

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1063

Introduced by Lautenbaugh, 18.

Read first time January 22, 2014

Committee: Judiciary

A BILL

1 FOR AN ACT relating to juvenile courts; to amend section 43-2,108,
2 Reissue Revised Statutes of Nebraska; to require court
3 approval to obtain a juvenile court proceeding
4 transcript; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-2,108, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-2,108 (1) The juvenile court judge shall keep a minute
4 book in which he or she shall enter minutes of all proceedings of the
5 court in each case, including appearances, findings, orders, decrees,
6 and judgments, and any evidence which he or she feels it is necessary
7 and proper to record. Juvenile court legal records shall be deposited
8 in files and shall include the petition, summons, notice,
9 certificates or receipts of mailing, minutes of the court, findings,
10 orders, decrees, judgments, and motions.

11 (2) Except as provided in subsection (3) of this section,
12 the medical, psychological, psychiatric, and social welfare reports
13 and the records of juvenile probation officers as they relate to
14 individual proceedings in the juvenile court shall not be open to
15 inspection, without order of the court. Such records shall be made
16 available to a district court of this state or the District Court of
17 the United States on the order of a judge thereof for the
18 confidential use of such judge or his or her probation officer as to
19 matters pending before such court but shall not be made available to
20 parties or their counsel; and such district court records shall be
21 made available to a county court or separate juvenile court upon
22 request of the county judge or separate juvenile judge for the
23 confidential use of such judge and his or her probation officer as to
24 matters pending before such court, but shall not be made available by
25 such judge to the parties or their counsel.

1 (3) As used in this subsection, confidential record
2 information shall mean all docket records, other than the pleadings,
3 orders, decrees, and judgments; case files and records; reports and
4 records of probation officers; and information supplied to the court
5 of jurisdiction in such cases by any individual or any public or
6 private institution, agency, facility, or clinic, which is compiled
7 by, produced by, and in the possession of any court. In all cases
8 under subdivision (3)(a) of section 43-247, access to all
9 confidential record information in such cases shall be granted only
10 as follows: (a) The court of jurisdiction may, subject to applicable
11 federal and state regulations, disseminate such confidential record
12 information to any individual, or public or private agency,
13 institution, facility, or clinic which is providing services directly
14 to the juvenile and such juvenile's parents or guardian and his or
15 her immediate family who are the subject of such record information;
16 (b) the court of jurisdiction may disseminate such confidential
17 record information, with the consent of persons who are subjects of
18 such information, or by order of such court after showing of good
19 cause, to any law enforcement agency upon such agency's specific
20 request for such agency's exclusive use in the investigation of any
21 protective service case or investigation of allegations under
22 subdivision (3)(a) of section 43-247, regarding the juvenile or such
23 juvenile's immediate family, who are the subject of such
24 investigation; and (c) the court of jurisdiction may disseminate such
25 confidential record information to any court, which has jurisdiction

1 of the juvenile who is the subject of such information upon such
2 court's request.

3 (4) Nothing in subsection (3) of this section shall be
4 construed to restrict the dissemination of confidential record
5 information between any individual or public or private agency,
6 institute, facility, or clinic, except any such confidential record
7 information disseminated by the court of jurisdiction pursuant to
8 this section shall be for the exclusive and private use of those to
9 whom it was released and shall not be disseminated further without
10 order of such court.

11 (5)(a) Any records concerning a juvenile court petition
12 filed pursuant to subdivision (3)(c) of section 43-247 shall remain
13 confidential except as may be provided otherwise by law. Such records
14 shall be accessible to (i) the juvenile except as provided in
15 subdivision (b) of this subsection, (ii) the juvenile's counsel,
16 (iii) the juvenile's parent or guardian, and (iv) persons authorized
17 by an order of a judge or court.

18 (b) Upon application by the county attorney or by the
19 director of the facility where the juvenile is placed and upon a
20 showing of good cause therefor, a judge of the juvenile court having
21 jurisdiction over the juvenile or of the county where the facility is
22 located may order that the records shall not be made available to the
23 juvenile if, in the judgment of the court, the availability of such
24 records to the juvenile will adversely affect the juvenile's mental
25 state and the treatment thereof.

1 (6) To obtain a transcript of a juvenile court
2 proceeding:

3 (a) The requestor shall file a written motion with the
4 juvenile court judge of the case, requesting the transcript of the
5 specific hearing;

6 (b) A copy of the request as well as notice of hearing
7 shall be given to all parties by the requestor;

8 (c) The court shall conduct a hearing on the propriety of
9 the request;

10 (d) A valid purpose must be shown by the part of the
11 requester for the request; and

12 (e) The court shall determine whether or not the
13 requester may obtain the transcript after taking into account the
14 reasons for the request and any objections to the request and shall
15 enter an order accordingly.

16 Sec. 2. Original section 43-2,108, Reissue Revised
17 Statutes of Nebraska, is repealed.