

ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017
COMMITTEE STATEMENT
LB158

Hearing Date: Thursday January 26, 2017
Committee On: Judiciary
Introducer: Pansing Brooks
One Liner: Change provisions relating to appointment of counsel for juveniles

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Baker, Ebke, Halloran, Hansen, Krist, Morfeld, Pansing Brooks
Nay:		
Absent:	1	Senator Chambers
Present Not Voting:		

Verbal Testimony:

Proponents:

Senator Patty Pansing Brooks
Juliet Summers
Beth Baxter
Margene Timm
Kim Hawekotte
Sarah Helvey
Christine Henningsen
Bub Windle

Representing:

Introducer
Voices for Children
Nebraska Children's Commission
Nebraska Criminal Defense Attorneys Association
Foster Care Review Office
Nebraska Appleseed
Nebraska Youth Advocates
Nebraska State Bar Association

Opponents:

Elaine Menzel

Representing:

Nebraska Association of County Officials

Neutral:

Representing:

Summary of purpose and/or changes:

LB 158 would require that all juveniles subject to the jurisdiction of a juvenile court pursuant to subsections (1), (2), (3)(b), or (4) of Neb. Rev. Stat. 43-247 be appointed counsel and informed of her or his right to continued counsel. The bill accomplishes this by expanding the application of current statute requiring the appointment of counsel for juveniles to counties of all sizes. If the juvenile and her or his parent or guardian are unable to afford counsel, LB 158 requires the court to appoint counsel at county expense unless the juvenile specifically waives her or his right to counsel pursuant to Nebraska statute.

LB 158 further adds the requirement that upon entering an appearance for the juvenile, legal counsel must continue to represent the juvenile through post-dispositional proceedings unless relieved by the court upon request of the juvenile, upon the substitution of other counsel, or for cause.

If a juvenile has waived her or his right to counsel, LB 158 would allow the juvenile to rescind such waiver at any time and would require the court to reappoint legal counsel.

Finally, LB 158 would add a requirement that the Nebraska Supreme Court "periodically review and maintain" the guidelines and standards applicable to attorneys representing juveniles or serving as guardians ad litem.

Explanation of amendments:

The Committee Amendment to LB 158 makes two changes to the bill.

First, it addresses concerns about the appointment of counsel for juveniles who participate in a pre-trial diversion program by clarifying that under such circumstances counsel need not be appointed.

Second, it adds a requirement that a judge inform a juvenile of his or her right to rescind a previously given waiver of the right to counsel at all hearings following such waiver.

Laura Ebke, Chairperson