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**BOSN:** Good afternoon. Welcome to the Judiciary Committee. I am Senator Carolyn Bosn from Lincoln, representing District 25, and I serve as chair of the committee. We will be taking up bills in the order posted outside of the room. This public hearing is your opportunity to be part of the legislative process and to express your position on the proposed legislation before us. If you are planning to testify today, please fill out one of the green testifier sheets on the back table. Be sure to print clearly and fill it out completely, listing every organization you represent. If you would, please bring your sheet forward when you come forward to testify, giving it to the page or the committee clerk. If you do not wish to testify but would like to indicate your position on a bill, there are also yellow sign-in sheets on the back of the table for each bill. These sheets will be included as an exhibit in the official hearing record. When you come up to testify, please speak clearly into the microphone, stating and spelling your first and last name to ensure that we get an accurate record. We will begin each bill hearing today with the introducer's opening statement, followed by the proponents of the bill, then opponents, and finally, anyone wishing to speak in the neutral capacity. We will finish with a closing statement by the introducer, if they wish to give one. We use a three-minute light system in Judiciary. This means that when you begin your testimony, the light on the table will be green. When the yellow light comes on, you have one minute remaining, and the red light indicates you need to wrap up your final thought and stop. Questions from the committee may follow. Also, committee members will be coming and going during the hearing. As you can see right now, some of them are already gone. This is nothing to do with the importance of the bills; it's just part of the process because we have bills to introduce in other committees as well. A few final things. If you have handouts or copies of your testimony, please bring up ten copies and give them to the page. Please silence or turn off your cell phones. Verbal outbursts or applause are not permitted in the hearing room, and such behavior will be cause for you to be asked to leave the hearing. Finally, committee procedures for all committees state that written position comments on a bill to be included in the record must be submitted by 8 a.m. the day of the hearing. The only acceptable method of submission is via the Legislature's website at [legislature.nebraska.gov](http://legislature.nebraska.gov). Written position letters will be

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included in the official hearing record, but only those testifying in person before the committee will be included on the committee statement. You may submit a position comment for the record or testify in person, but not both. I will now ask the committee members with us today to please introduce themselves, starting with Senator Hallstrom.

**HALLSTROM:** Thank you. Bob Hallstrom, Legislative District 1, southeast Nebraska, representing Otoe, Johnson, Nemaha, and Richardson Counties.

**STORM:** Good afternoon. Jared Storm, District 23: Butler, Colfax, Saunders County.

**HOLDCROFT:** Rick Holdcroft, District 36: west and south Sarpy County.

**ROUNTREE:** Victor Rountree, District 3: Bellevue and Papillion.

**BOSN:** Thank you. Also assisting the committee today, to my left is our legal counsel, Denny Vaggalis, and to my far right is our committee clerk, Laurie Vollertsen. Our pages for the committee today are Kyanne Casperson, Kleh Say, and Luke Lawton, all from UNL. With that, we will begin today's hearing with LB1225 with Senator Raybould. Welcome, Senator Raybould.

**RAYBOULD:** Good afternoon, Chair Bosn, and members of the Judiciary Committee. My name is Jane Raybould, J-a-n-e R-a-y-b-o-u-l-d, and I represent Legislative District 28. And I am here to introduce LB1225, which addresses the need for timely resolution of jurisdictional disputes in juvenile cases by establishing a clear, uniform deadline for appellate review of transfer orders. Currently, Nebraska Revised Statutes 43-274 governs orders granting or denying the transfer of juvenile cases from juvenile court to county or district court under section (5)(b). Although the statute already emphasizes the importance of prompt resolution by requiring that any appeal be expedited, directing the Court of Appeals to render its judgment or opinion as speedily as possible, several cases from right here in Lancaster County were brought to my attention calling into question the practical application of the statutory standard. Thankfully, I am happy to report that since the

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introduction of LB1225, fruitful and good faith discussions have occurred between Lancaster County and the courts, and a mutual understanding exists that there are larger considerations at play around the issue of the expedited nature of these particular appeals. We sincerely appreciate the Supreme Court's willingness to discuss with Lancaster County how best to serve the youth LB1225 was designed to assist. Due to these productive ongoing discussions, I will not be asking the committee to advance LB1225. I appreciate your time and attention, and I will welcome any questions that you may have that I hope I can answer.

**BOSN:** Thank you. Are there questions for Senator Raybould? So, at this point, you got the conversation started that you were hoping to start, and you'll let us know if you need us.

**RAYBOULD:** That is correct.

**BOSN:** OK. All right.

**RAYBOULD:** Thank you.

**BOSN:** Are you staying to close, then? Or--

**RAYBOULD:** I shall.

**BOSN:** OK. First proponents. Anyone here to testify in support? Good afternoon, and welcome.

**SPIKE EICKHOLT:** Thank you, Chair Bosn, and members of the committee. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t. I'm appearing on behalf of the Nebraska Criminal Defense Attorneys Association in support of the bill. I did talk to Senator Raybould, so I'm aware that she's not asking the committee to advance the bill, but I'm still-- would like to say a few things so the committee could appreciate our point. Many of our members do practice in juvenile court and do represent juveniles, and this bill is consistent with current law that sort of expedites a process for when a kid is charged as an adult and a party, the defendant child, seeks to transfer the case to juvenile court. The motion must be made within 15 days of when the child is arraigned; hearing is held, I think, 15

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days after the motion itself; a decision to the district court is to be decided in 30 days, and then either the state, the prosecutor, or the defendant can appeal within 10 days the ruling. I've given a couple of examples recently of the timeline of very recent cases to show that there is a significant period of time that these cases are on appellate review. And the problem with that is-- and it's a problem that both the defendant and the state has, and that is if you've got a child on appeal, their case is sort of languishing, and the child essentially ages out or gets close to aging out of the juvenile court jurisdiction anyway, sort of mooting the opportunity, if you will, to transfer the case. I have not been part of the discussions, but I, I imagine that some might think whether the Legislature can even do this constitutionally, sort of tell the Court of Appeals when to reach a decision. I would submit I think you can, and I say "I think you can" because the Legislature created the Court of Appeals. If you look at 24-1101, that's the statute that created it. The Legislature has also delineated in quite some detail what the Court of Appeals is to do, and how they are to render decisions, and how they are to sort of issue memorandum decisions in 24-1104. And I don't want to go through all the things, but I think if you look at the statutes-- and I probably should have brought them-- the Legislature has already told the Court of Appeal how to decide cases, how to write opinions, and I think that this bill will simply provide for a tighter timeline. I think the Legislature has that prerogative, if you will, over a court that you have created. I'll answer any questions if you have any.

**BOSN:** Thank you. Questions? Senator Holdcroft.

**HOLDCROFT:** Thank you, Chairman Bosn. I'm going to look for some education here. I understand that you always start off-- a juvenile always starts off in juvenile court. Correct? I mean--

**SPIKE EICKHOLT:** No. The prosecutor has the option to choose, and they can choose to charge in adult court if they want to.

**HOLDCROFT:** But then-- but-- and then it had to be-- and then, then it could be transferred, correct?

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**SPIKE EICKHOLT:** Then, then-- transferred to juvenile court. That's right.

**HOLDCROFT:** Transferred from where, then? I mean, if they're not in juvenile court to begin with, you're, you're, you're transferring it from limbo into, you know, a county court or a district court?

**SPIKE EICKHOLT:** Well, it depends, logistically, where you are-- imagine if the child's charged in Sarpy County. There's a separate juvenile court in Sarpy County.

**HOLDCROFT:** Right.

**SPIKE EICKHOLT:** So, you're-- the child is charged as an adult in county court, in the regular county court, and they asked to have the case transferred to the separate juvenile court.

**HOLDCROFT:** I thought these were transfers from juvenile to county or district. They're, they're down.

**SPIKE EICKHOLT:** Oh, they are? OK.

**HOLDCROFT:** I mean, is that what the-- I'm trying to [INAUDIBLE].

**SPIKE EICKHOLT:** They can, they can have them transferred both ways.

**HOLDCROFT:** --what this bill does. So, where are we transferring?

**SPIKE EICKHOLT:** Perhaps I read the bill wrong. Well, the bill does a lot-- the prosecutor has an option to choose to charge the case in adult or juvenile court, and--

**HOLDCROFT:** To the juvenile court.

**SPIKE EICKHOLT:** -- and you can always seek to transfer it to the other alternative where the child is charged. That's always an option.

**HOLDCROFT:** OK. So, this would be from county or district court to juvenile court.

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**SPIKE EICKHOLT:** Right.

**HOLDCROFT:** No?

**BOSN:** Just for everyone's awareness, if you look at page 4, line 10,--

**SPIKE EICKHOLT:** Right.

**BOSN:** --transfer from juvenile court to county court or district court, and then you go down to subsection (b), which is line 27 on page 4, an order granting or denying transfer from the juvenile court to county or district. So, these are cases-- so that everyone's aware, we're talking starting in juvenile, request by the county attorney to transfer to adult court.

**SPIKE EICKHOLT:** Right.

**HOLDCROFT:** OK. So, they can appeal, then.

**SPIKE EICKHOLT:** Right.

**HOLDCROFT:** That's what this is about.

**SPIKE EICKHOLT:** Right.

**HOLDCROFT:** And then, it has to go to the Court of Appeals.

**SPIKE EICKHOLT:** That's correct.

**HOLDCROFT:** Now, who is the Court Of Appeals? Give me a little tutorial on, on [INAUDIBLE]

**SPIKE EICKHOLT:** It was created by the Legislature. The Court of Appeals were created by Legislature, I think, in 1991, or early '90s, and I can't remember for sure. But there are six members of the Courts of Appeals; they sit in two different panels of three. There's a Chief Justice. I can remember-- I think it's Justice Riedmann. I can't recall who the Chief Justice of the Court of Appeals is right now. And they hear cases-- when you appeal from, from a lower court, you generally file with the clerk of the Court of Appeals and Supreme Court, and generally

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you start in the Court of Appeals. The Legislature has laid out in that statute I mentioned before a process where a party can seek to bypass the Court of Appeals and go directly to the Supreme Court, not even be argued or heard in front of the Court of Appeals. The Supreme Court also manages its own docket, so the court could always take a case that's filed in the Court of Appeals and take that themselves and decide it. And if you have a case that's argued and decided by the Court of Appeals, then you can-- what they call request for further hearing, which is an appeal, basically, from the Court of Appeals to the Supreme Court. The Court of Appeals has some authority to interpret the Constitution and interpret different, different statutes; they don't have the ability to overrule Supreme Court decisions. The Supreme Court, essentially, is the authority on interpreting our Constitution and various things like that.

