

AMENDMENTS TO LB670

Introduced by Judiciary.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 43-246.02, Revised Statutes Supplement, 2017, is
4 amended to read:

5 43-246.02 (1) A juvenile court may terminate its jurisdiction under
6 subdivision (3)(a) of section 43-247 by transferring jurisdiction over
7 the juvenile's custody, physical care, and visitation to the district
8 court through a bridge order, if all of the following criteria are met:

9 (a) The juvenile has been adjudicated under subdivision (3)(a) of
10 section 43-247 in an active juvenile court case and a dispositional order
11 in that case is in place;

12 (b) Paternity of the juvenile has been legally established,
13 including by operation of law due to an individual's marriage to the
14 mother at the time of conception, birth, or at any time during the period
15 between conception and birth of the child; by operation of law pursuant
16 to section 43-1409; by order of a court of competent jurisdiction; or by
17 administrative order when authorized by law;

18 (c) The juvenile has been safely placed by the juvenile court with a
19 legal parent; and

20 (d) The juvenile court has determined that its jurisdiction under
21 subdivision (3)(a) of section 43-247 should properly end once orders for
22 custody, physical care, and visitation are entered by the district court.

23 (2) When the criteria in subsection (1) of this section are met, a
24 legal parent or guardian ad litem to a juvenile adjudicated under
25 subdivision (3)(a) of section 43-247 in juvenile court may file a motion
26 with the juvenile court for a bridge order under subsection (3) of this
27 section. The parent is not required to intervene in the action. The

1 motion shall be set for evidentiary hearing by the juvenile court no less
2 than thirty days or more than ninety days from the date of the filing of
3 the motion. The juvenile court, on its own motion, may also set an
4 evidentiary hearing on the issue of a bridge order if such hearing is set
5 no less than thirty days from the date of notice to the parties. The
6 court may waive the evidentiary hearing if all issues raised in the
7 motion for a bridge order are resolved by agreement of all parties and
8 entry of a stipulated order.

9 (3) A motion for a bridge order shall:

10 (a) Allege that the juvenile court action filed under subdivision
11 (3)(a) of section 43-247 may safely be closed once orders for custody,
12 physical care, and visitation have been entered by the district court;

13 (b) State the relief sought by the petitioning legal parent or
14 guardian ad litem;

15 (c) Disclose any other action or proceedings affecting custody of
16 the juvenile, including proceedings related to domestic violence,
17 protection orders, terminations of parental rights, and adoptions,
18 including the docket number, court, county, and state of any such
19 proceeding;

20 (d) State the names and addresses of any persons other than the
21 legal parents who have a court order for physical custody or claim to
22 have custody or visitation rights with the juvenile; and

23 (e) Name as a respondent any other person who has any relation to
24 the controversy.

25 (4) A juvenile court shall designate the petitioner and respondent
26 for purposes of a bridge order. A bridge order shall only address matters
27 of legal and physical custody and parenting time. All other matters,
28 including child support, shall be resolved by filing a separate petition
29 or motion or by action of the child support enforcement office and shall
30 be subject to existing applicable statutory provisions. No mediation or
31 specialized alternative dispute resolution under section 42-364 shall be

1 required in either district court or juvenile court where the juvenile
2 has entered a bridge order. The Parenting Act shall not apply to the
3 entry of the bridge order in juvenile or district court.

4 (5) When necessary and feasible, the juvenile court shall obtain
5 child custody determinations from foreign jurisdictions pursuant to the
6 Uniform Child Custody Jurisdiction and Enforcement Act.

7 (6) ~~(5)~~ Upon transferring jurisdiction from a juvenile court to a
8 district court, the clerk of the district court shall docket the case
9 under either a new docket or any previous docket establishing custody or
10 paternity of a child. The transfer of jurisdiction shall not result in
11 new filing fees and other court costs being assessed against the parties.

12 (7) ~~(6)~~ The district court shall give full force and effect to the
13 juvenile court bridge order as to custody and parenting time and shall
14 not modify the juvenile court bridge order without modification
15 proceedings as provided in subsection (9) ~~(8)~~ of this section.

16 (8) ~~(7)~~ A district court shall take judicial notice of the juvenile
17 court pleadings and orders in any hearing held subsequent to transfer.
18 Records contained in the district court case file that were copied or
19 transferred from the juvenile court file concerning the case shall be
20 subject to section 43-2,108 and other confidentiality provisions of the
21 Nebraska Juvenile Code, and such records shall only be disclosed, upon
22 request, to the child support enforcement office without a court order.

23 (9) ~~(8)~~ Following the issuance of a bridge order, a party may file a
24 petition in district court for modification of the bridge order as to
25 legal and physical custody or parenting time. If the petition for
26 modification is filed within one year after the filing date of the bridge
27 order, the party requesting modification shall not be required to
28 demonstrate a substantial change of circumstance but instead shall
29 demonstrate that such modification is in the best interests of the child.
30 If a petition for modification is filed within one year after the filing
31 date of the bridge order, filing fees and other court costs shall not be

1 assessed against the parties.

2 ~~(10)~~ (9) Nothing in this section shall be construed to require
3 appointment of counsel for the parties in the district court action.

4 (11) Nothing in this section shall be construed to interfere with
5 the jurisdictional provisions of section 25-2740.

