

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 556

Introduced by Riepe, 12; at the request of the Governor; Sorrentino, 39;
Wordekemper, 15.

Read first time January 22, 2025

Committee: Judiciary

1 A BILL FOR AN ACT relating to juvenile justice; to amend sections
2 29-1816, 43-245, 43-246.01, 43-250, 43-251.01, 43-253, and
3 43-260.01, Revised Statutes Cumulative Supplement, 2024; to change
4 provisions relating to jurisdiction of adult and juvenile courts; to
5 define detention under the Nebraska Juvenile Code; to change
6 provisions relating to detention and a hearing under the code; to
7 harmonize provisions; and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 29-1816, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 29-1816 (1)(a) The accused may be arraigned in county court or
4 district court:

5 (i) If the accused was eighteen years of age or older when the
6 alleged offense was committed;

7 (ii) If the accused was younger than eighteen years of age and was
8 ~~twelve~~ fourteen years of age or older when an alleged offense punishable
9 as a Class I, IA, IB, IC, ID, II, or IIA felony was committed; or

10 (iii) If the alleged offense is a traffic offense as defined in
11 section 43-245.

12 (b) Arraignment in county court or district court shall be by
13 reading to the accused the complaint or information, unless the reading
14 is waived by the accused when the nature of the charge is made known to
15 him or her. The accused shall then be asked whether he or she is guilty
16 or not guilty of the offense charged. If the accused appears in person
17 and by counsel and goes to trial before a jury regularly impaneled and
18 sworn, he or she shall be deemed to have waived arraignment and a plea of
19 not guilty shall be deemed to have been made.

20 (2) At the time of the arraignment, the county court or district
21 court shall advise the accused, if the accused was younger than eighteen
22 years of age at the time the alleged offense was committed, that the
23 accused may move the county court or district court at any time not later
24 than thirty days after arraignment, unless otherwise permitted by the
25 court for good cause shown, to waive jurisdiction in such case to the
26 juvenile court for further proceedings under the Nebraska Juvenile Code.
27 This subsection does not apply if the case was transferred to county
28 court or district court from juvenile court.

29 (3) For motions to transfer a case from the county court or district
30 court to juvenile court:

31 (a) The county court or district court shall schedule a hearing on

1 such motion within fifteen days. The customary rules of evidence shall
2 not be followed at such hearing. The accused shall be represented by an
3 attorney. The criteria set forth in section 43-276 shall be considered at
4 such hearing. After considering all the evidence and reasons presented by
5 both parties, the case shall be transferred to juvenile court unless a
6 sound basis exists for retaining the case in county court or district
7 court; and

8 (b) The county court or district court shall make a decision on such
9 motion within thirty days after the hearing and shall set forth findings
10 for the reason for its decision. If the county court or district court
11 determines that the accused should be transferred to the juvenile court,
12 the complete file in the county court or district court shall be
13 transferred to the juvenile court and the complaint, indictment, or
14 information may be used in place of a petition therein. The county court
15 or district court making a transfer shall order the accused to be taken
16 forthwith to the juvenile court and designate where the juvenile shall be
17 kept pending determination by the juvenile court. The juvenile court
18 shall then proceed as provided in the Nebraska Juvenile Code.

19 (4) An order granting or denying transfer of the case from county or
20 district court to juvenile court shall be considered a final order for
21 the purposes of appeal. Upon entry of an order, any party may appeal to
22 the Court of Appeals within ten days. Such review shall be advanced on
23 the court docket without an extension of time granted to any party except
24 upon a showing of exceptional cause. Appeals shall be submitted,
25 assigned, and scheduled for oral argument as soon as the appellee's brief
26 is due to be filed. The Court of Appeals shall conduct its review in an
27 expedited manner and shall render the judgment and opinion, if any, as
28 speedily as possible. During the pendency of an appeal from an order
29 transferring the case to juvenile court, the juvenile court may enter
30 temporary orders in the best interests of the juvenile.

