

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 435**

Introduced by Geist, 25.

Read first time January 13, 2023

Committee: Judiciary

1 A BILL FOR AN ACT relating to juvenile justice; to amend sections 29-2269  
2 and 43-272.02, Reissue Revised Statutes of Nebraska; to provide  
3 duties for the Office of Probation Administration; to provide for  
4 court appointment of parental advisers in juvenile proceedings; to  
5 provide duties for parental advisers, to require cooperation, and to  
6 provide for confidentiality; to provide for relation of such  
7 provisions to the attorney-client privilege; to harmonize  
8 provisions; and to repeal the original sections.  
9 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) The office shall employ parental advisers, who shall  
2 be employees of the office, and who shall provide services for parents,  
3 guardians, or custodians of children involved in the juvenile justice  
4 system as provided in section 2 of this act. The office shall provide  
5 training for such advisers on the procedures and processes of the  
6 juvenile justice system in Nebraska.

7           (2) A judge may order appointment of a parental adviser in any  
8 proceeding brought pursuant to section 43-247 when the court finds:

9           (a) A parent, guardian, or custodian who may be affected by such  
10 proceeding requires services that a parental adviser can provide; and

11           (b) The appointment is not contrary to the best interests of the  
12 child.

13           (3) A parental adviser's appointment shall conclude:

14           (a) When the court's jurisdiction over the child terminates;

15           (b) Upon discharge by the court on its own motion;

16           (c) With the approval of the court, at the request of the parental  
17 adviser or the probation administrator;

18           (d) At the request of the parent, guardian, or custodian for whom  
19 the adviser was appointed; or

20           (e) Upon successful motion of a party to the action for the removal  
21 of the parental adviser because the party believes the parental adviser  
22 has acted inappropriately, is unqualified, or is unsuitable for the  
23 appointment.

24           Sec. 2. (1) Upon appointment in a proceeding, a parental adviser  
25 shall meet with the parent, guardian, or custodian for whom the adviser  
26 has been appointed and offer guidance on how the juvenile court  
27 proceeding will move forward, the possible outcomes of the proceeding,  
28 possible disposition options for the juvenile, options available to the  
29 parent, guardian, or custodian, and other matters that will aid the  
30 parent, guardian, or custodian in navigating the juvenile justice system.

31           (2) The parental adviser shall monitor the proceedings in a case to

1 which the adviser was appointed to assure that the parent, guardian, or  
2 custodian has the guidance and information necessary to understand and  
3 participate meaningfully in the proceedings.

4 (3) The parental adviser shall make every effort to attend all  
5 hearings, meetings, and any other proceeding concerning a case to which  
6 the adviser has been appointed.

7 (4) The parental advisor may be called as a witness in a proceeding  
8 by any party or the court.

9 Sec. 3. (1) All government agencies, service providers,  
10 professionals, school districts, school personnel, parents, and families  
11 shall cooperate with all reasonable requests of the parental adviser. The  
12 parental adviser shall cooperate with all government agencies, service  
13 providers, professionals, school districts, school personnel, parents,  
14 and families.

15 (2) The parental adviser shall be notified in a timely manner of all  
16 hearings, meetings, and any other proceeding concerning a case to which  
17 the adviser has been appointed. The court in its discretion may proceed  
18 notwithstanding failure to notify the parental adviser or failure of the  
19 parental adviser to appear.

20 Sec. 4. The contents of any document, record, or other information  
21 relating to a case to which the parental adviser has access are  
22 confidential, and the parental adviser shall not disclose such  
23 information to persons other than the court, the parties to the action,  
24 and other persons authorized by the court. A violation of this section is  
25 a Class III misdemeanor.

26 Sec. 5. Nothing in sections 1 to 5 of this act affects the  
27 attorney-client privilege.

28 Sec. 6. Section 29-2269, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 29-2269 Sections 29-2246 to 29-2269 and sections 1 to 5 of this act  
31 shall be known and may be cited as the Nebraska Probation Administration

1 Act.

2 Sec. 7. Section 43-272.02, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 43-272.02 (1) The court may appoint a court appointed special  
5 advocate volunteer pursuant to the Court Appointed Special Advocate Act.

6 (2) The court may appoint a parental adviser as provided in sections  
7 1 to 5 of this act.

8 Sec. 8. Original sections 29-2269 and 43-272.02, Reissue Revised  
9 Statutes of Nebraska, are repealed.