6 Sec. 2. Section 43-248, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 43-248 A peace officer may take a juvenile into temporary custody
9 without a warrant or order of the court and proceed as provided in
10 section 43-250 when:

11 ~~(1) A (1)(a) Until July 1, 2017, a juvenile has violated a state law~~
12 ~~or municipal ordinance and the officer has reasonable grounds to believe~~
13 ~~such juvenile committed such violation or (b) beginning July 1, 2017, a~~
14 juvenile has violated a state law or municipal ordinance and such
15 juvenile was eleven years of age or older at the time of the violation,
16 and the officer has reasonable grounds to believe such juvenile committed
17 such violation and was eleven years of age or older at the time of the
18 violation;

19 (2) A juvenile is seriously endangered in his or her surroundings
20 and immediate removal appears to be necessary for the juvenile's
21 protection;

22 (3) The officer believes the juvenile to be mentally ill and
23 dangerous as defined in section 71-908 and that the harm described in
24 that section is likely to occur before proceedings may be instituted
25 before the juvenile court;

26 (4) The officer has reasonable grounds to believe that the juvenile
27 has run away from his or her parent, guardian, or custodian;

28 (5) A probation officer has reasonable cause to believe that a
29 juvenile is in violation of probation and that the juvenile will attempt
30 to leave the jurisdiction or place lives or property in danger;

31 (6) The officer has reasonable grounds to believe the juvenile is

1 truant from school;

2 (7) The officer has reasonable grounds to believe the juvenile is
3 immune from prosecution for prostitution under subsection (5) of section
4 28-801; or

5 (8) ~~A Beginning July 1, 2017,~~ the juvenile has committed an act or
6 engaged in behavior described in subdivision (1), (2), (3)(b), or (4) of
7 section 43-247 and such juvenile was under eleven years of age at the
8 time of such act or behavior, and the officer has reasonable cause to
9 believe such juvenile committed such act or engaged in such behavior and
10 was under eleven years of age at such time.

11 Sec. 3. Section 43-250, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 43-250 (1) A peace officer who takes a juvenile into temporary
14 custody under section 29-401 or subdivision (1), (4), ~~or~~ (5), or (8) of
15 section 43-248 shall immediately take reasonable measures to notify the
16 juvenile's parent, guardian, custodian, or relative and shall proceed as
17 follows:

18 (a) The peace officer may release a juvenile taken into temporary
19 custody under section 29-401 or subdivision (1), ~~or~~ (4), or (8) of
20 section 43-248;

21 (b) The peace officer may require a juvenile taken into temporary
22 custody under section 29-401 or subdivision (1) or (4) of section 43-248
23 to appear before the court of the county in which such juvenile was taken
24 into custody at a time and place specified in the written notice prepared
25 in triplicate by the peace officer or at the call of the court. The
26 notice shall also contain a concise statement of the reasons such
27 juvenile was taken into custody. The peace officer shall deliver one copy
28 of the notice to such juvenile and require such juvenile or his or her
29 parent, guardian, other custodian, or relative, or both, to sign a
30 written promise that such signer will appear at the time and place
31 designated in the notice. Upon the execution of the promise to appear,

1 the peace officer shall immediately release such juvenile. The peace
2 officer shall, as soon as practicable, file one copy of the notice with
3 the county attorney or city attorney and, when required by the court,
4 also file a copy of the notice with the court or the officer appointed by
5 the court for such purpose; or

6 (c) The peace officer may retain temporary custody of a juvenile
7 taken into temporary custody under section 29-401 or subdivision (1),
8 (4), or (5) of section 43-248 and deliver the juvenile, if necessary, to
9 the probation officer and communicate all relevant available information
10 regarding such juvenile to the probation officer. The probation officer
11 shall determine the need for detention of the juvenile as provided in
12 section 43-260.01. Upon determining that the juvenile should be placed in
13 detention or an alternative to detention and securing placement in such
14 setting by the probation officer, the peace officer shall implement the
15 probation officer's decision to release or to detain and place the
16 juvenile. When secure detention of a juvenile is necessary, such
17 detention shall occur within a juvenile detention facility except:

18 (i) When a juvenile described in subdivision (1) or (2) of section
19 43-247, except for a status offender, is taken into temporary custody
20 within a metropolitan statistical area and where no juvenile detention
21 facility is reasonably available, the juvenile may be delivered, for
22 temporary custody not to exceed six hours, to a secure area of a jail or
23 other facility intended or used for the detention of adults solely for
24 the purposes of identifying the juvenile and ascertaining his or her
25 health and well-being and for safekeeping while awaiting transport to an
26 appropriate juvenile placement or release to a responsible party;

27 (ii) When a juvenile described in subdivision (1) or (2) of section
28 43-247, except for a status offender, is taken into temporary custody
29 outside of a metropolitan statistical area and where no juvenile
30 detention facility is reasonably available, the juvenile may be
31 delivered, for temporary custody not to exceed twenty-four hours

1 excluding nonjudicial days and while awaiting an initial court
2 appearance, to a secure area of a jail or other facility intended or used
3 for the detention of adults solely for the purposes of identifying the
4 juvenile and ascertaining his or her health and well-being and for
5 safekeeping while awaiting transport to an appropriate juvenile placement
6 or release to a responsible party;