31 (5)(a) Except as provided in subdivision (5)(b) of this section, any

1 admission, confession, or statement made by the accused to a
2 psychiatrist, psychologist, therapist, or licensed mental health
3 practitioner for purposes of a motion to transfer a case from county
4 court or district court to juvenile court shall be inadmissible in any
5 criminal or civil proceeding.

6 (b) Subdivision (5)(a) of this section does not prevent any such
7 admission, confession, or statement from being:

8 (i) Admissible in proceedings relating to such motion to transfer;

9 (ii) Admissible in disposition proceedings of such accused under the
10 Nebraska Juvenile Code if the case is transferred to juvenile court;

11 (iii) Included in any presentence investigation report for such
12 accused if the case is not transferred to juvenile court; and

13 (iv) Admissible in such case to impeach such accused during cross-
14 examination if the accused testifies at trial or during juvenile court
15 proceedings and such testimony is materially inconsistent with a prior
16 statement made by the accused to a psychiatrist, psychologist, therapist,
17 or licensed mental health practitioner for purposes of the motion to
18 transfer such case.

19 (6) When the accused was younger than eighteen years of age when an
20 alleged offense was committed, the county attorney or city attorney shall
21 proceed under section 43-274.

22 **Sec. 2.** Section 43-245, Revised Statutes Cumulative Supplement,
23 2024, is amended to read:

24 43-245 For purposes of the Nebraska Juvenile Code, unless the
25 context otherwise requires:

26 (1) Abandonment means a parent's intentionally withholding from a
27 child, without just cause or excuse, the parent's presence, care, love,
28 protection, and maintenance and the opportunity for the display of
29 parental affection for the child;

30 (2) Age of majority means nineteen years of age;

31 (3) Alternative to detention means a program or directive that

1 increases supervision of a youth in the community in an effort to ensure
2 the youth attends court and refrains from committing a new law violation.
3 Alternative to detention includes, but is not limited to, electronic
4 monitoring, day and evening reporting centers, house arrest, tracking,
5 family crisis response, and temporary shelter placement. Except for the
6 use of manually controlled delayed egress of not more than thirty
7 seconds, placements that utilize physical construction or hardware to
8 restrain a youth's freedom of movement and ingress and egress from
9 placement are not considered alternatives to detention;

10 (4) Approved center means a center that has applied for and received
11 approval from the Director of the Office of Dispute Resolution under
12 section 25-2909;

13 (5) Civil citation means a noncriminal notice which cannot result in
14 a criminal record and is described in section 43-248.02;

15 (6) Cost or costs means (a) the sum or equivalent expended, paid, or
16 charged for goods or services, or expenses incurred, or (b) the
17 contracted or negotiated price;

18 (7) Criminal street gang means a group of three or more people with
19 a common identifying name, sign, or symbol whose group identity or
20 purposes include engaging in illegal activities;

21 (8) Criminal street gang member means a person who willingly or
22 voluntarily becomes and remains a member of a criminal street gang;

23 (9) Custodian means a nonparental caretaker having physical custody
24 of the juvenile and includes an appointee described in section 43-294;

25 (10) Detention means the temporary care of a juvenile in a
26 physically restrictive facility designed with constructions or fixtures
27 to control the movement of the juvenile to secure the juvenile's lawful
28 custody;

29 (11) ~~(10)~~ Guardian means a person, other than a parent, who has
30 qualified by law as the guardian of a juvenile pursuant to testamentary
31 or court appointment, but excludes a person who is merely a guardian ad

1 litem;

2 (12) ~~(11)~~ Juvenile means any person under the age of eighteen;

3 (13) ~~(12)~~ Juvenile court means the separate juvenile court where it
4 has been established pursuant to sections 43-2,111 to 43-2,127 and the
5 county court sitting as a juvenile court in all other counties. Nothing
6 in the Nebraska Juvenile Code shall be construed to deprive the district
7 courts of their habeas corpus, common-law, or chancery jurisdiction or
8 the county courts and district courts of jurisdiction of domestic
9 relations matters as defined in section 25-2740;