**HOLDCROFT:** So there's really just two, three-man panels.

**SPIKE EICKHOLT:** Three, three-person.

**HOLDCROFT:** Three-person panels. And they're actually here in the Capitol building, right?

**SPIKE EICKHOLT:** Yes.

**HOLDCROFT:** Because I've seen the door that says Court of Appeals on it,--

**SPIKE EICKHOLT:** Right.

**HOLDCROFT:** --so I assume they're physically located here.

**SPIKE EICKHOLT:** Right.

**HOLDCROFT:** And they're hearing cases across the state of Nebraska, all of them.

**SPIKE EICKHOLT:** Yes.

**HOLDCROFT:** I can, I can understand why it takes a little bit of time for them. I mean, how, how busy are they? Do you know what

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kind of a schedule they have? How many, how many they hear? How many cases they hear per year, or per month or quarter?

**SPIKE EICKHOLT:** I don't, I don't know what their docket is, admittedly. I don't. They have oral arg-- they have what they call a call, which is a schedule of oral arguments. They don't have as many cases argued orally, where the parties actually appear and argue, as the Supreme Court does, in part because the Court of Appeals has the discretion it's been provided to not schedule oral argument for all cases. Sometimes, the Court of Appeals handles appeals that are perhaps not necessarily novel or new areas of law, but you're just appealing-- a typical Court of Appeals case is an excessive sentence argument, where a defendant's sentenced to a period of imprisonment, they don't think they should have got that much time, they want to appeal. And as a practical matter, it's impossible to get a excessive sentence case reversed, so the Court of Appeals hears it.

**HOLDCROFT:** OK. Thank you.

**BOSN:** Thank you. Any other questions? Seeing none. Thank you very much. Next proponent.

**KATIE NUNGESSER:** Good afternoon.

**BOSN:** Good afternoon, and welcome.

**KATIE NUNGESSER:** I will make this short, given the development with the bill. But I am-- thank you, Chairperson Bosn, and members of the Judiciary Committee. I'm Katie Nungesser, spelled K-a-t-i-e N-u-n-g-e-s-s-e-r, and we were here in support of LB1225. I will just leave my written with you so that we can have that on the record, as we're really excited that this was brought forward to start these conversations. We also come into contact with kids that, you know, are waiting for this process, and one of the concerns we have is making sure that they get those answers in enough time that they can really benefit from everything to offer in the juvenile court system, and that they don't age out at 19. And we just really like the clarity that this provides and the boundaries. So, I will keep it super short, and if you have any questions--

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**BOSN:** Thank you. Questions? Seeing none. Thank you very much. Next proponent. Opponents. Anyone here in opposition? Neutral testifiers. Good afternoon, and welcome.

**JOSH SHASSERRE:** Thank you, Chair Bosn, members of the Judiciary Committee. My name is Josh Shasserre, J-o-s-h S-h-a-s-s-e-r-r-e. I have the privilege of serving as the Clerk of the Nebraska Supreme Court and Court of Appeals. I honestly had no plan to testify this afternoon. I'm testifying in a neutral capacity in order to address some of the questions that were raised in prior testimony, and to acknowledge-- first of all, I wanted to acknowledge and thank Senator Raybould for truly having productive conversations, and also Lancaster County and their lobbyists for doing the same. I will say that my understanding that the impetus for this legislation is not necessarily with regard to the time in which the Court of Appeals may take to actually issue an opinion. There's a few things I'd like to clarify to Senator Holdcroft's questions to Mr. Eickholt. First of all, the Nebraska's Court of Appeals was the result of a constitutional amendment proposed by the Legislature passed in 1990. It is a member-- it is a, a group of six judges. They do often meet in the Court of Appeals room upstairs, but they also do frequently travel to other parts of the state to have representation in terms of where appellate cases are heard. In terms of the overall appellate caseload for both the Nebraska Court of Appeals and the Supreme Court, before COVID, it was approximately 1,200 cases per year; now, we're at about 1,000 a year on average. The most of those cases are within the Court of Appeals, or at least originate within the Court of Appeals. Most of the cases that the Court of Appeals decides are decided without oral argument, as Mr. Eickholt stated. However, I see my [INAUDIBLE], my amber light, so I just wanted to clarify a few things with regard to any misconception as to the time frame. First of all, one, this legislation does not address the statute 29-1816 with regard to transfers from adult court to juvenile court, which is about the same number as appeals from transfers from juvenile court to adult court. The-- both of those statutes were amended in 2017 by Senator Krist to provide the existing language with regard to the Court of Appeals shall proceed as expeditiously as possible. And I will tell you that the Nebraska Supreme Court rules are set up in such a way that there are cases that are considered advanced, meaning that they get heard

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for oral argument before any other non-advanced cases. And these cases are the advanced of the advanced. There is nothing more under current court, court rule that the Court of Appeals could do to decide these cases any faster. I see I have a red light, so I will stop.

**BOSN:** Any questions? Senator Holdcroft.

**HOLDCROFT:** Thank you, Chairwoman Bosn. So, six, six judges, three to a panel.

**JOSH SHASSERRE:** Mm-hmm.

**HOLDCROFT:** Do they-- are they always the same three in each panel, or do they [INAUDIBLE].

**JOSH SHASSERRE:** No, those panels rotate.

**HOLDCROFT:** OK. And so, you-- do you have an idea-- let's say no "orgal" arguments, but 1,000 cases a year, about how long does it take for an appeal from the time it's dropped until--

**JOSH SHASSERRE:** The Court of Appeals attempts to resolve those within about six months. Now, the-- I would also like just to point out, again, that's going to vary based upon the case type and, by virtue of past legislation that the Legislature has passed, the case type, whether it be considered advanced or non-advanced. Whether a case is advanced or non-advanced has a statutory basis to it. So, that's all criminal appeals, all juvenile cases, cases in which there is custody of a minor child involved, cases in which there is the-- an original action filed in the Nebraska Supreme Court, and all juvenile transfer cases. And as I mentioned, juvenile transfer cases have to go in the most expeditious fashion possible. But I would say that practically speaking, the way that this bill is presently drafted, it says from the time the notice of appeal is filed until-- the Court of Appeals has to render a decision within 90 days of when notice is filed that there's an appeal. Under present court rules, if that case is one in which the appellant is paying, is not considered IFP, or in forma "propus" [SIC], that can-- that process, if every allowable date is, is allowed for without any extensions being granted, can only be done in 95

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days. It doesn't even get to the Court of Appeals ready to decide until 95 days has passed. If it's an IFP case, the earliest possible, assuming that everybody takes their 30 days to brief their case, would be 81 days, leaving the Court of Appeals 9 days. I'll also tell you that in terms of advanced-- of the advanced, what I mean by that is that the time under Supreme Court rule for the record to be prepared-- because the appellate court only decides cases based upon a written record-- normally, that's allowed for 7 weeks to prepare. Under juvenile transfer cases, that's the only case type now that allowed-- that requires the record to be paired-- excuse me, prepared within 3 weeks. So, that's expedited. I feel maybe I'm not answering your question. I apologize.

**HOLDCROFT:** No, no, that's, that's, that's good. But my last question is, so what happens if they don't do it in 90 days? What happens? I mean, if it's law now, it has to be done no later than 90 days after the date, but it sounds like it may be almost impossible to do that. If 90 days expires, what happens to the case at that point?

**JOSH SHASSERRE:** That's the-- that's an, an outstanding question, with regard to what the practical effect would be in-- with this legislation, should it pass.

**HOLDCROFT:** OK, thank you.

**BOSN:** Senator Hallstrom.

**HALLSTROM:** Was it an outstanding question or a question for which the answer is outstanding?

**JOSH SHASSERRE:** It's a both/and.

**HALLSTROM:** Thank you.

**BOSN:** Seeing no other questions, thank you for being here.

**JOSH SHASSERRE:** Thank you very much. Thank you for your time.

**BOSN:** Don't you miss this?

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**JOSH SHASSERRE:** Desperately.

**BOSN:** Next neutral testifier. Any other neutral testifiers? All right. While Senator Raybould makes her way up for close, I will note for the record that she had no proponent, 2 opponent, and no neutral comments submitted. Welcome back.

**RAYBOULD:** My gift to you all is that I waive close.

**STORER:** Happy Friday.

**BOSN:** Have a great weekend. Thank you. All right. That will conclude our hearing on LB1225, and next up, we have LB739 with Senator Rountree.