7 (iii) Whenever a juvenile is held in a secure area of any jail or
8 other facility intended or used for the detention of adults, there shall
9 be no verbal, visual, or physical contact between the juvenile and any
10 incarcerated adult and there shall be adequate staff to supervise and
11 monitor the juvenile's activities at all times. This subdivision shall
12 not apply to a juvenile charged with a felony as an adult in county or
13 district court if he or she is sixteen years of age or older;

14 (iv) If a juvenile is under sixteen years of age or is a juvenile as
15 described in subdivision (3) of section 43-247, he or she shall not be
16 placed within a secure area of a jail or other facility intended or used
17 for the detention of adults;

18 (v) If, within the time limits specified in subdivision (1)(c)(i) or
19 (1)(c)(ii) of this section, a felony charge is filed against the juvenile
20 as an adult in county or district court, he or she may be securely held
21 in a jail or other facility intended or used for the detention of adults
22 beyond the specified time limits;

23 (vi) A status offender or nonoffender taken into temporary custody
24 shall not be held in a secure area of a jail or other facility intended
25 or used for the detention of adults. Until January 1, 2013, a status
26 offender accused of violating a valid court order may be securely
27 detained in a juvenile detention facility longer than twenty-four hours
28 if he or she is afforded a detention hearing before a court within
29 twenty-four hours, excluding nonjudicial days, and if, prior to a
30 dispositional commitment to secure placement, a public agency, other than
31 a court or law enforcement agency, is afforded an opportunity to review

1 the juvenile's behavior and possible alternatives to secure placement and
2 has submitted a written report to the court; and

3 (vii) A juvenile described in subdivision (1) or (2) of section
4 43-247, except for a status offender, may be held in a secure area of a
5 jail or other facility intended or used for the detention of adults for
6 up to six hours before and six hours after any court appearance.

7 (2) When a juvenile is taken into temporary custody pursuant to
8 subdivision (2), (7), or (8) of section 43-248, and not released under
9 subdivision (1)(a) of this section, the peace officer shall deliver the
10 custody of such juvenile to the Department of Health and Human Services
11 which shall make a temporary placement of the juvenile in the least
12 restrictive environment consistent with the best interests of the
13 juvenile as determined by the department. The department shall supervise
14 such placement and, if necessary, consent to any necessary emergency
15 medical, psychological, or psychiatric treatment for such juvenile. The
16 department shall have no other authority with regard to such temporary
17 custody until or unless there is an order by the court placing the
18 juvenile in the custody of the department. If the peace officer delivers
19 temporary custody of the juvenile pursuant to this subsection, the peace
20 officer shall make a full written report to the county attorney within
21 twenty-four hours of taking such juvenile into temporary custody. If a
22 court order of temporary custody is not issued within forty-eight hours
23 of taking the juvenile into custody, the temporary custody by the
24 department shall terminate and the juvenile shall be returned to the
25 custody of his or her parent, guardian, custodian, or relative.

26 (3) If the peace officer takes the juvenile into temporary custody
27 pursuant to subdivision (3) of section 43-248, the peace officer may
28 place the juvenile at a mental health facility for evaluation and
29 emergency treatment or may deliver the juvenile to the Department of
30 Health and Human Services as provided in subsection (2) of this section.
31 At the time of the admission or turning the juvenile over to the

1 department, the peace officer responsible for taking the juvenile into
2 custody pursuant to subdivision (3) of section 43-248 shall execute a
3 written certificate as prescribed by the Department of Health and Human
4 Services which will indicate that the peace officer believes the juvenile
5 to be mentally ill and dangerous, a summary of the subject's behavior
6 supporting such allegations, and that the harm described in section
7 71-908 is likely to occur before proceedings before a juvenile court may
8 be invoked to obtain custody of the juvenile. A copy of the certificate
9 shall be forwarded to the county attorney. The peace officer shall notify
10 the juvenile's parents, guardian, custodian, or relative of the
11 juvenile's placement.

12 (4) When a juvenile is taken into temporary custody pursuant to
13 subdivision (6) of section 43-248, the peace officer shall deliver the
14 juvenile to the enrolled school of such juvenile.

15 (5) A juvenile taken into custody pursuant to a legal warrant of
16 arrest shall be delivered to a probation officer who shall determine the
17 need for detention of the juvenile as provided in section 43-260.01. If
18 detention is not required, the juvenile may be released without bond if
19 such release is in the best interests of the juvenile, the safety of the
20 community is not at risk, and the court that issued the warrant is
21 notified that the juvenile had been taken into custody and was released.

22 (6) In determining the appropriate temporary placement or
23 alternative to detention of a juvenile under this section, the peace
24 officer shall select the placement or alternative which is least
25 restrictive of the juvenile's freedom so long as such placement or
26 alternative is compatible with the best interests of the juvenile and the
27 safety of the community. Any alternative to detention shall cause the
28 least restriction of the juvenile's freedom of movement consistent with
29 the best interest of the juvenile and the safety of the community.

30 Sec. 4. Section 43-251.02, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 43-251.02 A peace officer, upon making contact with a child ~~who has~~
2 ~~not committed a criminal offense but who appears to be a juvenile as~~
3 ~~described in subdivision (3)(b) of section 43-247~~ and who is in need of
4 assistance, may refer the child and child's parent or parents or guardian
5 to a clinically credentialed community-based provider for immediate
6 crisis intervention, de-escalation, and respite care services.