10 (14) ~~(13)~~ Juvenile detention facility has the same meaning as in
11 section 83-4,125;

12 (15) ~~(14)~~ Legal custody has the same meaning as in section 43-2922;

13 (16) ~~(15)~~ Mental health facility means a treatment facility as
14 defined in section 71-914 or a government, private, or state hospital
15 which treats mental illness;

16 (17) ~~(16)~~ Nonoffender means a juvenile who is subject to the
17 jurisdiction of the juvenile court for reasons other than legally
18 prohibited conduct, including, but not limited to, juveniles described in
19 subdivision (3)(a) of section 43-247;

20 (18) ~~(17)~~ Parent means one or both parents or stepparents when the
21 stepparent is married to a parent who has physical custody of the
22 juvenile as of the filing of the petition;

23 (19) ~~(18)~~ Parties means the juvenile as described in section 43-247
24 and his or her parent, guardian, or custodian;

25 (20) ~~(19)~~ Physical custody has the same meaning as in section
26 43-2922;

27 (21) ~~(20)~~ Except in proceedings under the Nebraska Indian Child
28 Welfare Act, relative means father, mother, grandfather, grandmother,
29 brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle,
30 aunt, first cousin, nephew, or niece;

31 (22) ~~(21)~~ Restorative justice means practices, programs, or services

1 that emphasize repairing the harm caused to victims and the community by
2 persons who have caused the harm or committed an offense. Restorative
3 justice practices may include, but are not limited to, victim youth
4 conferencing, victim-offender mediation, youth or community dialogue,
5 panels, circles, and truancy mediation;

6 (23) ~~(22)~~ Restorative justice facilitator means a qualified
7 individual who has been trained to facilitate restorative justice
8 practices. A qualified individual shall be approved by the referring
9 county attorney, city attorney, or juvenile or county court judge.
10 Factors for approval may include, but are not limited to, an individual's
11 education and training in restorative justice principles and practices;
12 experience in facilitating restorative justice sessions; understanding of
13 the necessity to do no harm to either the victim or the person who harmed
14 the victim; and proven commitment to ethical practices;

15 (24) ~~(23)~~ Seal a record means that a record shall not be available
16 to the public except upon the order of a court upon good cause shown;

17 (25) ~~(24)~~ Secure detention means detention in a highly structured,
18 residential, hardware-secured facility designed to restrict a juvenile's
19 movement;

20 (26) ~~(25)~~ Staff secure juvenile facility means a juvenile
21 residential facility operated by a political subdivision (a) which does
22 not include construction designed to physically restrict the movements
23 and activities of juveniles who are in custody in the facility, (b) in
24 which physical restriction of movement or activity of juveniles is
25 provided solely through staff, (c) which may establish reasonable rules
26 restricting ingress to and egress from the facility, and (d) in which the
27 movements and activities of individual juvenile residents may, for
28 treatment purposes, be restricted or subject to control through the use
29 of intensive staff supervision. Staff secure juvenile facility does not
30 include any institution operated by the Department of Correctional
31 Services;

1 ~~(27)~~ (26) Status offender means a juvenile who has been charged with
2 or adjudicated for conduct which would not be a crime if committed by an
3 adult, including, but not limited to, juveniles charged under subdivision
4 (3)(b) of section 43-247 and sections 53-180.01 and 53-180.02;

5 ~~(28)~~ (27) Traffic offense means any nonfelonious act in violation of
6 a law or ordinance regulating vehicular or pedestrian travel, whether
7 designated a misdemeanor or a traffic infraction; and

8 ~~(29)~~ (28) Young adult means an individual older than eighteen years
9 of age but under twenty-one years of age.