**ROUNTREE:** Thank you so much, Chair Bosn. And good afternoon, Chair Bosn, and members of the Judiciary Committee, Committee, shall I say. My name is Victor Rountree, that's V-i-c-t-o-r R-o-u-n-t-r-e-e, and I represent District 3, which is made up of Bellevue and Papillion. Today, I'm here to introduce LB739, which will bring the adult and juvenile name change notification requirements in line. When I was knocking doors during my campaign, I heard from countless constituents about the issues that were affecting their lives, like most of us have. As we've all heard, the cost of living has gone up and up on everything around us. But one constituent had a specific request for me that-- when I was at her door. They had recently learned about their family's heritage, and after learning about the legacy of their family, they went through the process of seeking a legal name change. They found the process burdensome and costly. Currently, adults in the state of Nebraska who wish to legally change their names must go through a court process and file a legal notice of any name change, whether it is for marriage, a long-lost relative you want to honor, or any other reason a person might have. To give sufficient notice, an adult must publish in a local paper of record, such as your local newspaper, for four consecutive weeks. However, a minor is only required to publish this notification for two consecutive weeks. After discussion with legal experts who frequently assist people through the legal hurdles of the name change process, we agreed to bring this change and ask for this reporting requirement to be in line at a consistent two weeks, and it would still provide

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adequate notification. This change is a small but impactful way to reduce government red tape while saving our constituents their hard-earned money. I imagine that a newlywed young couple who may be having their first child or just brought their starter home, they'd see their budget quickly being stretched. So, instead of spending their money on government-type requirements, like this ad in the paper, they can get diapers, formulas, and other things that the family needs, be able to afford their groceries a little easier. I appreciate your attention to this bill, and I thank the constituent who brought this issue to my attention. There are some experts behind me who can speak more in depth about the name change legal process, but with that, I would be happy to take any questions that you might have.

**BOSN:** Thank you. Are there questions for Senator Rountree? All right. Seeing none. All right. You're staying close, because you have the next two bills, so nevermind. I won't ask. Can I see a show of hands, how many individuals are here to testify in some capacity on LB739? One. Got it. All right. We will start with proponents. Good afternoon, and welcome.

**CARTER MATT:** Good afternoon, Chair Bosn, members of the Judiciary Committee. My name is Carter Matt. I am a staff attorney here on behalf of the ACLU of Nebraska, testifying in support of LB739. As Senator Rountree had mentioned, LB739 brings simple consistency to the name change process for Nebraskans by unifying the requirements for both adults and minors. And as a practicing attorney, I have directly represented clients throughout the name change process, and I have also assisted individuals with completing name changes on their own pro se. LB739 can help Nebraskans that want to change their name in multiple important ways. Presently, adults have to publish notice of their name change for four consecutive weeks while minors only have to publish for two consecutive weeks, and this arbitrary difference in process adds unnecessary confusion for Nebraskans that are attempting to change their name. And the statutory consistency can help pro se individuals to correctly complete the process on their own without needing to seek legal representation for what should be a rather simple legal process. And as it currently stands, publication fees make up a significant portion of the entire cost of the process, and LB739

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will cut this in half, which expands access to courts and to legal processes for all Nebraskans. Thanks for the opportunity to testify in support of LB739. I'm happy to answer any questions.

**BOSN:** All right. Senator Tor-- Storer. Excuse me.

**STORER:** Thank you, Chair Bosn. This is a-- kind of fascinating. Any idea what the basis was originally for these publishing requirements for a name change?

**CARTER MATT:** The basis is just generally that sometimes there might be a party that has an interest in the name change. For example, if somebody has a judgment against them, their creditors might be interested in knowing that their name is being changed because it could make it more difficult for them to, you know, possibly collect on their judgment that they already have. So, what this does is it provides notice to anybody that would possibly have a legal interest, that their legal interest might be affected by this.

**STORER:** And so, with that kind of baseline, then is there-- why the differences originally for adults and minors?

**CARTER MATT:** I, I don't know why there was a difference. The Legislature seemed to think that two weeks was sufficient notice for minors. I'm not sure why that there was a difference for adults. I, I don't know the answer.

**STORER:** OK. Thank you.

**BOSN:** Senator DeBoer.

**DeBOER:** One thing I was wondering about with these name changes is, if they're publishing these differences in the paper, for folks who are trying to get away from an abuser, how does that affect it? Is there ever an exception for the name change?

**CARTER MATT:** Yes. So, there is a, a way to request the court to give a waiver for the publication requirement. So, they would need to produce an affidavit that describes their need for safety and need for protection, and, and the court makes the

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decision whether the-- they'll grant the waiver of publication requirement.

**DeBOER:** OK, thank you.

**BOSN:** All right. Can you please spell your last name for us?

**CARTER MATT:** Oh--

**BOSN:** That's OK.

**CARTER MATT:** Correct. Sorry about that. M-a-t-t. First name is C-a-r-t-e-r.

**BOSN:** Perfect. All right. Thank you very much for being here.

**CARTER MATT:** Thank you.

**BOSN:** Next proponent. Neutral-- or, opponents. Neutral testifiers. All right. Senator Rountree, to close.

**ROUNTREE:** Thank you so much, Chair Bosn, and to our Judiciary Committee. Thanks for the-- our testifier, and for the question that I asked clarification. When I encountered this young individual at the door and I listened to her family history, they had a really storied history, something she didn't know about but one she wanted to participate in. And, you know, I think she was about 25 years old, so just a young individual, but also talking about the cost and the expenses. So, this is probably one of a few issues that I handled at the door or made at the door that we brought legislation for. So, when the newspapers reach out and ask what's the impetus for this, I said knocking on doors and listening to the constituents, and that's how we got it, so. But I thank you for listening today, and I, I ask that we can advance this bill forward and help to save some families monies as they go through the process.

**BOSN:** All right. Any questions for Senator Rountree? Did you ever hear from-- because I-- in hearing the last testifier talk about the issue of creditors potentially wanting to make sure that they could secure their lien on debt, or, you know, follow somebody by name if they needed to secure their, you know,

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credit card debt or something like that. Did you ever hear from them that they opposed this change from four weeks to two weeks?

**ROUNTREE:** No, ma'am, we did not hear from anyone really on that. I was in the Unicameral one day, one of the lobbyists calls out that represents the papers to say, how did this come about? So--

**BOSN:** Yeah.

**ROUNTREE:** I said constituent contact, that was it. [INAUDIBLE]

**BOSN:** OK. And then do you know what our neighboring states use for their notice requirements, in terms of are they closer to the two weeks, are they closer to the four weeks?

**ROUNTREE:** I'm not aware of that. I can get that for you, and--

**BOSN:** And I can look into it as well.

**ROUNTREE:** OK.

**BOSN:** I just didn't know if you knew. All right. Any other questions? Seeing none, that will conclude our hearing for LB739. Next up, so fresh [INAUDIBLE], Senator Rountree on LB995.

**ROUNTREE:** Good afternoon, Chair Bosn, and members of the Judiciary Committee. My name is Victor Rountree, V-i-c-t-o-r R-o-u-n-t-r-e-e, and I represent District 3, which is made up of Bellevue and Papillion. Today, I'm here to introduce LB995 which requires the appointment of counsel upon the filing of a qualifying juvenile court petition and establishes clearer standards for advising juveniles and families of this right. Over the summer, I held conversations with multiple stakeholders about the issue of juvenile counsel in our state. Nebraska is a large state with diverse needs, and the ability to appoint counsel for those in juvenile court is different from community to community. While the availability of lawyers may be different "dependative" on where you are in the state, your right to counsel should not depend upon your location. It is a fundamental right to be fairly represented in court, and I think that our youth deserve to have their cases handled by professionals with their best interests at heart. Currently in

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Nebraska, in Douglas, Sarpy, and Lancaster County, every child gets appointed a lawyer at the time the paperwork is filed. When they come to court, the judge inquires of the parents whether they can afford to pay the attorney or not. If they can, they will pay if the child chooses to keep the attorney. If they can't afford it, the lawyer still remains appointed if the child wants, and the county pays it. All other county courts vary by courtroom and judicial practice. Some rural judges may choose to appoint early or more less automatically. Some may pressure kids to take an attorney if the case seems serious, or pressure them not to if the case doesn't seem that serious. Some may ask the question about whether a child wants a lawyer quickly or without much explanation; some may literally read the police reports and help the youth decide whether they should take a lawyer and have a trial, or just plead on their own. However, statewide, there are certain hearings of situations where a child should always have a lawyer. Detention hearings, hearings at which out-of-home placement is sought, motions to transfer the case from juvenile to adult criminal court, anytime the child is under the age of 14. LB995 ensures that youth are clearly made aware of their rights during their case, with age-appropriate material explaining what they are entitled to and what waiving that right might mean. When dealing with life-altering instances like a court case, it is paramount that we are clear with youth the ramifications of waiving counsel. LB995 also strikes a section in language which sets up different standards for mandatory access to counsel based on county size. While it is important to understand the needs of local county attorneys, I do not believe the urgency of a child's case changes when you cross county lines. There has been a long legislative history of bills brought to address youth legal representation. Former Senator Pansing Brooks has been a champion for this issue, and this bill seeks to continue the important work that has already been accomplished. I appreciate your attention to this legislation. Now, I can say behind me are legal experts and youth advocates who can speak more accurately about the specific issues we see in our youth justice system. And with that, I would be able to answer any questions you may have. I'm not a lawyer as some of you are, but I will attempt and let the experts do better than I.

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**BOSN:** Any questions? All right. Thank you very much. We'll-- can I see a show of hands, how many individuals are here to testify on this bill? 1, 2, 3, 4, 5, 6, 7. OK. All right, we'll start with proponents. Anyone here to testify in support? Good afternoon, and welcome.