7 Sec. 5. Section 43-286, Revised Statutes Supplement, 2017, is
8 amended to read:

9 43-286 (1) When any juvenile is adjudicated to be a juvenile
10 described in subdivision (1), (2), or (4) of section 43-247:

11 (a)(i) This subdivision applies until October 1, 2013. The court may
12 continue the dispositional portion of the hearing, from time to time upon
13 such terms and conditions as the court may prescribe, including an order
14 of restitution of any property stolen or damaged or an order requiring
15 the juvenile to participate in community service programs, if such order
16 is in the interest of the juvenile's reformation or rehabilitation, and,
17 subject to the further order of the court, may:

18 (A) Place the juvenile on probation subject to the supervision of a
19 probation officer;

20 (B) Permit the juvenile to remain in his or her own home or be
21 placed in a suitable family home, subject to the supervision of the
22 probation officer; or

23 (C) Cause the juvenile to be placed in a suitable family home or
24 institution, subject to the supervision of the probation officer. If the
25 court has committed the juvenile to the care and custody of the
26 Department of Health and Human Services, the department shall pay the
27 costs of the suitable family home or institution which are not otherwise
28 paid by the juvenile's parents.

29 Under subdivision (1)(a)(i) of this section, upon a determination by
30 the court that there are no parental, private, or other public funds
31 available for the care, custody, and maintenance of a juvenile, the court

1 may order a reasonable sum for the care, custody, and maintenance of the
2 juvenile to be paid out of a fund which shall be appropriated annually by
3 the county where the petition is filed until a suitable provision may be
4 made for the juvenile without such payment.

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

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

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

17 (b)(i) This subdivision applies to all juveniles committed to the
18 Office of Juvenile Services prior to July 1, 2013. The court may commit
19 such juvenile to the Office of Juvenile Services, but a juvenile under
20 the age of fourteen years shall not be placed at the Youth Rehabilitation
21 and Treatment Center-Geneva or the Youth Rehabilitation and Treatment
22 Center-Kearney unless he or she has violated the terms of probation or
23 has committed an additional offense and the court finds that the
24 interests of the juvenile and the welfare of the community demand his or
25 her commitment. This minimum age provision shall not apply if the act in
26 question is murder or manslaughter.

27 (ii) This subdivision applies to all juveniles committed to the
28 Office of Juvenile Services for placement at a youth rehabilitation and
29 treatment center on or after July 1, 2013.

30 When it is alleged that the juvenile has exhausted all levels of
31 probation supervision and options for community-based services and

1 section 43-251.01 has been satisfied, a motion for commitment to a youth
2 rehabilitation and treatment center may be filed and proceedings held as
3 follows:

4 (A) The motion shall set forth specific factual allegations that
5 support the motion and a copy of such motion shall be served on all
6 persons required to be served by sections 43-262 to 43-267; and

7 (B) The juvenile shall be entitled to a hearing before the court to
8 determine the validity of the allegations. At such hearing the burden is
9 upon the state by a preponderance of the evidence to show that:

10 (I) All levels of probation supervision have been exhausted;

11 (II) All options for community-based services have been exhausted;
12 and

13 (III) Placement at a youth rehabilitation and treatment center is a
14 matter of immediate and urgent necessity for the protection of the
15 juvenile or the person or property of another or if it appears that such
16 juvenile is likely to flee the jurisdiction of the court.

17 After the hearing, the court may commit such juvenile to the Office
18 of Juvenile Services for placement at a youth rehabilitation and
19 treatment center as a condition of an order of intensive supervised
20 probation. Upon commitment by the court to the Office of Juvenile
21 Services, the court shall immediately notify the Office of Juvenile
22 Services of the commitment. Intensive supervised probation for purposes
23 of this subdivision means that the Office of Juvenile Services shall be
24 responsible for the care and custody of the juvenile until the Office of
25 Juvenile Services discharges the juvenile from commitment to the Office
26 of Juvenile Services. Upon discharge of the juvenile, the court shall
27 hold a review hearing on the conditions of probation and enter any order
28 allowed under subdivision (1)(a) of this section.

29 The Office of Juvenile Services shall notify those required to be
30 served by sections 43-262 to 43-267, all interested parties, and the
31 committing court of the pending discharge of a juvenile from the youth

1 rehabilitation and treatment center sixty days prior to discharge and
2 again in every case not less than thirty days prior to discharge. Upon
3 notice of pending discharge by the Office of Juvenile Services, the court
4 shall set a continued disposition hearing in anticipation of reentry. The
5 Office of Juvenile Services shall work in collaboration with the Office
6 of Probation Administration in developing an individualized reentry plan
7 for the juvenile as provided in section 43-425. The Office of Juvenile
8 Services shall provide a copy of the individualized reentry plan to the
9 juvenile, the juvenile's attorney, and the county attorney or city
10 attorney prior to the continued disposition hearing. At the continued
11 disposition hearing, the court shall review and approve or modify the
12 individualized reentry plan, place the juvenile under probation
13 supervision, and enter any other order allowed by law. No hearing is
14 required if all interested parties stipulate to the individualized
15 reentry plan by signed motion. In such a case, the court shall approve
16 the conditions of probation, approve the individualized reentry plan, and
17 place the juvenile under probation supervision.