10 **Sec. 3.** Section 43-246.01, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 43-246.01 (1) The juvenile court shall have exclusive original
13 jurisdiction as to:

14 (a) Any juvenile described in subdivision (3) or (11) of section
15 43-247;

16 (b) Any juvenile who was under sixteen years of age at the time the
17 alleged offense was committed and the offense falls under subdivision (1)
18 of section 43-247;

19 (c) A party or proceeding described in subdivision (5) or (7) of
20 section 43-247; and

21 (d) Any juvenile who was under twelve ~~fourteen~~ years of age at the
22 time the alleged offense was committed and the offense falls under
23 subdivision (2) of section 43-247.

24 (2)(a) The juvenile court shall also have exclusive original
25 jurisdiction as to:

26 (i) Any juvenile who is alleged to have committed an offense under
27 subdivision (1) of section 43-247 and who was sixteen years of age or
28 seventeen years of age at the time the alleged offense was committed; and

29 (ii) Any juvenile who was twelve ~~fourteen~~ years of age or older at
30 the time the alleged offense was committed and the offense falls under
31 subdivision (2) of section 43-247 except offenses enumerated in

1 subdivision (1)(a)(ii) of section 29-1816.

2 (b) Proceedings initiated under subsection (2) of this section may
3 be transferred as provided in section 43-274.

4 (3)(a) The juvenile court shall have concurrent original
5 jurisdiction with the county court or district court as to:

6 (i) Any juvenile described in subdivision (4) of section 43-247;

7 (ii) Any proceeding under subdivision (6), (8), (9), or (10) of
8 section 43-247; and

9 (iii) Any juvenile described in subdivision (1)(a)(ii) of section
10 29-1816.

11 (b) Proceedings initiated under subsection (3) of this section may
12 be transferred as provided in section 43-274.

13 **Sec. 4.** Section 43-250, Revised Statutes Cumulative Supplement,
14 2024, is amended to read:

15 43-250 (1) A peace officer who takes a juvenile into temporary
16 custody under section 29-401 or subdivision (1), (2), (3), or (7) of
17 section 43-248 shall immediately take reasonable measures to notify the
18 juvenile's parent, guardian, custodian, or relative and shall proceed as
19 follows:

20 (a) The peace officer may release a juvenile taken into temporary
21 custody under section 29-401 or subdivision (1), (2), or (7) of section
22 43-248;

23 (b) The peace officer may require a juvenile taken into temporary
24 custody under section 29-401 or subdivision (1) or (2) of section 43-248
25 to appear before the court of the county in which such juvenile was taken
26 into custody at a time and place specified in the written notice prepared
27 in triplicate by the peace officer or at the call of the court. The
28 notice shall also contain a concise statement of the reasons such
29 juvenile was taken into custody. The peace officer shall deliver one copy
30 of the notice to such juvenile and require such juvenile or his or her
31 parent, guardian, other custodian, or relative, or both, to sign a

1 written promise that such signer will appear at the time and place
2 designated in the notice. Upon the execution of the promise to appear,
3 the peace officer shall immediately release such juvenile. The peace
4 officer shall, as soon as practicable, file one copy of the notice with
5 the county attorney or city attorney and, when required by the court,
6 also file a copy of the notice with the court or the officer appointed by
7 the court for such purpose; or

8 (c) The peace officer may retain temporary custody of a juvenile
9 taken into temporary custody under section 29-401 or subdivision (1),
10 (2), or (3) of section 43-248 and deliver the juvenile, if necessary, to
11 the probation officer and communicate all relevant available information
12 regarding such juvenile to the probation officer. The probation officer
13 shall determine the need for detention of the juvenile as provided in
14 section 43-260.01. Upon determining that the juvenile should be placed in
15 detention or an alternative to detention and securing placement in such
16 setting by the probation officer, the peace officer shall implement the
17 probation officer's decision to release or to detain and place the
18 juvenile. When secure detention of a juvenile is necessary, such
19 detention shall occur within a juvenile detention facility except:

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

29 (ii) When a juvenile described in subdivision (1) or (2) of section
30 43-247, except for a status offender, is taken into temporary custody
31 outside of a metropolitan statistical area and where no juvenile

1 detention facility is reasonably available, the juvenile may be
2 delivered, for temporary custody not to exceed twenty-four hours
3 excluding nonjudicial days and while awaiting an initial court
4 appearance, to a secure area of a jail or other facility intended or used
5 for the detention of adults solely for the purposes of identifying the
6 juvenile and ascertaining his or her health and well-being and for
7 safekeeping while awaiting transport to an appropriate juvenile placement
8 or release to a responsible party;

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

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

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

25 (vi) A status offender or nonoffender taken into temporary custody
26 shall not be held in a secure area of a jail or other facility intended
27 or used for the detention of adults; and

28 (vii) A juvenile described in subdivision (1) or (2) of section
29 43-247, except for a status offender, may be held in a secure area of a
30 jail or other facility intended or used for the detention of adults for
31 up to six hours before and six hours after any court appearance.

1 (2)(a) ~~(2)~~ A juvenile taken into custody pursuant to a legal warrant
2 of arrest shall be delivered to a probation officer.

3 (b) For a felony arrest of a juvenile, the probation officer shall
4 make a recommendation for detention, release without restrictions, or
5 release to an alternative to detention as provided in section 43-260.01.
6 The probation officer shall forward all intake information to a judge,
7 who shall consult with the probation officer, and then determine the need
8 for detention. In making such determination, the judge shall consider the
9 factors in subdivision (2) of section 43-260.01 but shall not be bound by
10 such factors.

11 (c) For an arrest of a juvenile not involving a felony, the
12 probation officer ~~who~~ shall determine the need for detention of the
13 juvenile as provided in section 43-260.01.

14 (d) If detention is not required, the juvenile may be released
15 without bond if:

16 (i) ~~Such~~ ~~such~~ release is in the best interests of the juvenile; ~~τ~~

17 (ii) The physical ~~the~~ safety of persons in the community will not be
18 seriously threatened;

19 (iii) Detention is not necessary to secure the presence of the
20 juvenile at the next hearing, as evidenced by a demonstrable record of
21 willful failure to appear at a scheduled court hearing within the last
22 twelve months;

23 (iv) Detention of such juvenile is not a matter of immediate and
24 urgent necessity for the protection of such juvenile as evidenced by a
25 demonstrable record of fleeing from law enforcement, absconding from a
26 court-ordered placement, absconding from home, committing a violent
27 offense, committing multiple property crimes, or threatening to cause
28 harm to self or others; and

29 (v) ~~The is not at risk, and the~~ court that issued the warrant is
30 notified that the juvenile had been taken into custody and was released.

31 (3) In determining the appropriate temporary placement or

1 alternative to detention of a juvenile under this section, the peace
2 officer shall select the placement or alternative which is least
3 restrictive of the juvenile's freedom so long as such placement or
4 alternative is compatible with the best interests of the juvenile and the
5 safety of the community. Any alternative to detention shall cause the
6 least restriction of the juvenile's freedom of movement consistent with
7 the best interests of the juvenile and the safety of the community.

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

11 (5) When a juvenile is taken into temporary custody pursuant to
12 subdivision (5), (6), or (7) of section 43-248, and not released under
13 subdivision (1)(a) of this section, the peace officer shall deliver the
14 custody of such juvenile to the Department of Health and Human Services
15 which shall make a temporary placement of the juvenile in the least
16 restrictive environment consistent with the best interests of the
17 juvenile as determined by the department. The department shall supervise
18 such placement and, if necessary, consent to any necessary emergency
19 medical, psychological, or psychiatric treatment for such juvenile. The
20 department shall have no other authority with regard to such temporary
21 custody until or unless there is an order by the court placing the
22 juvenile in the custody of the department. If the peace officer delivers
23 temporary custody of the juvenile pursuant to this subsection, the peace
24 officer shall make a full written report to the county attorney within
25 twenty-four hours of taking such juvenile into temporary custody. If a
26 court order of temporary custody is not issued within forty-eight hours
27 of taking the juvenile into custody, the temporary custody by the
28 department shall terminate and the juvenile shall be returned to the
29 custody of his or her parent, guardian, custodian, or relative.