**SARAH MITCHELL:** Good afternoon, Chairperson Bosn, and members of the Judiciary Committee. My name is Sarah Mitchell, S-a-r-a-h M-i-t-c-h-e-l-l, and I'm here today to testify as someone in support of LB995 as someone with lived experience in the Wayne and Madison County juvenile justice systems. When a young person enters a courtroom, their future is on the line. In juvenile court, and sometimes even adult court, decisions can remove them from their home, impact their education, separate from-- separate them from siblings, or place them in facilities like YRTC Geneva. These are small moments-- these are not small moments, these are life-shaping. At 17 years old, I was charged in Madison County adult court for a minor shoplifting offense. I was still a teenager, but I was standing in an adult courtroom facing adult consequences. I did not have meaningful representation guiding me in a way I could understand. I remember feeling overwhelmed and small. Legal terms were used that I didn't understand. Expectations were placed on me like I was not mentally prepared to meet at that age. I was expected to navigate a system built for adults. Without representation, I did not fully understand the long-term consequences of what was happening, and an adult charge does not just stay in a courtroom; it follows you. It follows you when you apply for jobs, it follows when you apply for housing, it follows you when you try to move forward and just build stability. As a young person trying to grow up and make better decisions, carrying an adult record created barriers that I didn't fully grasp at 17. There's a difference between holding a youth accountable and saddling them with consequences that limit their ability to ever truly move on. Around the same time, I also had a case in Wayne County juvenile court. I believe that how I was-- I believed that how I handled that case in Madison County might determine how long I would be in Geneva. I thought if I said the right things or agreed to certain terms, maybe I could lessen my sentence or avoid placement and go home sooner, but I was operating out of fear and not understanding. Without, without consistent legal guidance, I was making decisions without

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knowing their full impact. That fear stays with you. When young people are system-involved, they are truly often already navigating trauma and stability and uncertainty. Without an attorney, they may plead to something they don't fully understand. They might waive rights without realizing it, they may accept outcomes that follow them into adulthood, because no one explained the long-term implications. I later experienced what it felt like to have an attorney who truly represented me. She explained my options, she walked me through the pros, the cons, she made sure my voice was a part of the process. That experience showed me what justice is supposed to look like. The difference is not small; it's life-altering. When youth have the proper representation, the consequences go far beyond the courtroom. An adult conviction at 17 can shape educational access, employment opportunities, and even self-perception. It can reinforce the belief that you are, you are defined by your worst mistakes instead of your potential. I am grateful that I now have overcome those adult charges, but it took a lot of help and some time to do so. LB995 recognizes that young people deserve meaningful legal counsel in every case where their freedom, record, or future is at stake. We cannot continue to expect youth, especially those facing removal of commitment, to understand complex legal systems without someone dedicated to, to protecting their rights. No 17-year-old should carry adult consequences because they did not fully understand what was happening in a courtroom. LB995 is about fairness; it is about constitutional rights, and it is about ensuring that Nebraska youth are given a real opportunity to move forward, not permanently defined by a moment they navigated alone. With that being said, I, I urge you to advance LB995. Thank you for your time today, and truly listening to part of my story. And also thank you, Senator Rountree, for introducing this bill. I'd be happy to answer any questions you guys have today.

**BOSN:** Thank you. Any questions for this testifier? Seeing none. Thank you for being here and sharing your story.

**SARAH MITCHELL:** Thank you so much.

**BOSN:** Yes. Next proponent. Good afternoon. Welcome back.

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**KATIE NUNGESSER:** Good afternoon again. Thank you, Chairperson Bosn, and members of Judiciary Committee. I am Katie Nungesser, spelled K-a-t-i-e N-u-n-g-e-s-s-e-r, and I'm here today representing Voices for Children in support of LB995. Nebraska's juvenile court system should be a place of healing, growth, and accountability, not confusion, fear, or long-- lifelong harm. The Nebraska Legislature has already made meaningful strides to protect young people's rights in court, but there's still a gap in our statute as children are able to waive those rights of representation. There was also legislation passed, as we've talked about, so that those larger cities, the kids are getting that-- they're getting representation, where in the rural areas they aren't. There is a map on my testimony that will show you across Nebraska what it looks like. 76.8 percent of kids in juvenile court in Nebraska do have attorneys, but we're still concerned about that quarter of kids that does not. We see those big gaps in the rural, rural courtrooms. We want to make it clear that, in practice, access to counsel in Nebraska still "dispend" -- depends way too much on geography, courtroom culture, and individual judicial practice. In some counties, kids are automatically appointed attorneys as soon as the case is filed; in others, whether a child has a lawyer or not depends on how the question's asked, how fast it's asked, how much explanation is given, and how much pressure a child feels from adults in the room. One thing that we wanted to highlight in our work directly with youth that are in these systems is that they tell us that they don't truly understand what that right to the attorney means. We had some kids tell us that they either thought or were told that it could make things go longer, make things worse, that they were making a big deal out of things. And sometimes, in some areas, they've been told-- they're almost being told to minimize. One young person described almost being effectively coached into waiving counsel without ever being given a real opportunity to understand the consequences. And we also really worry-- what we hear from kids is the kid-on-kid conversations about other kids telling them, as they're prepping and as they're being held in detention or in other settings, that the judge is going to go harder on you, things like that. So, we just know these kids aren't in a place, always, to be making that decision for themselves, and so we'd like to see it be automatic. A couple other examples of where kids aren't always making the best decisions for themselves is when we look

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at 90 percent of kids waiving Miranda rights. Also, 38 percent of youth exonerations over the past 25 years have been false confessions, so we know that kids legal counsel is a big part of, of youth being to move through the system. So, this is just the next step. It's just closing a gap. It's cleaning up confusion, and making sure no child is misled or mistaken about their rights, and we just want to ensure counsel for every child in every case statewide, and it's a powerful and necessary step. So, thank you again, Senator Rountree, for bringing this bill, and the committee for your time and attention. I'm available for any questions. And there is some stuff attached to the back, county by county. Yes. Sorry.

**BOSN:** Senator Holdcroft.

**HOLDCROFT:** Thank you, Chairwoman Bosn. You used the word "automatic." Did you mean to say that whether or not-- well, would they automatically be assigned a lawyer? Is that what you meant?

**KATIE NUNGESSER:** I'm not the legal expert, so people behind me might be able to clarify. But my understanding is in the larger counties, that they-- that kids are being-- we're seeing, like, high numbers, as you can see in percentages, where the kids are being given representation.

**HOLDCROFT:** OK. But this bill doesn't require automatic assignment of lawyers. I think it's just education. But I can--

**KATIE NUNGESSER:** I think it's both.

**HOLDCROFT:** I can ask Senator Rountree that question.

**KATIE NUNGESSER:** Yeah, yeah. And my understanding is that it's both, that, that it is going ahead and expanding what we do in those three larger counties to the whole state. But also, something that we have talked about with kids is, at a minimum, can there be something created by kids or with kids for kids to help them understand their rights? Because depending on what courtroom they're in, what county, who they're contact with, we're just hearing kids get all different versions of this. And is it even in a way that kids can digest? So, at a minimum, as a

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state, could we come up with something more standard that is more kid-focused, so they can understand their rights.

**HOLDCROFT:** Thank you.

**KATIE NUNGESSER:** Yes, thank you for the question.

**BOSN:** Senator Hallstrom.

**HALLSTROM:** I remember Senator Pansing Brooks being involved in this from a few years ago, and kind of the background that we ended up just going in the larger counties. Can you explain for the committee, if you know, what was the background behind that bifurcation of only, only going to the larger counties?

**KATIE NUNGESSER:** I was not-- there are some people here that were working in this policy when that happened, so I might reserve part of that for them. But yes, Patty-- Senator Patty Pansing Brooks did do a lot of work on this. My guess is that it was a compromise, but again, I don't want to make guesses. I know there's a lot of conversations about the cost to counties and things like that, but that's why we also attached the handout that shows, like, if you dig deeper, like, it might not just be the surface that this is going to cost counties money for that, but it might be saving in the back end by less kids being in detention and being system-involved like that, and being removed from home. So, I think there's some experts behind me that might have more info for you.

**HALLSTROM:** OK. Well, and I at least posed my question. The second one, so I'll pose so they have some time to think about it, is-- the way I read this is that there was a very narrow felony offense, similar to a felony offense that could be charged as a felony was the only category that was covered for the appointment of counsel. And this bill, you said we're filling in the gaps; we're filling the gaps not only in terms of expanding it to the rest of the state, but we're also expanding the universe of offenses for which counsel will be appointed. And is-- do you, do you know what the, the background or the genesis of the-- of that expansion is?

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**KATIE NUNGESSER:** I don't-- in terms of, like, of the levels of felonies and things like that, I think there'll be someone behind me that can answer that a little bit more in depth. I'm scared to step in that zone because I, again, am not a lawyer. I spend a lot more time face-to-face with the kids, listening to their journey through the system. So, I might reserve that one, if that's OK, for people coming behind me.

**HALLSTROM:** Well, you let me pose the question, so thank you.

**KATIE NUNGESSER:** Yes. No. Thank you.

**BOSN:** All right. Thank you for being here. Next proponent.

**JASON WITMER:** Good afternoon.

**BOSN:** Good afternoon, and welcome.

**JASON WITMER:** Thanks for having me. I'm Jason Witmer, J-a-s-o-n W-i-t-m-e-r. I'm a policy strategist with the ACLU of Nebraska, and we are here in support of LB995. As far as the questions, I wrote them down. I will-- if somebody does not come up and explain them to you, we will get you the answer. We will get you the answer.

**HALLSTROM:** Thank you.

**JASON WITMER:** Juvenile court is often a child's first experience with the legal system. Sometimes, it's the most consequential. Yet, under current law, children can still waive their right to attorney without fully understanding what that means, or face the criteria here-- or face a critical hearing without legal counsel. In LB995, it addresses that. It does not invent new rights; it ensures existing constitutional rights are meaningfully written, provided-- they provide a written way of youth-appropriate explanation of rights and requiring a clear appointment of counsel, and placing common-sense limits on when a child can waive their representation. LB995 recognizes that science and, and experience that we have-- what it already tells us: children are not miniature adults. LB995 protects due process, promotes fairness, and helps prevent lifelong harm stemming from early court involvement. My biggest interest in

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this, and ours's interest in this, is we often talk-- and I was listening yesterday, and I've been listening pretty-- more than I have ever, and I absolutely believe each one of you senators when you say we're here to protect the children. I think our differences come with some of the dynamics of what we're putting into bills. Yesterday, Senator Storer, you, you had the AI bill, and it was about protecting our kiddos. But we don't know where there's protection in the most vulnerable population, and children can't be no more vulnerable than when they're suffering trauma, going through trauma, and when they get themselves in a system of adults and then told they can make-- suddenly make these decisions that could land them in a system that will cycle them for the rest of their life. And counsel is an adult that can step in for them. And others have expressed their experience, I can express my experience. It's so easy to waive that as a child. It's easy to hear that this will go faster for you, and find out that you will grow up in the same system that told you if you waive this-- it is so easy for these things to happen. This is why we stand up for our kids. We think it's-- this is-- the reason-- another reason we say this is the most vulnerable children is because these are the children that we often say deserve what they get, because they put themselves in the position. So, at this time, this is where we need you to stand up for the kids, and we ask you to advance LB995. Thank you. Thank you, Senator Rountree.