18 The Office of Juvenile Services is responsible for transportation of
19 the juvenile to and from the youth rehabilitation and treatment center.
20 The Office of Juvenile Services may contract for such services. A plan
21 for a juvenile's transport to return to the community shall be a part of
22 the individualized reentry plan. The Office of Juvenile Services may
23 approve family to provide such transport when specified in the
24 individualized reentry plan; or

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

28 (2) When any juvenile is found by the court to be a juvenile
29 described in subdivision (3)(b) of section 43-247, the court may enter
30 such order as it is empowered to enter under subdivision (1)(a) of this
31 section or until October 1, 2013, enter an order committing or placing

1 the juvenile to the care and custody of the Department of Health and
2 Human Services.

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

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

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

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

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

1 (ii) The juvenile shall be entitled to a hearing before the court to
2 determine the validity of the allegations. At such hearing the juvenile
3 shall be entitled to those rights relating to counsel provided by section
4 43-272 and those rights relating to detention provided by sections 43-254
5 to 43-256. The juvenile shall also be entitled to speak and present
6 documents, witnesses, or other evidence on his or her own behalf. He or
7 she may confront persons who have given adverse information concerning
8 the alleged violations, may cross-examine such persons, and may show that
9 he or she did not violate the conditions of his or her probation or
10 supervision or an order of the court or, if he or she did, that
11 mitigating circumstances suggest that the violation does not warrant
12 revocation of probation or supervision or a change of disposition. The
13 hearing shall be held within a reasonable time after the juvenile is
14 taken into custody;

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

19 (iv) The juvenile shall not be confined, detained, or otherwise
20 significantly deprived of his or her liberty pursuant to the filing of a
21 motion described in this section unless the requirements of subdivision
22 (5) of section 43-251.01 and section 43-260.01 have been met. In all
23 cases when the requirements of subdivision (5) of section 43-251.01 and
24 section 43-260.01 have been met and the juvenile is confined, detained,
25 or otherwise significantly deprived of his or her liberty as a result of
26 his or her alleged violation of probation, supervision, or a court order,
27 the juvenile shall be given a preliminary hearing. ~~Such preliminary~~
28 ~~hearing shall be held before an impartial person other than his or her~~
29 ~~probation officer or any person directly involved with the case.~~ If, as a
30 result of such preliminary hearing, probable cause is found to exist, the
31 juvenile shall be entitled to a hearing before the court in accordance

1 with this subsection;

2 (v) If the juvenile is found by the court to have violated the terms
3 of his or her probation or supervision or an order of the court, the
4 court may modify the terms and conditions of the probation, supervision,
5 or other court order, extend the period of probation, supervision, or
6 other court order, or enter any order of disposition that could have been
7 made at the time the original order was entered; and

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

11 (6) Costs incurred on behalf of a juvenile under this section shall
12 be paid as provided in section 43-290.01.

13 (7) When any juvenile is adjudicated to be a juvenile described in
14 subdivision (4) of section 43-247, the juvenile court shall within thirty
15 days of adjudication transmit to the Director of Motor Vehicles an
16 abstract of the court record of adjudication.

17 Sec. 6. Section 43-2401, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 43-2401 Sections 43-2401 to 43-2412 ~~43-2413~~ shall be known and may
20 be cited as the Juvenile Services Act.

21 Sec. 7. Section 43-2404.01, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 43-2404.01 (1) To be eligible for participation in either the
24 Commission Grant Program or the Community-based Juvenile Services Aid
25 Program, a comprehensive juvenile services plan shall be developed,
26 adopted, and submitted to the commission in accordance with the federal
27 act and rules and regulations adopted and promulgated by the commission
28 in consultation with the Director of the Community-based Juvenile
29 Services Aid Program, the Director of Juvenile Diversion Programs, the
30 Office of Probation Administration, and the University of Nebraska at
31 Omaha, Juvenile Justice Institute. Such plan may be developed by eligible

1 applicants for the Commission Grant Program and by individual counties,
2 by multiple counties, by federally recognized or state-recognized Indian
3 tribes, or by any combination of the three for the Community-based
4 Juvenile Services Aid Program. Comprehensive juvenile services plans
5 shall:

6 (a) Be developed by a comprehensive community team representing
7 juvenile justice system stakeholders;

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

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

12 (d) Identify clear implementation strategies; and

13 (e) Identify how the impact of the program or service will be
14 measured.

15 (2) Any portion of the comprehensive juvenile services plan dealing
16 with administration, procedures, and programs of the juvenile court shall
17 not be submitted to the commission without the concurrence of the
18 presiding judge or judges of the court or courts having jurisdiction in
19 juvenile cases for the geographic area to be served. Programs or services
20 established by such plans shall conform to the family policy tenets
21 prescribed in sections 43-532 and 43-533 and shall include policies and
22 practices that are research-based or standardized and reliable and are
23 implemented with fidelity and which have been researched and demonstrate
24 positive outcomes.

25 (3) The commission, in consultation with the University of Nebraska
26 at Omaha, Juvenile Justice Institute, shall contract for the development
27 and administration of a statewide system to monitor and evaluate the
28 effectiveness of plans and programs receiving funds from (a) the
29 Commission Grant Program and (b) the Community-based Juvenile Services
30 Aid Program in preventing persons from entering the juvenile justice
31 system and in rehabilitating juvenile offenders.

1 (4) There is established within the commission the position of
2 Director of the Community-based Juvenile Services Aid Program, appointed
3 by the executive director of the commission. The director shall have
4 extensive experience in developing and providing community-based
5 services.