30 (6) If the peace officer takes the juvenile into temporary custody
31 pursuant to subdivision (8) of section 43-248, the peace officer may

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

15 **Sec. 5.** Section 43-251.01, Revised Statutes Cumulative Supplement,
16 2024, is amended to read:

17 43-251.01 All placements and commitments of juveniles for
18 evaluations or as temporary or final dispositions are subject to the
19 following:

20 (1) No juvenile shall be confined in an adult correctional facility
21 as a disposition of the court;

22 (2) A juvenile who is found to be a juvenile as described in
23 subdivision (3) of section 43-247 shall not be placed in an adult
24 correctional facility, the secure youth confinement facility operated by
25 the Department of Correctional Services, or a youth rehabilitation and
26 treatment center or committed to the Office of Juvenile Services;

27 (3) A juvenile who is found to be a juvenile as described in
28 subdivision (1), (2), or (4) of section 43-247 shall not be assigned or
29 transferred to an adult correctional facility or the secure youth
30 confinement facility operated by the Department of Correctional Services;

31 (4) A juvenile under the age of fourteen years shall not be placed

1 with or committed to a youth rehabilitation and treatment center;

2 (5)(a) A juvenile shall not be detained unless:

3 (i) The the physical safety of persons in the community would be
4 seriously threatened;

5 (ii) Detention or ~~detention~~ is necessary to secure the presence of
6 the juvenile at the next hearing, as evidenced by a demonstrable record
7 of willful failure to appear at a scheduled court hearing within the last
8 twelve months; or

9 (iii) Detention is a matter of immediate and urgent necessity for
10 the protection of such juvenile as evidenced by a demonstrable record of
11 fleeing from law enforcement, absconding from a court-ordered placement,
12 absconding from home, committing a violent offense, committing multiple
13 property crimes, or threatening to cause harm to self or others;

14 (b) A child ten ~~twelve~~ years of age or younger shall not be placed
15 in detention under any circumstances; and

16 (c) A juvenile shall not be placed into detention:

17 (i) To allow a parent or guardian to avoid his or her legal
18 responsibility;

19 (ii) To punish, treat, or rehabilitate such juvenile;

20 (iii) To permit more convenient administrative access to such
21 juvenile;

22 (iv) To facilitate further interrogation or investigation; or

23 (v) Due to a lack of more appropriate facilities except in case of
24 an emergency as provided in section 43-430;

25 (6) A juvenile alleged to be a juvenile as described in subdivision
26 (3) of section 43-247 shall not be placed in a juvenile detention
27 facility, including a wing labeled as staff secure at such facility,
28 unless the designated staff secure portion of the facility fully complies
29 with subdivision (5) of section 83-4,125 and the ingress and egress to
30 the facility are restricted solely through staff supervision; and

31 (7) A juvenile alleged to be a juvenile as described in subdivision

1 (1), (2), (3)(b), or (4) of section 43-247 shall not be placed out of his
2 or her home as a dispositional order of the court unless:

3 (a) All available community-based resources have been exhausted to
4 assist the juvenile and his or her family; and

5 (b) Maintaining the juvenile in the home presents a significant risk
6 of harm to the juvenile or community.

7 **Sec. 6.** Section 43-253, Revised Statutes Cumulative Supplement,
8 2024, is amended to read:

9 43-253 (1) Upon delivery to the probation officer of a juvenile who
10 has been taken into temporary custody under section 29-401, 43-248, or
11 43-250, the probation officer shall immediately investigate the situation
12 of the juvenile and the nature and circumstances of the events
13 surrounding his or her being taken into custody. Such investigation may
14 be by informal means when appropriate.