**BOSN:** Any questions for the testifier? Senator Storer.

**STORER:** Thank you, Chair Bosn. And thank you. I'm just trying to make sure that I understand this in its entirety. So, in essence, what this-- what I'm hearing you say that this bill would do-- and, and I guess confirm or deny that this would be your understanding as well-- is eliminate that waivable option. Basically, a juvenile who's been appointed or has the, has the opportunity, or, or fits those criteria to have an appointed, appointed counsel today can waive that and say "nope, I don't want it." This would take away their waivable option. Is that right?

**JASON WITMER:** Well, I haven't talked directly with the senator, so he can correct me. I don't think it puts mandatory, as much as I would love mandatory, for the juveniles. I think what it

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does is put more-- it leans more into putting standards in there that the children can understand better their rights, maybe, possibly. Adults will have to be more informed, but at no point do I see-- when I was-- I took a quick glance, because with the questions, I thought maybe I misunderstood it. I don't-- I did not see where it man-- had mandatory a lawyer for the kids at every step.

**STORER:** So then, could you describe to me in your words what this changes from today's system?

**JASON WITMER:** Yeah, so-- absolutely. Part of what it does is the explanation of rights. It's not just the memorandum stating in legalese to the kids; they're going to break down them rights, it's going to bring the adults in. Let me look at my notes. The adults in, a little bit more intensive. Sorry. I got all these statutes. You lawyers make it hard. [INAUDIBLE] left the bill. There it is. Sorry. So, if you look at page 2, is, like, one of the big areas, is-- right there, when it's talking about the, the rights and the counsel appointed, and, and it talks about when the child is brought before the, the judge and the guardian that they shall inquire of such juvenile and his parent or guardian as to whether they decide to retain counsel. So, part of what I'm saying terribly is it's bringing in an adult. But I think part of the problem is we, we can't mandate it because of the, the cost to the counties, the stress that we have on the system, and we want this bill to pass to at least put some safeguards in place.

**STORER:** So, let me ask this a different way-- a different way. In what situation today is a juvenile without counsel?

**JASON WITMER:** Say it again?

**STORER:** Like, in, in what circumstance today would a juvenile be without counsel?

**JASON WITMER:** Easily, in the system. They just have to waive it themselves.

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**STORER:** So it's on-- it's only if they waive it. So, they're offered counsel, but they may waive it because they don't understand, or they've been--

**JASON WITMER:** They often don't understand. We don't understand that. We don't know the system. There's a reason why you-- we have lawyers that can only practice law and not us laymen practicing law, because the system is so complicated for adults.

**STORER:** So, if they-- and this is-- and I'm not trying to be-- but this is where I'm getting confused. So if they, if they are provided counsel and the only time they would be without counsel is if they waive that right, and this not mandatory, then what is this fixing? If this is not taking away their waivable right of counsel, but the only time they're without counsel is if they waive it, what is this fixing?

**JASON WITMER:** It's-- I believe it's bringing in an adult figure, whether it's a guardian or a parent to be part of that process and not just being able for the child to say I, "I don't want a lawyer." Because the big problem is, who talked to them before they got to that decision?

**STORER:** OK. And we may [INAUDIBLE]

**JASON WITMER:** And I will follow up. You know what? I will follow up with that, because I think I'm doing a terrible job with this--

**STORER:** No, you're--

**JASON WITMER:** --explaining this.

**STORER:** Just trying to vet through it all and sort of get down to the, you know, the, the [INAUDIBLE] and how it's fixable.

**JASON WITMER:** No, I do hear you. You're, you're, you're-- and you can correct me if I'm wrong. You're proposing-- the question's proposing that what-- what's changing with this?

**STORER:** Right.

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**JASON WITMER:** And you need to know more intently of what's changing with this. And I do feel like it's a big part of bringing an adult in every single process, if we can't have a, a lawyer.

**STORER:** Thank you.

**BOSN:** Senator Hallstrom.

**HALLSTROM:** You've talked about the right to counsel. Is there a distinction between-- since we don't have criminal penalties in juvenile court, is there a distinction between the level of offense or the potential commitment that drives whether or not there is a constitutional right to counsel?

**JASON WITMER:** Well, juvenile cases don't always stay juvenile. We know that.

**HALLSTROM:** If, if we're in juvenile--

**JASON WITMER:** If I go on probation--

**HALLSTROM:** Yeah.

**JASON WITMER:** --and I keep violating it, what the process should be is you, you suffer juvenile consequences. But it can easily turn into adult.

**HALLSTROM:** For those who, who may come afterwards, if, if I-- and I don't have it up in front of me right now, but I thought one of the expanded sections under 372 talked about a minor traffic offense and wondering--

**JASON WITMER:** OK.

**HALLSTROM:** --if, if there's a constitutional right to counsel in juvenile court for what would otherwise be minor traffic, traffic offenses in adult court.

**JASON WITMER:** I will get you that answer--

**HALLSTROM:** Thank you.

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**JASON WITMER:** --rather than trying to explain what I think I don't understand.

**HALLSTROM:** That's fine. Thank you.

**JASON WITMER:** Yup.

**BOSN:** Thank you for being here.

**JASON WITMER:** Thank you.

**BOSN:** Next proponent. Good afternoon, and welcome.

**TAMI SOPER:** Good afternoon, Senator Bosn. My disclaimer up front is that I'm not an attorney. Good afternoon, Senator Bosn, and members of the Judiciary Committee. I am Dr. Tami Soper, that's T-a-m-i S-o-p-e-r, and I'm the advocacy and policy advisor for Boys Town. And on behalf of the youth that we serve, I'm excited to be here today to testify in support of LB995. I do have some points written here regarding the, the ways in which this bill is expected to expand the existing laws, so I'll identify some of those, but I think Spike or Tim would probably, as attorneys, be better at answering those questions. But it's-- requiring counsel at-- right at the point of filing the qualified juvenile court petition, so maybe it's the point at which the counsel is required to be present or offered. It's again, as many people have said, the developmentally-appropriate materials that that information is to present-- be presented to that juvenile and their families in, and it's also ensuring that that counsel-- that opportunity to speak to counsel occurs prior to the waiver, prior to any waiver, which is important because it, it helps them to be sure of how the attorney is going to function or not function in their case. As we know, that-- this system is really difficult. It's designed for rehabilitation and to serve in the best interests of the children. And oftentimes, it can be compliment-- complicated, and legal representation is certainly paramount to navigating those complexities and can influence the trajectory of those cases from the initial contact with law enforcement all the way through to disposition. And the Supreme Court knew that; they knew that children often don't understand what's happening in those courtrooms, and that is why they ruled that it's important for them to have the presence of counsel in

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order to have fair and accurate trials. I do want to speak a little bit to some of the difference that it makes in the way youth are offered counsel, because despite the fact that there are constitutional guarantees, a lot of youth involved in the system, as we heard, don't get those attorneys. Sometimes, it's financial or resource barriers, sometimes it's understanding of their rights, and oftentimes, it's not understand-- it's not just understanding the words, the definition of the words sometimes, it's understanding the long-term repercussions of the decisions that they make regarding those words, and I will explain a little bit about that. So, research on adolescent brain development and neuroscience tells us that, typically, youth will prioritize short-term benefits over long-term consequences, and the reason for that is because the reward-seeking portion of their brain when they're adolescents is highly active versus the frontal lobe of the brain, which is the part of the brain that governs those measured decisions. That part of their brain is still developing. So, it's-- they are uniquely vulnerable to coercive tactics. So, it-- regardless of whether I mention you have the right to be silent and the right to counsel, if I'm asking you questions and I'm pressuring you about those, you're more likely to bend to the consequence of-- I need to stop having this officer in my face. I need end this, what's happening right now, and be coerced into responding to questions, offering, you know, all kinds of things that we've seen that have ended in, in negative results, unjust results for youth, everywhere from longer adjudications, harsher sentences, all sorts of things, so.

**BOSN:** All right, let's see if there's any questions for this testifier. All right. Seeing none. Thank you for the documentation, though. I appreciate that. Thank you. Next proponent. Good afternoon, and welcome.