6 (5) The director shall be supervised by the executive director of
7 the commission. The director shall:

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

10 (b) Coordinate the review of the Community-based Juvenile Services
11 Aid Program application as provided in section 43-2404.02 and make
12 recommendations for the distribution of funds provided under the
13 Community-based Juvenile Services Aid Program, giving priority to those
14 grant applications funding programs and services that will divert
15 juveniles from the juvenile justice system, impact and effectively treat
16 juveniles within the juvenile justice system, and reduce the juvenile
17 detention population or assist juveniles in transitioning from out-of-
18 home placements to in-home treatments. The director shall ensure that no
19 funds appropriated or distributed under the Community-based Juvenile
20 Services Aid Program are used for purposes prohibited under subsection
21 (3) of section 43-2404.02;

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

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

29 (e) Assist juvenile justice system stakeholders in developing
30 policies and practices that are research-based or standardized and
31 reliable and are implemented with fidelity and which have been researched

1 and demonstrate positive outcomes;

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

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

10 Sec. 8. Section 43-2411, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 43-2411 (1) The Nebraska Coalition for Juvenile Justice is created.
13 ~~As provided in the federal act, there shall be no less than fifteen nor~~
14 ~~more than thirty-three members of the coalition.~~ Coalition members who
15 are members of the judicial branch of government shall be nonvoting
16 members of the coalition. The coalition members shall be appointed by the
17 Governor and shall include the members required under subsection (2) or
18 (3) of this section. ÷

19 (2) Before June 15, 2018:

20 (a) As provided in the federal act, there shall be no less than
21 fifteen nor more than thirty-three members of the coalition;

22 (b) The coalition shall include:

23 (i) ~~(a)~~ The Administrator of the Office of Juvenile Services;

24 (ii) ~~(b)~~ The chief executive officer of the Department of Health and
25 Human Services or his or her designee;

26 (iii) ~~(c)~~ The Commissioner of Education or his or her designee;

27 (iv) ~~(d)~~ The executive director of the Nebraska Commission on Law
28 Enforcement and Criminal Justice or his or her designee;

29 (v) ~~(e)~~ The executive director ~~Executive Director~~ of the Nebraska
30 Association of County Officials or his or her designee;

31 (vi) ~~(f)~~ The probation administrator of the Office of Probation

- 1 Administration or his or her designee;
- 2 ~~(vii) (g)~~ One county commissioner or supervisor;
- 3 ~~(viii) (h)~~ One person with data analysis experience;
- 4 ~~(ix) (i)~~ One police chief;
- 5 ~~(x) (j)~~ One sheriff;
- 6 ~~(xi) (k)~~ The executive director of the Foster Care Review Office;
- 7 ~~(xii) (l)~~ One separate juvenile court judge;
- 8 ~~(xiii) (m)~~ One county court judge;
- 9 ~~(xiv) (n)~~ One representative of mental health professionals who
- 10 works directly with juveniles;
- 11 ~~(xv) (o)~~ Three representatives, one from each congressional
- 12 district, from community-based, private nonprofit organizations who work
- 13 with juvenile offenders and their families;
- 14 ~~(xvi) (p)~~ One volunteer who works with juvenile offenders or
- 15 potential juvenile offenders;
- 16 ~~(xvii) (q)~~ One person who works with an alternative to a detention
- 17 program for juveniles;
- 18 ~~(xviii) (r)~~ The director or his or her designee from a youth
- 19 rehabilitation and treatment center;
- 20 ~~(xix) (s)~~ The director or his or her designee from a secure juvenile
- 21 detention facility;
- 22 ~~(xx) (t)~~ The director or his or her designee from a staff secure
- 23 youth confinement facility;
- 24 ~~(xxi) (u)~~ At least five members who are under twenty-four years of
- 25 age when appointed;
- 26 ~~(xxii) (v)~~ One person who works directly with juveniles who have
- 27 learning or emotional difficulties or are abused or neglected;
- 28 ~~(xxiii) (w)~~ One member of the Nebraska Commission on Law Enforcement
- 29 and Criminal Justice;
- 30 ~~(xxiv) (x)~~ One member of a regional behavioral health authority
- 31 established under section 71-808;

1 ~~(xxv) (y)~~ One county attorney; and

2 ~~(xxvi) (z)~~ One public defender; -

3 (c) A majority of the coalition members, including the chairperson,
4 shall not be full-time employees of federal, state, or local government.
5 At least one-fifth of the coalition members shall be under the age of
6 twenty-four years at the time of appointment; and

7 (d) Except as provided in subsection (4) of this section, the (2)
8 The terms of members appointed pursuant to subdivisions (2)(b)(vii) (1)
9 (g) through (2)(b)(xxvi) (1)(z) of this section shall be three years,
10 except that the terms of the initial appointments of members of the
11 coalition shall be staggered so that one-third of the members are
12 appointed for terms of one year, one-third for terms of two years, and
13 one-third for terms of three years, as determined by the Governor.—A
14 majority of the coalition members, including the chairperson, shall not
15 be full-time employees of federal, state, or local government. At least
16 one-fifth of the coalition members shall be under the age of twenty-four
17 at the time of appointment.

