

AMENDMENTS TO LB13

Introduced by Judiciary.

1 1. Strike original section 1 and insert the following new section:

2 Section 1. Section 43-2404.02, Revised Statutes Cumulative  
3 Supplement, 2014, is amended to read:

4 43-2404.02 (1) There is created a separate and distinct budgetary  
5 program within the commission to be known as the Community-based Juvenile  
6 Services Aid Program. Funding acquired from participation in the federal  
7 act, state General Funds, and funding acquired from other sources which  
8 may be used for purposes consistent with the Juvenile Services Act and  
9 the federal act shall be used to aid in the establishment and provision  
10 of community-based services for juveniles who come in contact with the  
11 juvenile justice system.

12 (2)(a) Ten percent of the annual General Fund appropriation to the  
13 Community-based Juvenile Services Aid Program, excluding administrative  
14 budget funds, shall be set aside for the development of a common data set  
15 and evaluation of the effectiveness of the Community-based Juvenile  
16 Services Aid Program. The intent in creating this common data set is to  
17 allow for evaluation of the use of the funds and the effectiveness of the  
18 programs or outcomes in the Community-based Juvenile Services Aid  
19 Program.

20 (b) The common data set shall be developed and maintained by the  
21 commission and shall serve as a primary data collection site for any  
22 intervention funded with Community-based Juvenile Services Aid designed  
23 to serve juveniles and deter involvement in the formal juvenile justice  
24 system. The commission shall work with agencies and programs to enhance  
25 existing data sets. To ensure that the data set permits evaluation of  
26 recidivism and other measures, the commission shall work with the Office  
27 of Probation Administration, juvenile diversion programs, law

1 enforcement, the courts, and others to compile data that demonstrates  
2 whether a youth has moved deeper into the juvenile justice system. The  
3 University of Nebraska at Omaha, Juvenile Justice Institute, shall assist  
4 with the development of common definitions, variables, and training  
5 required for data collection and reporting into the common data set by  
6 juvenile justice programs. The common data set maintained by the  
7 commission shall be provided to the University of Nebraska at Omaha,  
8 Juvenile Justice Institute, to assess the effectiveness of the Community-  
9 based Juvenile Services Aid Program.

10 (c) Providing the commission access to records and information for,  
11 as well as the commission granting access to records and information  
12 from, the common data set is not a violation of confidentiality  
13 provisions under any law, rule, or regulation if done in good faith for  
14 purposes of evaluation. Records and documents, regardless of physical  
15 form, that are obtained or produced or presented to the commission for  
16 the common data set are not public records.

17 (d) The ten percent of the annual General Fund appropriation to the  
18 Community-based Juvenile Services Aid Program, excluding administrative  
19 budget funds, shall be appropriated as follows: In the year 2016, seven  
20 percent shall go to the commission for development of the common data set  
21 and three percent shall go to the University of Nebraska at Omaha,  
22 Juvenile Justice Institute, for evaluation. In the year 2017, six percent  
23 shall go to the commission for development and maintenance of the common  
24 data set and four percent shall go to the University of Nebraska at  
25 Omaha, Juvenile Justice Institute, for evaluation. Every year thereafter,  
26 beginning in the year 2018, five percent shall go to the commission for  
27 development and maintenance of the common data set and five percent shall  
28 go to the University of Nebraska at Omaha, Juvenile Justice Institute,  
29 for evaluation.

30 (e 2) The remaining funds in the annual General Fund appropriation  
31 to the Community-based Juvenile Services Aid Program shall be apportioned

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

12 (3)(a) In distributing funds provided under the Community-based  
13 Juvenile Services Aid Program, aid recipients shall prioritize programs  
14 and services that will divert juveniles from the juvenile justice system,  
15 reduce the population of juveniles in juvenile detention and secure  
16 confinement, and assist in transitioning juveniles from out-of-home  
17 placements.

18 (b) Funds received under the Community-based Juvenile Services Aid  
19 Program shall be used exclusively to assist the aid recipient in the  
20 implementation and operation of programs or the provision of services  
21 identified in the aid recipient's comprehensive juvenile services plan,  
22 including programs for local planning and service coordination;  
23 screening, assessment, and evaluation; diversion; alternatives to  
24 detention; family support services; treatment services; truancy  
25 prevention and intervention programs; pilot projects approved by the  
26 commission; payment of transportation costs to and from placements,  
27 evaluations, or services; personnel when the personnel are aligned with  
28 evidence-based treatment principles, programs, or practices; contracting  
29 with other state agencies or private organizations that provide evidence-  
30 based treatment or programs; preexisting programs that are aligned with  
31 evidence-based practices or best practices; and other services that will

1 positively impact juveniles and families in the juvenile justice system.