**CHLOE FOWLER:** Hello, hello. All right. Chairwoman Bosn, members of the Judiciary Committee, I am Chloe Fowler, that is C-h-l-o-e F-o-w-l-e-r, and I'm the child welfare policy analyst for the Children's Commission, and I am here to testify on behalf of the commission in support of LB995. I want to ground this bill into a practical example. A 15-year-old gets cited for a misdemeanor. It could be shoplifting, it could be trespassing, it could be a minor in possession, choose your fighter. They receive a court

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date, and they appear in juvenile court without an attorney. They are nervous, their parents may also be unfamiliar with juvenile procedures; the judge explains the charge and their rights, but the child may not fully understand the consequence of admitting the allegation versus contesting it. Without counsel, that youth may admit simply to resolve the case quickly. They may not understand the diversion options, potential offenses, or the long-term implications of a court record. If probation is imposed, they may agree to conditions that are developmentally difficult to meet, such as curfews, financial obligations, program requirements. If they struggle to comply, a low-level misdemeanor can escalate into a probation violation and deeper system involvement. What begins with a minor offense can become prolonged court supervision. Now, consider the same youth with appointed counsel. An attorney ensures the youth understands the charge and the options available. Counsel can assess diversion eligibility, advocate for dismissal where appropriate, and, if supervision is necessary, push for realistic, developmentally-appropriate conditions. That advocacy can prevent unnecessary escalation and reduce the likelihood of repeated court involvement. LB995 recognizes that even misdemeanor cases carry real consequences for young people. Juvenile court proceedings affect liberty, school stability, family relationships, and future opportunities. Expecting minors to navigate that process alone increases the risk of uninformed admissions and inequitable outcomes. From the Children's Commission's perspective, this is a systems integrity issue. Consistent appointment of counsel promotes due process, reduces avoidable churn in the system, and supports more appropriate case resolutions. It also creates uniformity across jurisdictions so that a child's access to representation does not depend on geography. LB995 provides clear statutory direction, requiring appointment of council for juveniles and defining the court's duties; that clarity strengthens fairness and improves outcomes. And for these reasons, the Nebraska Children's Commission respectfully urges you all to advance LB995, and we thank Senator Rountree for bringing this forward. And I'm happy to answer any questions. I have an ear infection, so it's a bit muddled, so heads up if my volume changes.

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**BOSN:** Any questions for this testifier? Seeing none. Thank you very much for being here and for your handout. Thank you. Next proponent. Good afternoon, and welcome.

**TIM HRUZA:** Good afternoon, Chair Bosn, members of the Judiciary Committee. My name is Tim Hruza, last name spelled H-r-u-z-a, appearing today on behalf of the Nebraska State Bar Association in support of LB995. Our support of the bill today is in conjunction with our long-standing support of providing counsel to juveniles. I think the number one thing that I want to note based on the conversations that I've had with lawyers and judges about this bill this year and past bills as well is that we believe very strongly that the, the case is moved more expediently and efficiently when counsel is involved to help assist juveniles. Although, as you've heard some of the testifiers before note, it may sometimes lead to a more expedient plea or resolution to the case. That's not always necessarily the best result for the juveniles, and when juveniles or parents proceed with a case without asking for appointment of counsel, sometimes, it can conflate things and slow things down. I'm going to stop there and move to some of the questions that came up, because I've, I've been around for a lot of this. Senator Pansing Brooks' first bill that does the \$150,000 population or higher, I believe, was passed in 2016 after a couple of years of her having that conversation. The bill ran into substantial opposition from a couple senators, and was filibustered. The agreement then was made in passing that bill to limit it to the largest counties in the state, based, I think, primarily on the cost concerns at that time. Douglas, Sarpy, and Lancaster County had, had interest in doing this, and we're finding that appointing counsel was working out better for them. Some of the more rural senators were-- filibustered the bill, and the, the impasse was broken by limiting it to those three counties. Fast forward then, Senator Pansing Brooks introduce-- reintroduced bills over the next couple of years, had another one that went to the floor, and then that was also filibustered by, I think, the same group for similar concerns. In 2021, then, the statutes were amended to what you see in front of you to expand, I guess, the right to counsel to more rural counties in those felony offense cases, Senator Hallstrom, as you mentioned. Then, there was-- there's the second piece of the existing statute that allows, in the more-- call them minor

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cases, but a misdemeanor can have longstanding repercussions, obviously. Subsequent misdemeanors or subsequent offenses can stack up to felony offenses. But it was ultimately determined in a compromise there to move forward by allowing those misdemeanor offenses to not have the appointment at the outset and instead allow them the opportunity to waive counsel at their first appearance, if they so chose. Fast forwarding then to the conversation what you see today. I think the primary thing that changes with this bill is that you would have consistency statewide in terms of how these juvenile matters are handled. Right now, if you are appearing in court for your first appearance in Douglas, Sarpy, or Lancaster County, you make that appearance with counsel at your side. The appointment is made at the time that the case is-- comes in, the judge appoints counsel, counsel contacts the juvenile, and they appear at their first appearance having been advised of their rights, the implications of whether it's a misdemeanor charge or a felony offense. In your rural counties or your smaller-than-150-population, you may be appointed counsel if you request it or don't waive it, but that doesn't come until after that first appearance, and some of the things that I hear from lawyers-- oh.

**BOSN:** You can finish your thought.

**TIM HRUZA:** Thank you, Chair. Some of the things that I hear from lawyers is that that can sometimes result in a child, a juvenile, and their parents even-- the juvenile being pressured by their parents to plea and move on and get out, walk out with a misdemeanor offense on their record, which can affect them in subsequent cases for the sake of expediency. Knowing they did something wrong, right? But not necessarily fully understanding or being advised. They may be advised of their rights by the judge, but not necessarily fully being advised of the implications or the, the things that it can affect on their record moving forward. I'll pause there, answer any questions that you might have as well.

**BOSN:** Before we get to questions, it's only on their juvenile record, which is then sealed before they become-- OK. So-- all facts for the record, [INAUDIBLE]

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**TIM HRUZA:** That is correct, Senator. Yes, there are, there are ceiling provisions that would affect a juvenile record.

**BOSN:** OK, just so we have a clear record. Senator Storer, followed by Senator Holdcroft.

**STORER:** I'm going to go back to the question. You already heard me ask a couple times now. Under what circumstance today is a juvenile going to be without counsel?

**TIM HRUZA:** If they're charged with a misdemeanor offense, or a traffic citation, as Senator Hallstrom pointed out, under that's-- in a, in a rural county. So a-- or, or a county of a population of less than 150,000, so. A smaller cap. Anywhere outside of Douglas, Sarpy, or Lancaster, when they first appear before the judge having been-- I'll say "charged," but that's not the right language-- having been accused of a violation under 43-247(3) or whatever it is for-- (1) for misdemeanors-- they would appear before the judge by themselves or with a parent present with them, and then the judge would advise them of their rights and offer them counsel. They may choose to waive counsel at that point, which was the compromise made in 2021.

**STORER:** And this would bring counsel in at that first appearance?

**TIM HRUZA:** So, at that first appearance, if they chose not to waive counsel and they said, they said no, I want a lawyer, at that point, the judge would appoint them counsel moving forward. That-- in Douglas, Sarpy, and Lancaster, when the charge or the offense is filed and it comes in, the judge appoints counsel before they even make that first appearance, just like in a criminal case for an adult, right? You get, you get appointed a-- you come to your arraignment, you're appointed counsel at that time before you make any decision, right there, and then, and then you appear-- you had-- you're advised of your rights and your-- you have a lawyer who then advises you as to what, what the implications are, how you should handle the case. They may advise you to plea, right? Like, it just depends, but you don't get the full advice unless you--

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**STORER:** So, is that appointment based on-- I mean, I, I presume, but I'm going to not presume that that appointment is made on income level-- I mean, isn't there a threshold as to whether or not you can afford your own counsel or not?

**TIM HRUZA:** In the juvenile-- my recollection is under-- and I-- I'll correct this if I'm wrong, but under the 2021, there's no necessarily consideration for your ability to pay. Now, if your, if your parents or if you have the ability to pay, and you hire a lawyer and walk into court at that first appearance with a private lawyer, you could certainly do that. But ultimately, we would be appointing for the juveniles.

**STORER:** For everyone, regardless. Just because you're a juvenile, you'll get appointed counsel under this, under this--

**TIM HRUZA:** That's my understand-- that's my understanding of how this will would operate, yes.

**STORER:** OK.

**BOSN:** Senator Holdcroft.

**HOLDCROFT:** Thank you, Chairwoman Bosn. So, we have the lawyer organization come in and say it's always better to have a lawyer in court. Does that mean also-- would you recommend waiving fees for, for juveniles who can't afford their lawyer?

**TIM HRUZA:** You mean in terms of waiving court fees or those sorts of things?

**HOLDCROFT:** Or, or, or your pay.

**TIM HRUZA:** I, I think that-- I think that judges and courts make those decisions on a case-by-case basis, Senator, yes.

**HOLDCROFT:** OK. So, we do have a brief here that came from our legal counsel, which I think spells it out exactly the way it-- way it's-- it is currently. And as you say, if you're 150 or more, which is only three counties, then you're-- they're required to appoint a lawyer for the following: 11 and older, including misdemeanors other than traffic offenses, ordinance

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violations, felonies, certain status offenses including truancy, and non-felonious traffic-related violations. That's required at the 150,000 or more. 150,00 or less, it's also required for 11 and older, but only for felonies, not the other things. That's the way it currently is.

**TIM HRUZA:** That's current statute, yes sir.

**HOLDCROFT:** So, what we're saying is you're going to apply the larger requirements with all those additional charges and requiring a lawyer to, to cross, cross the state in all these small counties.

**TIM HRUZA:** Yes sir, that's what the bill would do.

**HOLDCROFT:** OK, and that's-- how much is that going to-- what's the unfunded mandate for that?

**TIM HRUZA:** I, I would tell you the, the opposition to this bill has almost always been founded in cost. I think that's probably what you'll hear today as well. From our position, we believe that the system works better, and I think lawyers would tell you that what they've seen is that in those larger counties, the cases progress more efficiently, quicker. Obviously, there is a cost component, too, yes/ I'm not going to deny that, sir. But I-- we think that for the interests of justice-- and I know-- there was some conversation earlier, too, about the right to counsel. I'm-- I don't remember this well enough to shoot from, from the hip. There may be some materials that were submitted to you in writing that, that go into it a little bit more, as I understand it. But the courts have said that juveniles do have-- they have a limited right to counsel. They have a right to have counsel appointed, which is kind of how this has progressed in Nebraska over the years. Gets us to where we were post-2021, where you do have them for those larger felony offenses in the rural counties. We keep saying rural, but yes, smaller than 150 population.

**HOLDCROFT:** OK, but the question was, what's the unfunded mandate?

**TIM HRUZA:** I don't, I don't know the answer to that.

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**HOLDCROFT:** OK. Thank you very much.