18 (3) On and after June 15, 2018, the coalition shall include:

19 (a) The chief executive officer of the Department of Health and
20 Human Services or his or her designee;

21 (b) The Commissioner of Education or his or her designee;

22 (c) The executive director of the Nebraska Commission on Law
23 Enforcement and Criminal Justice or his or her designee;

24 (d) The executive director of the Nebraska Association of County
25 Officials or his or her designee;

26 (e) The probation administrator of the Office of Probation
27 Administration or his or her designee;

28 (f) One county commissioner or supervisor;

29 (g) One representative from law enforcement;

30 (h) The executive director of the Foster Care Review Office;

31 (i) One separate juvenile court judge;

1 (j) One county court judge;

2 (k) Three representatives, one from each congressional district,
3 from community-based, private nonprofit organizations who work with
4 juvenile offenders and their families;

5 (l) The director or his or her designee from a secure juvenile
6 detention facility or a staff secure youth confinement facility;

7 (m) At least one member who is under twenty-four years of age when
8 appointed, with juvenile justice experience preferred;

9 (n) One at-large member;

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

12 (p) One county attorney; and

13 (q) One juvenile public defender or defense attorney.

14 (4)(a) Except as provided in subdivisions (c) through (e) of this
15 subsection, members of the coalition serving prior to June 15, 2018,
16 shall continue to serve on the coalition as representatives of the entity
17 they were appointed to represent until their current terms of office
18 expire and their successors are appointed and confirmed.

19 (b) The terms of the members appointed pursuant to subdivisions (3)
20 (f) through (3)(q) of this section shall be three years.

21 (c) The positions created pursuant to subdivisions (2)(b)(i),
22 (viii), (x), (xiv), (xvi), (xvii), (xviii), (xx), (xxii), and (xxiii) of
23 this section shall cease to exist on June 15, 2018.

24 (d) The police chief appointed pursuant to subdivision (2)(b)(ix) of
25 this section shall continue to serve until the representative from law
26 enforcement under subdivision (3)(g) of this section is appointed.

27 (e) The director or his or her designee from a secure juvenile
28 detention facility appointed pursuant to subdivision (2)(b)(xix) of this
29 section shall continue to serve until the member under subdivision (3)(l)
30 of this section is appointed.

31 (5) Any vacancy on the coalition shall be filled by appointment by

1 the Governor. The coalition shall select a chairperson, a vice-
2 chairperson, and such other officers as it deems necessary.

3 ~~(6) (3)~~ Members of the coalition shall be reimbursed for their
4 actual and necessary expenses pursuant to sections 81-1174 to 81-1177.

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

9 Sec. 9. Section 43-2412, Reissue Revised Statutes of Nebraska, is
10 amended to read:

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

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

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

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

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

26 ~~(c) (e)~~ Ensure widespread citizen involvement in all phases of its
27 work; and

28 ~~(d) (f)~~ Meet at least two ~~four~~ times each year.

29 (2) Consistent with the purposes and objectives of the acts and
30 within the limits of available time and appropriations, the coalition
31 may:

1 (a) Assist and advise state and local agencies in the establishment
2 of volunteer training programs and the utilization of volunteers;

3 (b) Apply for and receive funds from federal and private sources for
4 carrying out its powers and duties; ~~and~~

5 (c) Provide technical assistance to eligible applicants; ~~and~~

6 (d) Identify juvenile justice issues, share information, and monitor
7 and evaluate programs in the juvenile justice system; and

8 (e) Recommend guidelines and supervision procedures to be used to
9 develop or expand local diversion programs for juveniles from the
10 juvenile justice system.

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

15 Sec. 10. Section 71-1940, Revised Statutes Cumulative Supplement,
16 2016, is amended to read:

17 71-1940 The department may deny, refuse to renew, or take
18 disciplinary action against a license issued under the Children's
19 Residential Facilities and Placing Licensure Act on any of the following
20 grounds:

21 (1) Failure to meet or violation of any of the requirements of the
22 act or the rules and regulations adopted and promulgated under the act;

23 (2) Violation of an order of the department under the act;

24 (3) Conviction, admission, or substantial evidence of committing or
25 permitting, aiding, or abetting another to commit any unlawful act,
26 including, but not limited to, unlawful acts committed by an applicant or
27 licensee under the act, household members who reside at the place where
28 children's residential care or child-placing services are provided, or
29 employees of the applicant or licensee that involve:

30 (a) Physical abuse of children or vulnerable adults as defined in
31 section 28-371;

- 1 (b) Endangerment or neglect of children or vulnerable adults;
- 2 (c) Sexual abuse, sexual assault, or sexual misconduct;
- 3 (d) Homicide;
- 4 (e) Use, possession, manufacturing, or distribution of a controlled
5 substance listed in section 28-405;
- 6 (f) Property crimes, including, but not limited to, fraud,
7 embezzlement, and theft by deception; or
- 8 (g) Use of a weapon in the commission of an unlawful act;
- 9 (4) Conduct or practices detrimental to the health, safety, or
10 welfare of any individual residing in, served by, or employed at the
11 residential child-caring agency or child-placing agency;
- 12 (5) Failure to allow an agent or employee of the department access
13 to the residential child-caring agency or child-placing agency for the
14 purposes of inspection, investigation, or other information collection
15 activities necessary to carry out the duties of the department;
- 16 (6) Failure to allow local or state inspectors, investigators, or
17 law enforcement officers access to the residential child-caring agency or
18 child-placing agency for the purposes of investigation necessary to carry
19 out their duties;
- 20 (7) Failure to meet requirements relating to sanitation, fire
21 safety, and building codes;
- 22 (8) Failure to comply with or violation of the Medication Aide Act;
- 23 (9) Failure to file a report of suspected abuse or neglect as
24 required by sections 28-372 and 28-711;
- 25 (10) Violation of any city, village, or county rules, regulations,
26 resolutions, or ordinances regulating licensees;
- 27 (11) A history of misconduct or violations by an applicant or
28 licensee involving children or vulnerable adults; ~~or~~
- 29 (12) Violation of the requirements of section 83-4,134.01; or
- 30 (13) ~~(12)~~ Violation of any federal, state, or local law involving
31 care of children.