15 (2) The probation officer's decision to release the juvenile from
16 custody or place the juvenile in detention or an alternative to detention
17 shall be based upon the results of the standardized juvenile detention
18 screening instrument described in section 43-260.01.

19 (3) No juvenile who has been taken into temporary custody under
20 subdivision (1)(c) of section 43-250 or subsection (6) of section
21 43-286.01 or pursuant to an alleged violation of an order for conditional
22 release shall be detained in any detention facility or be subject to an
23 alternative to detention infringing upon the juvenile's liberty interest
24 for longer than twenty-four hours, excluding nonjudicial days, after
25 having been taken into custody unless such juvenile has appeared
26 personally before a court of competent jurisdiction for a hearing to
27 determine if continued detention, services, or supervision is necessary.
28 The juvenile shall be represented by counsel at the hearing. Whether such
29 counsel shall be provided at the cost of the county shall be determined
30 as provided in subsection (1) of section 43-272. If continued secure
31 detention is ordered, such detention shall be in a juvenile detention

1 facility, except that a juvenile charged with a felony as an adult in
2 county or district court may be held in an adult jail as set forth in
3 subdivision (1)(c)(v) of section 43-250. A juvenile ~~placed in an~~
4 ~~alternative to detention, but not in detention,~~ may only waive this
5 hearing with the agreement of the juvenile's through counsel and the
6 county attorney or city attorney.

7 (4) When the probation officer deems it to be in the best interests
8 of the juvenile, the probation officer shall immediately release such
9 juvenile to the custody of his or her parent. If the juvenile has both a
10 custodial and a noncustodial parent and the probation officer deems that
11 release of the juvenile to the custodial parent is not in the best
12 interests of the juvenile, the probation officer shall, if it is deemed
13 to be in the best interests of the juvenile, attempt to contact the
14 noncustodial parent, if any, of the juvenile and to release the juvenile
15 to such noncustodial parent. If such release is not possible or not
16 deemed to be in the best interests of the juvenile, the probation officer
17 may release the juvenile to the custody of a legal guardian, a
18 responsible relative, or another responsible person.

19 (5) The court may admit such juvenile to bail by bond in such amount
20 and on such conditions and security as the court, in its sole discretion,
21 shall determine, or the court may proceed as provided in section 43-254.
22 In no case shall the court or probation officer release such juvenile if
23 it appears that:

24 (a) The physical safety of persons in the community would be
25 seriously threatened; ~~or~~

26 (b) Detention is necessary to secure the presence of the juvenile at
27 the next hearing, as evidenced by a demonstrable record of willful
28 failure to appear at a scheduled court hearing within the last twelve
29 months; or -

30 (c) Detention is a matter of immediate and urgent necessity for the
31 protection of such juvenile as evidenced by a demonstrable record of

1 fleeing from law enforcement, absconding from a court-ordered placement,
2 absconding from home, committing a violent offense, committing multiple
3 property crimes, or threatening to cause harm to self or others.

4 **Sec. 7.** Section 43-260.01, Revised Statutes Cumulative Supplement,
5 2024, is amended to read:

6 43-260.01 The need for preadjudication placement, services, or
7 supervision and the need for detention of a juvenile and whether
8 detention or an alternative to detention is indicated shall be:

9 (1) Subject ~~subject~~ to subdivision (5) of section 43-251.01; and

10 (2) Determined ~~shall be determined~~ as follows:

11 (a) (1) The standardized juvenile detention screening instrument
12 shall be used to evaluate the juvenile;

13 (b) (2) If the results indicate that detention is not required, the
14 juvenile shall be released without restriction or released to an
15 alternative to detention; and

16 (c) (3) If the results indicate that detention is required,
17 detention shall be pursued.

18 **Sec. 8.** Original sections 29-1816, 43-245, 43-246.01, 43-250,
19 43-251.01, 43-253, and 43-260.01, Revised Statutes Cumulative Supplement,
20 2024, are repealed.