**TIM HRUZA:** I, I would defer to the counties to tell you what it, you know, it may cost based on the number of cases they have. I don't know the answer.

**HOLDCROFT:** Thank you.

**TIM HRUZA:** Sorry.

**BOSN:** Senator DeBoer.

**DeBOER:** Thank you. Well, I think we've established the first part of the bill is about making it the same in the smaller counties as in the 150-or-greater, same counsel provided, fine. But there's another part of this bill that I'd like to talk about, and that is the piece where they have to provide developmentally-appropriate-to-the-age materials about waiving counsel or not. Are you aware, is that already being provided in some counties, or not at all? Or do you know?

**TIM HRUZA:** I'm out of my depth on that. I'm not certain how that happens. I know the judge makes advisements in, in those other counties at that first appearance, but I don't know exactly what that script looks like, so.

**DeBOER:** So, my understanding of the bill is that it's not required anywhere yet, but it might be being done somewhere, and that's what I wanted to know. Could you potentially look that up--

**TIM HRUZA:** Yup.

**DeBOER:** --and let us know if, like, Douglas and Sarpy or, randomly, just Lancaster and Dodge County or something are already providing that information to juveniles?

**TIM HRUZA:** I can ask.

**DeBOER:** I would, I would greatly appreciate it.

**TIM HRUZA:** Yes.

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**DeBOER:** Thank you.

**BOSN:** Are we done with Mr. Hruza for today? Any other-- Senator Hallstrom.

**HALLSTROM:** I think you accurately recounted the historical pushback from the rural senators, and it-- what has changed, in your mind, with regard to that unfunded mandate or that cost element from when we exempted rural, rural counties for everything other than felonies to-- fast forward to today and say "Let's just go ahead and treat everybody equally."

**TIM HRUZA:** Senator, I'm not sure I can speak to-- like, in terms of what has changed on the concerns, I-- I'm sure that you will hear opposition today that raises those or similar concerns about that would be. I think what I hear from the lawyers who practice in this far more than I do is that when juvenile attorneys appear and work with juveniles in, in the larger counties where there are juveniles appointed in every case, their, their response, their feedback is that things work smoother, you get better outcomes, you're more likely to see juveniles go through a, a smooth process and a rehabilitative process. At least the concern that I hear from the attorneys, you know, that are practicing in places like Adams County or something like that is that, you know, sometimes those kids come in and they just plea immediately to the misdemeanor offense, because like I said, their parents are telling them "You screwed up, just take your medicine." Maybe that's an OK outcome, but that can also have repercussions that the-- you know, may have been better had they just gone through the process, even for a short period of time with the advice of counsel.

**HALLSTROM:** And if we pass this bill, those same attorneys, to Senator Holdcroft's point, will practice even far more than you do in this area.

**TIM HRUZA:** Maybe, sir. Yes. It may give them additional work.

**HALLSTROM:** Thank you.

**BOSN:** Senator Storer.

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**STORER:** I guess to follow up on-- you didn't know that you were going to be the one in the hot seat today.

**TIM HRUZA:** That's OK. I'm-- I'll do my best.

**STORER:** To follow up on that question, I mean, there's the, there's the-- I have no doubt that, that things move quicker, more efficiently, juveniles are certainly more well-informed. But then we have to go to the practicalities, right? Of-- I mean, we've heard before this committee the shortage of attorneys statewide throughout, especially, rural Nebraska. You know, there's been, I think, some bills this year that have proposed some incentive-type programs to help get more, or expand that-- those that already exist to get more attorneys out in rural Nebraska. And so, even, even if we pretended the money didn't matter, which it does, where are the-- where are the juvenile attorneys going to come from in Cherry County?

**TIM HRUZA:** Your point is well taken, and I would be the first person to tell you that we need more lawyers in Cherry County, which we have come to you all and asked for assistance in doing that, and I will continue to ask you for assistance over the, the-- over the coming years, because it's a true crisis. I think my--

**STORER:** But if this bill were to pass and it becomes a requirement now, I mean, it's a-- it becomes real problem, right? The, the-- it is now law that they must be provided in all 93 counties of this state. We're going to drive them out from Lincoln? I mean, where, where are these attorneys, specifically juvenile representation, going to come from?

**TIM HRUZA:** Maybe if I could wax philosophical just quickly. When we review legislation repeatedly, one of the-- one of our guiding principles from the Bar Associations is concerns about access to justice, which is why our-- we advocate for programs that provide more access to justice in those rural areas. There is a certain amount of-- there's a certain amount of question that has to arise when you have inconsistency applied to a 15-year-old in Cherry County versus a 15-year-old in Lancaster County and what-- the access they have to legal counsel when they're charged with the same-- charged isn't the word. When

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they're accused of the same sort of violation. And you can have completely different outcomes just because you live in a smaller county versus a larger county. That doesn't seem like the most consistent way to impose justice, I guess.

**STORER:** You could-- I could talk for a while on the inconsistencies in-- across our state, in terms of funding and opportunities. But--

**TIM HRUZA:** You and I would agree-- yes. Yes.

**STORER:** --that's a much longer conversation. Thank you.

**BOSN:** All right. Now I think we're done beating you--

**TIM HRUZA:** Thank you. Thank you, Chair.

**BOSN:** But thank you for being here, because we don't always make it easier on you, so. Thank you. Next proponent. Any other proponents? Good afternoon, and welcome.

**CONNOR HERBERT:** Good afternoon. And thank you, Chair Bosn, and members of the Judiciary Committee, for the opportunity to speak today. My name is Connor Herbert, C-o-n-n-o-r H-e-r-b-e-r-t, and I serve as a staffer with the Nebraska Commission on African American Affairs. The Nebraska Commission of African American Affairs was established to advise the Legislature and the governor on proposals that may positively or negatively affect our constituency and the overall stability of Nebraska communities. The Nebraska Commission on African American Affairs today comes to support LB995 because it strengthens due process protections for juveniles while reinforcing confidence in our courts. At the moment, this is only a requirement placed on large counties, as has previously been testified to. African American youths are statistically overrepresented in Nebraska's juvenile justice system, and ensuring that every young person-- every young person-- understands their rights and has meaningful access to counsel is fundamental to fair and consistent outcomes. LB995's requirement for the automatic appointment of counsel in a broader range of juvenile cases helps ensure that decisions affecting a young person's liberty, education, and future are made with proper legal guidance. Clear, accessible

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written notice of the right to counsel promotes transparency and helps families better navigate complex court proceedings. These measures are not about weakening accountability; they're about ensuring that proceedings are orderly, informed, and consistent with constitutional principles. The bill strengthen waiver protections, requiring waivers to occur in open court, be recorded and be confirmed in writing, and limiting waivers for very young juveniles on high-stakes hearings, reduces the risk of uninformed decisions. When rights are clearly explained and properly documented, outcomes are more durable and less likely to be challenged later, supporting judicial efficiency and public confidence. As implement-- as-- ahh. As implementation moves forward, it will be important to monitor caseload capacity and resource allocation to maintain quality representation statewide, to previous points raised about access to lawyers. Strong procedural safeguards paired with responsible oversight promotes both fairness and public safety. LB995 reinforces the integrity of Nebraska's juvenile justice system, supports families, and helps ensure that accountability is delivered through a process that is clear, consistent, and constitutionally sound. For these reasons, we respectfully urge you to advance LB995. Thank you.

**BOSN:** Questions? Seeing none. Thank you for being here.

**CONNOR HERBERT:** Thank you.

**BOSN:** Next proponent. All right. Opponents, anyone here to testify in opposition? Good afternoon, and welcome.

**MICHELLE WEBER:** Good afternoon. My name is Michelle Webber, M-i-c-h-e-l-l-e W-e-b-e r. I'm here today on behalf of the Nebraska County Attorneys Association in opposition to LB995. First of all, thank you to Senator Rountree for visiting with us on this issue over the interim. We do appreciate the thoughtful dialogue on this important issue. County attorneys don't object to the written advisement provisions that are a part of this bill on page 5. It's our understanding most counties are using age-appropriate advisements, but we have no problem with codifying that that be the case. Our concern is about the automatic appointment of counsel in every county. I appreciate the clarification-- juveniles do have the right to counsel in all of

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these cases. What's different is that, in our largest counties, it's automatically appointed at the time of the filing, versus otherwise you have that right, you're advised of it, and in all cases, you can waive it. But as drafted, LB995 would require appointment at filing in every case statewide, and the language in section (1)(b) appears to apply that obligation retroactively to pending cases. This goes beyond what's constitutionally required in our adult system. There was some talk about LB307 from 2021, where the Legislature did seek to strike a balance requiring automatic appointment and counsels where a juvenile's liberty is at risk, such as detention hearings, felony-level cases, and revocations. But LB995 would remove that balance and impose this requirement on every county in every case. And as we've just discussed and heard today, many rural counties simply don't have enough attorneys that are willing and available to take those cases. Larger counties are already struggling with finding enough attorneys to be on the appointment list, so this is a capacity issue as much as, as it is a fiscal one. LB995 is absolutely an unfunded mandate. We'll highlight this concern in light of the Revenue Committee recently advancing LB1219, which would impose a 2 percent cap on all political subdivisions with no public safety exception at a time when this committee would be considering new court-related mandates. So, those policies would be in direct tension. So, when counties have to absorb these new court and counsel costs; those dollars would have to come from other essential services, so. Said we can support the provisions about the written advisement of rights, but have concerns about the statewide mandate without any funding to, to back it. Thank you.

**BOSN:** Thank you. Any questions? Senator Storer.

**STORER:** Thank you. I know it's Friday. But-- and, and maybe this is just rhetorical, and I may be missing something, and I'm asking I believe someone who agrees with my concern. But I've asked it of the proponents of the bill as well. If a juvenile in Cherry County-- I'll just keep using Cherry County because that's my home county-- is-- and this bill were to pass and the juvenile-- the, the charges are filed, how do you comply with this if there's no attorney within 150 miles or further? I mean, like, what-- on a very practical level, what would happen in that event, that you're mandated to do this but there's not an

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attorney available in a timely fashion, or at all, potentially, but in a timely fashion to meet this requirement for that juvenile?