1 Sec. 11. Section 83-4,125, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 83-4,125 For purposes of sections 83-4,124 to 83-4,134.01:

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

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

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

17 (c) Type III Facilities means criminal detention facilities used for
18 the detention of persons beyond ninety-six hours;

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

27 (3) Juvenile facility means a residential child-caring agency as
28 defined in section 71-1926, a juvenile detention facility or staff secure
29 juvenile facility as defined in this section, a facility operated by the
30 Department of Correctional Services that houses youth under the age of
31 majority, or a youth rehabilitation and treatment center;

1 (4) Room confinement means the involuntary restriction of a juvenile
2 placed alone in to a cell, alone in a room, or alone in another other
3 area, alone, including a juvenile's own room, except during normal
4 sleeping hours, whether or not such cell, room, or other area is subject
5 to video or other electronic monitoring; and

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

17 Sec. 12. Section 83-4,134.01, Revised Statutes Cumulative
18 Supplement, 2016, is amended to read:

19 83-4,134.01 (1) It is the intent of the Legislature to establish a
20 system of investigation and performance review in order to provide
21 increased accountability and oversight regarding the use of room
22 confinement for juveniles in a juvenile facility.

23 (2) The following shall apply regarding placement in room
24 confinement of a juvenile in a juvenile facility:

25 (a) Room confinement of a juvenile for longer than one hour shall be
26 documented and approved in writing by a supervisor in the juvenile
27 facility. Documentation of the room confinement shall include the date of
28 the occurrence; the race, ethnicity, age, and gender of the juvenile; the
29 reason for placement of the juvenile in room confinement; an explanation
30 of why less restrictive means were unsuccessful; the ultimate duration of
31 the placement in room confinement; facility staffing levels at the time

1 of confinement; and any incidents of self-harm or suicide committed by
2 the juvenile while he or she was isolated;

3 (b) If any physical or mental health clinical evaluation was
4 performed during the time the juvenile was in room confinement for longer
5 than one hour, the results of such evaluation shall be considered in any
6 decision to place a juvenile in room confinement or to continue room
7 confinement;

8 (c) The juvenile facility shall submit a report quarterly to the
9 Legislature on the ~~number~~ of juveniles placed in room confinement; the
10 length of time each juvenile was in room confinement; the race,
11 ethnicity, age, and gender of each juvenile placed in room confinement;
12 facility staffing levels at the time of confinement; and the reason each
13 juvenile was placed in room confinement. The report shall specifically
14 address each instance of room confinement of a juvenile for more than
15 four hours, including all reasons why attempts to return the juvenile to
16 the general population of the juvenile facility were unsuccessful. The
17 report shall also detail all corrective measures taken in response to
18 noncompliance with this section. The report shall redact all personal
19 identifying information but shall provide individual, not aggregate,
20 data. The report shall be delivered electronically to the Legislature.
21 The initial quarterly report shall be submitted within two weeks after
22 the quarter ending on September 30, 2016. Subsequent reports shall be
23 submitted for the ensuing quarters within two weeks after the end of each
24 quarter; and

25 (d) The Inspector General of Nebraska Child Welfare shall review all
26 data collected pursuant to this section in order to assess the use of
27 room confinement for juveniles in each juvenile facility and prepare an
28 annual report of his or her findings, including, but not limited to,
29 identifying changes in policy and practice which may lead to decreased
30 use of such confinement as well as model evidence-based criteria to be
31 used to determine when a juvenile should be placed in room confinement.

1 The report shall be delivered electronically to the Legislature on an
2 annual basis.

3 (e) Any juvenile facility which is not a residential child-caring
4 agency which fails to comply with the requirements of this section is
5 subject to disciplinary action as provided in section 83-4,134. Any
6 juvenile facility which is a residential child-caring agency which fails
7 to comply with the requirements of this section is subject to
8 disciplinary action as provided in section 71-1940.

9 Sec. 13. Sections 1, 2, 3, 4, 5, 10, 11, 12, and 15 of this act
10 become operative three calendar months after the adjournment of this
11 legislative session. The other sections of this act become operative on
12 their effective date.

13 Sec. 14. Original sections 43-2401, 43-2404.01, 43-2411, and
14 43-2412, Reissue Revised Statutes of Nebraska, are repealed.

15 Sec. 15. Original sections 43-248, 43-250, and 43-251.02, Reissue
16 Revised Statutes of Nebraska, sections 71-1940, 83-4,125, and
17 83-4,134.01, Revised Statutes Cumulative Supplement, 2016, and sections
18 43-246.02 and 43-286, Revised Statutes Supplement, 2017, are repealed.

19 Sec. 16. The following section is outright repealed: Section
20 43-2413, Reissue Revised Statutes of Nebraska.

21 Sec. 17. Since an emergency exists, this act takes effect when
22 passed and approved according to law.