2 (c) Funds received under the Community-based Juvenile Services Aid  
3 Program shall not be used for the following: Construction of secure  
4 detention facilities, secure youth treatment facilities, or secure youth  
5 confinement facilities; capital construction or the lease or acquisition  
6 of facilities; programs, services, treatments, evaluations, or other  
7 preadjudication services that are not based on or grounded in evidence-  
8 based practices, principles, and research, except that the commission may  
9 approve pilot projects that authorize the use of such aid; or office  
10 equipment, office supplies, or office space.

11 (d) Any aid not distributed to counties under this subsection shall  
12 be retained by the commission to be distributed on a competitive basis  
13 under the Community-based Juvenile Services Aid Program for a county,  
14 multiple counties, federally recognized or state-recognized Indian tribe  
15 or tribes, or any combination of the three demonstrating additional need  
16 in the funding areas identified in this subsection.

17 (e) If a county, multiple counties, or a federally recognized or  
18 state-recognized Indian tribe or tribes is denied aid under this section  
19 or receives no aid under this section, the entity may request an appeal  
20 pursuant to the appeal process in rules and regulations adopted and  
21 promulgated by the commission. The commission shall establish appeal and  
22 hearing procedures by December 15, 2014. The commission shall make appeal  
23 and hearing procedures available on its web site.

24 (4)(a) Any recipient of aid under the Community-based Juvenile  
25 Services Aid Program shall electronically file an annual report as  
26 required by rules and regulations adopted and promulgated by the  
27 commission. Any program funded through Community-based Juvenile Services  
28 Aid that served juveniles shall report data on the individual youth  
29 served. Any program that is not directly serving youth shall include  
30 program-level data. In either case, data collected shall include, but not  
31 be limited to, the following: The ~~The~~ report shall include, but not be

1 ~~limited to, the type of juvenile service, how the service met the goals~~  
2 ~~of the comprehensive juvenile services plan, demographic information on~~  
3 ~~the total number of juveniles served, program outcomes success rates, the~~  
4 ~~total number of juveniles served, and the number of juveniles who~~  
5 ~~completed the program or intervention sent to secure juvenile detention~~  
6 ~~or residential treatment and secure confinement, and a listing of the~~  
7 ~~expenditures for detention, residential treatment, and nonresidential~~  
8 ~~treatment.~~

9 (b) Any recipient of aid under the Community-based Juvenile Services  
10 Aid Program shall be assisted by the University of Nebraska at Omaha,  
11 Juvenile Justice Institute, in reporting in the common data set, as set  
12 forth in the rules and regulations adopted and promulgated by the  
13 commission. Community-based aid utilization and evaluation data shall be  
14 stored and maintained by the commission.

15 (c) Evaluation of the use of funds and the evidence of the  
16 effectiveness of the programs shall be completed by the University of  
17 Nebraska at Omaha, Juvenile Justice Institute, specifically:

18 (i) The varying rates of recidivism, as defined by rules and  
19 regulations adopted and promulgated by the commission, and other measures  
20 for juveniles participating in community-based programs; and

21 (ii) Whether juveniles are sent to staff secure or secure juvenile  
22 detention after participating in a program funded by the Community-based  
23 Juvenile Services Aid Program.

24 (5) The commission shall report annually to the Governor and the  
25 Legislature on the distribution and use of funds for aid appropriated  
26 under the Community-based Juvenile Services Aid Program. The report shall  
27 include, but not be limited to, an aggregate report of the use of the  
28 Community-based Juvenile Services Aid Program funds, including the types  
29 of juvenile services and programs that were funded, demographic  
30 information on the total number of juveniles served, program success  
31 rates, the total number of juveniles sent to secure juvenile detention or

1 residential treatment and secure confinement, and a listing of the  
2 expenditures of all counties and federally recognized or state-recognized  
3 Indian tribes for detention, residential treatment, and secure  
4 confinement. The report submitted to the Legislature shall be submitted  
5 electronically.

6 (6) The commission shall adopt and promulgate rules and regulations  
7 for the Community-based Juvenile Services Aid Program in consultation  
8 with the Director of the Community-based Juvenile Services Aid Program,  
9 the Director of Juvenile Diversion Programs, the Office of Probation  
10 Administration, the Nebraska Association of County Officials, and the  
11 University of Nebraska at Omaha, Juvenile Justice Institute. The rules  
12 and regulations shall include, but not be limited to:

13 (a) The required elements of a comprehensive juvenile services plan  
14 and planning process;

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

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

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

22 (e) A reporting process for aid recipients;~~and~~

23 (f) A reporting process for the commission to the Governor and  
24 Legislature. The report shall be made electronically to the Governor and  
25 the Legislature; and -

26 (g) Requirements regarding the use of the common data set.