LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 13

Introduced by Krist, 10.
Read first time January 08, 2015
Committee: Judiciary

A BILL FOR AN ACT relating to the Juvenile Services Act; to amend section 43-2404.02, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the Community-based Juvenile Services Aid Program; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 43-2404.02, Revised Statutes Cumulative
Supplement, 2014, is amended to read:

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

(2) Ten percent of the annual General Fund appropriation to the
Community-based Juvenile Services Aid Program shall be set aside for the
development of a common data system at the University of Nebraska at
Omaha, Juvenile Justice Institute, to assess the effectiveness of the
Community-based Juvenile Services Aid Program. The common data system
shall serve as a primary collection site for any intervention funded with
community-based juvenile services aid designed to serve juveniles and
deter involvement in the formal system. The remaining ninety percent of
the annual General Fund appropriation to the Community-based Juvenile
Services Aid Program shall be apportioned as aid in accordance with a
formula established in rules and regulations adopted and promulgated by
the commission. The formula shall be based on the total number of
residents per county and federally recognized or state-recognized Indian
tribe who are twelve years of age through eighteen years of age and other
relevant factors as determined by the commission. The commission may
require a local match of up to forty percent from the county, multiple
counties, federally recognized or state-recognized Indian tribe or
tribes, or any combination of the three which is receiving aid under such
program. Any local expenditures for community-based programs for
juveniles may be applied toward such match requirement.

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

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

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

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

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

(4)(a) Any recipient of aid under the Community-based Juvenile Services Aid Program shall file a biannual report as required by rules and regulations adopted and promulgated by the commission. The report shall include, but not be limited to, individual-level and program-level data. Specifically, the recipients shall report the type of juvenile service, how the service met the goals of the comprehensive juvenile services plan, demographic information on the total number of juveniles served, program success rates, the total number of juveniles served, the number of juveniles who completed the program or intervention, and the number of juveniles who did not complete the program or intervention. sent to secure juvenile detention or residential treatment and secure confinement, and

(b) Any recipient of aid shall be assisted in reporting through the development of the common data reporting system. The system shall further enable the University of Nebraska at Omaha, Juvenile Justice Institute to measure outcomes for youth who participated in the program or intervention. On January 30 and July 30 of each year, every program, county, or federally recognized or state-recognized Indian tribe or tribes receiving aid shall report electronically to the Director of the University of Nebraska at Omaha, Juvenile Justice Institute. The report
shall include information pertaining to the program required by rules and regulations adopted and promulgated by the commission. Aid recipients that complete the reports on individual youth participation in funded programs may request to use aid for computers to facilitate electronic reporting.

(c) Community-based aid utilization and evaluation data shall be stored and maintained by the commission.

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

(i) Whether juveniles enrolled in community-based programs have reduced recidivism as defined by rules and regulations; and

(ii) Whether juveniles are sent to staff secure, secure juvenile detention, or residential treatment and secure confinement after participating in a community-based aid program.

(e) The University of Nebraska at Omaha, Juvenile Justice Institute shall work jointly with the commission to compile a listing of the expenditures for detention, residential treatment, and nonresidential treatment.

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

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

(a) The required elements of a comprehensive juvenile services plan and planning process;
(b) The Community-based Juvenile Services Aid Program formula, review process, match requirements, and fund distribution. The distribution process shall ensure a conflict of interest policy;
(c) A distribution process for funds retained under subsection (3) of this section;
(d) A plan for evaluating the effectiveness of plans and programs receiving funding;
(e) A reporting process for aid recipients; and
(f) A reporting process for the commission to the Governor and Legislature. The report shall be made electronically to the Governor and the Legislature; and –
(g) Requirements regarding the use of the common data system to assess the effectiveness of the Community-based Juvenile Services Aid Program, including tracking youth across multiple systems such as diversion, probation, and detention.

Sec. 2. Original section 43-2404.02, Revised Statutes Cumulative Supplement, 2014, is repealed.