the minimum standards. Those standards relating to the construction
5 of the facility itself and its plumbing, heating, and wiring systems
6 shall not be enforced so as to require the closing of any facility
7 for a period of two years from the date of the first filing of the
8 minimum standards unless such violations are of immediate danger to
9 the safety of the persons confined in the facility or facility
10 personnel, in which case such period shall be one year.

11 Sec. 71. (1) It is the intent of the Legislature that the
12 alternative response to reports of child abuse or neglect model
13 developed pursuant to subsection (2) of this section be implemented
14 in designated sites under the Child Protection Act no earlier than
15 July 2014.

16 (2) The Department of Health and Human Services shall
17 convene interested stakeholders and families to develop a model for
18 alternative response to reports of child abuse or neglect under the
19 Child Protection Act. The model shall include:

20 (a) Methodology for determining the location of sites for
21 initial implementation of alternative response;

22 (b) An estimate of the percentage of reports of child
23 abuse or neglect eligible for alternative response;

24 (c) Eligibility criteria for alternative response;

25 (d) The process to determine eligibility for alternative

1 response;

2 (e) The assessment protocol and tools to be used for
3 alternative response;

4 (f) The role of child abuse and neglect investigative
5 teams and child abuse and neglect treatment teams in implementation
6 sites;

7 (g) How, with whom, and what alternative response data
8 will be shared;

9 (h) The criteria and process for transition of families
10 from an alternative response to a traditional investigation;

11 (i) The criteria and process for families who refuse an
12 alternative response;

13 (j) The plan to address the continuum of services needed
14 for families receiving an alternative response;

15 (k) An overview of critical training elements for both
16 staff who implement and stakeholders involved with alternative
17 response implementation;

18 (l) A description of the evaluation component;

19 (m) The relationship of alternative response to Title IV-
20 E waiver applications of the Department of Health and Human Services
21 under the federal Social Security Act;

22 (n) A plan to communicate and update interested
23 stakeholders and families with regard to the alternative response
24 planning process;

25 (o) The identification of statutory and policy changes

1 necessary to implement the alternative response model, including a
2 procedure that provides that reports of child abuse and neglect which
3 receive an alternative response shall not receive a formal
4 determination and the subject of the report shall not be entered into
5 the central register of child protection cases maintained pursuant to
6 section 28-718;

7 (p) A budget for implementing and sustaining an
8 alternative response model;

9 (q) The mechanisms of oversight and accountability in the
10 alternative response model; and

11 (r) A determination of how alternative response service
12 providers will be selected.

13 (3) The Department of Health and Human Services shall
14 provide the model developed under subsection (2) of this section in a
15 report to the Nebraska Children's Commission by November 1, 2013, for
16 the commission's review. The Nebraska Children's Commission shall
17 electronically submit the report and review to the Legislature by
18 December 15, 2013.

19 Sec. 72. Original sections 29-2257, 43-247, 43-251,
20 43-260.01, 43-260.04, 43-260.05, 43-260.07, 43-279.01, 43-281,
21 43-284, 43-284.01, 43-404, 43-406, 43-407, 43-408, 43-410, 43-413,
22 43-414, 43-417, 43-418, 43-419, 43-420, 43-421, 43-422, 43-423,
23 43-1411.01, 43-2402, 43-2404, 43-2404.01, 43-2411, 43-2930, 43-3503,
24 81-1417, 83-4,124, 83-4,125, 83-4,132, and 83-4,134, Reissue Revised
25 Statutes of Nebraska, and sections 28-726, 29-2204, 29-2258, 42-364,

1 43-245, 43-251.01, 43-254, 43-258, 43-272.01, 43-285, 43-286,
2 43-2,108.05, 43-2,129, 43-405, 43-412, 43-415, 43-416, 43-2404.02,
3 43-2412, 43-4203, 43-4314, 43-4318, 43-4320, 43-4321, 43-4324,
4 81-8,245, 83-4,126, 83-4,131, and 83-4,133, Revised Statutes
5 Cumulative Supplement, 2012, are repealed.

6 Sec. 73. Since an emergency exists, this act takes effect
7 when passed and approved according to law.