**MICHELLE WEBER:** I honestly don't know what would happen. I assume that they would have to delay until there, there is counsel available to appear at that first appearance.

**STORER:** So, best case scenario, it's-- the, the court proceedings are delayed for weeks at best, months potentially? OK. Thank you.

**BOSN:** All right. Thank you for being here. Next opponent. Neutral testifiers. All right. Senator Rountree, if you'd like to join us to close. While he's making his way up, I will note, because I don't think I said this, and I apologize if I did-- 18 proponent comments submitted, 2 opponent comments submitted, and no neutral comments submitted. Welcome back.

**ROUNTREE:** All right. Thank you so much, Chairman Bosn, and to our Judiciary Committee. Thank you for all our testifiers that have come today, proponents and opponents. We fundamentally believe that, yes, youth need to have representation. And Senator Storer, thank you for your question. That's a good, valid question. We talk a lot-- as we are in here, we talk about common sense, and the old world's term is that you can't squeeze blood out of a turnip, and so you have to look for alternatives. As I was sitting over listening, I thought about instead of delaying, maybe we've taught about video, "Zoomed" calls, and being able to meet in that particular manner. So, we look for opportunities to still ensure that we have expediency to justice, and we look at costs. I think a sheet was passed out as to what it costs for confinement in juvenile, or if you have an opportunity for a lawyer's cost. So, I'm willing to continue to listen, and I appreciate our opponent testimony. We did meet during the summer, had a good round table. We met down in Sarpy County, met with them. We talked about the second issue that Senator DeBoer talked about, was, you know, ensuring that if we didn't have anyone personally available but having good information written at a level where these juveniles could understand it so that at the end of the day, what our position is is that we don't have one waive a right without understanding

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fully what that right means. So, I am open to looking at that first part in (1)(b) over in the front side and seeing, can we get good legislation to get it forward? I was not fully aware of all the history of the bill that happened, so a lot of banter back and forth. But at this iteration of it, we try to advance at least an inch every time we go forward, so. With that, I appreciate everyone's testimonies and history, and if we can work it to make it better, I'd like to see the bill advance forward. Thank you so much.

**BOSN:** Thank you. Senator DeBoer.

**DeBOER:** Senator Rountree, I shared with a couple of people in this room the picture of the very moment where we made the agreement at 8:29 at night on the first half of this bill, so I was there when these things were happening. I remember the committee hearing that was about having language in developmentally-appropriate terms for kids, and my understanding of-- some folks have been sending me information-- my understanding is that they are using that in some places. Would you be open to-- since maybe we won't be able to do the first part right now, would you be open to just codifying the developmentally-appropriate language, is, is the portion of your bill that you would like to move forward with?

**ROUNTREE:** We talk about collaboration all the time. And this is a good bill. If we can't move forward with this (1)(b), then making sure that we do have codified information available. And I know it may be different for different counties and different places, but as long as we can take care of this other part over in this Section 2 and make sure that we can get that out, I am open to listen.

**DeBOER:** All right. Thank you.

**BOSN:** I have just one question that hasn't been brought up. So, just maybe more food for thought, and as you continue the negotiations on this. The requirement that the juvenile sign something saying they agree they've been provided that. I think it was in-- I'm not actually seeing the thing that says they have to sign it now. But my concern is a requirement that the juveniles sign saying they've received something. I don't know

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that we can require them to sign it so much as perhaps affirm on the record that they received it. Are you open to negotiating on that portion of it?

**ROUNTREE:** Yes, for validation.

**BOSN:** Yeah. I-- it-- because I think that's probably what you're really wanting, is some acknowledgement that they received it, rather than them signing, saying I reviewed this, signed Carolyn Bosn kind of thing. It's more of a-- the judge saying, Carolyn Bosn, have you been provided a copy of this? Yes. Did you review it? Yes. Do you understand where I'm going?

**ROUNTREE:** Yes, I do.

**BOSN:** OK. Any other questions in light of that? All right. Thank you very much.

**ROUNTREE:** All right. Thank you so much, Chairwoman Bosn.

**BOSN:** That will conclude our hearing on LB995. Before we get started on our hearing on LB996, I will note for the record, we received 20 proponent comments, 12 opponent comments, and no neutral comments. We did receive one ADA testimony, which will be transcribed into the committee hearing statements on LB996. It was a submission from Mary Angus in support. This will be included in the official hearing transcripts, and the testifier will be included on any committee statement that is published, and the testimony will be provided to all members of the committee. With that, you can open on LB996.

**ROUNTREE:** Good afternoon again, Chair Bosn, and members of the Judiciary Committee. My name is Victor Rountree, V-i-c-t-o-r R-o-u-n-t-r-e-e, and I represent District 3, which is made up of Bellevue and Papillion. Today, I'm here to introduce LB996, which deals with the shackling of youth involved in the justice system. Over the interim, I spoke with youth advocates across the state about their experiences with the juvenile justice system. These children go through traumatic life-changing events, and can be left with deep trauma through their experiences. LB996 seeks to make sure that when restraints are used on a juvenile, they are used for good reason. I've heard

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from multiple youth advocates about how their lives have been changed by having restraints used on them. I've heard of youth who have no history of violence or flight risk still being restrained for simple purposes such as medical visits, dental visits. Many of these youth are still in active cases and cannot testify today on the record. One of these advocates shared their story with me, and I would like to read portions into the record for you. This member writes: I am unable to attend the hearing due to the snowstorm upon us, and will still be-- and still being held in an out-of-home placement. I'm hoping my message in support of LB996 still reaches the members of the committee, and I can help you understand the perspective of youth being shackled. He says I am a youth who has experienced the harmful practice of routine shackling in Nebraska. When I was 13 years old, I was in a police station being questioned. They told me they were going to charge me with a felony. I was accused of assisting in theft and running away. Mentally, I was already really stressed out and exhausted. They quickly told me I was going to be placed in detention. Then, they began to restrain me with metal handcuffs, shackles on my ankles, and placed a chain around my stomach. It felt very unnecessary, and it hurt. I was confused. It made the situation worse by increasing stress, making me feel lost, physically hurt me, and left me feeling alone. The scene still haunts me. It is because of my experience that I believe we need to change the state's juvenile code to not allow youth under 18 to be shackled and chained in detention as a routine practice. [INAUDIBLE] the practice of shackling and chaining juveniles is unnecessary and causes more harm than good. It is also very impractical. It is difficult enough to run with just handcuffs; the shackles and chains are too much. This is a practice people designed to use on adults who are being violent, and isn't appropriate for a child who is not violent or a threat to anyone. It is also obviously physically painful. Having your stomach wrapped tightly with chains makes it hard to breathe. Having your legs wrapped also limits your ability to move. You then get forced to move by law enforcement and transporters; even though it's physically painful, they just yell at you to move faster. They push you, they pull you. You shuffle and hope to not fall. Said the worst part of this practice is how dehumanizing it is. It feels like they stop seeing you as a person and just see you as someone who made a mistake. The way they speak to you and move you around covered

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in chains and shackles make you feel like an animal on a leash. This can lead to recidivism and stop whatever growth and development you've achieved. It can make you stop trying to be better. It breaks you. According to Nebraska state statute, shackles are only limited when it comes to court appearances. We need to update the juvenile code to prevent the shackling of youth in detention centers, during transport, and for routine reasons. This is his last paragraph. Using shackles and chains, chains on youth in detention centers has been condemned by the American Academy of Youth and Adolescent Psychiatry and the American Medical Association due to its harmful psychological, developmental, and physical effects. Experts in child well-being agree that this practice isn't appropriate for any child, and the Legislature recognized the harm in passing past legislation, so I ask that the committee votes yes and moves towards ending this harmful practice. End of his statement. I spoke with DHHS regarding their opposition to the use of the word "routine" in the bill. We met on yesterday, and I thank them for coming in and talking about the bill, and would be willing to work to find language that protects the youth in our state and maintain a workable condition for the department. Last October, October the 30th, I attended Voices for Children roundtables, and I think I had a fellow senator there with me as well. As we listened to youth, a fellow-- a couple senators there with us as well. We listened to youth talk about their experiences in the juvenile justice system, being on juvenile probation, and the situations that they encountered. Also, on October the 28th, I attended the Youth Justice Policy Fellowship Dinner out at Boys Town, where I had an opportunity to listen to about 10 to 12 youth that had experienced shackling, being involved in the system, and just sharing their experiences and the emotional, mental impact that it had on them. And it was because of testimony that we brought this bill forward, just from that particular dinner and our youth experiences. So, that's the genesis of this bill. And so, with that, I appreciate the committee's attention to this bill. I'd be happy to take any question that you may have, but also we have a great crowd of testifiers that are coming behind me in capacities that I think can share much more with you. Thank you.

**BOSN:** Thank you. Any questions for Senator Rountree? Seeing none. Thank you very much.

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**ROUNTREE:** Thank you so much.

**BOSN:** We'll start with our proponents, but before we do, can I see a show of hands how many individuals are here to testify on this bill, proponent or opponent? 1, 2, 3, 4, 5, 6, 7, 8, 9, 10. Got it. Thank you. We'll start with proponents. If you're a proponent, come on down. Good afternoon, and welcome.

**KRYSTA McINTIRE:** Hi. Good afternoon, "Chairman" Bosn, and members of the Judiciary Committee. My name is Krysta McIntire, spelled K-r-y-s-t-a M-c-I-n-t-i-r-e. I support LB996 to end shackling of youth because of the harmful impact it had on my life. I was living in rural Nebraska when I entered the system at just 10 years old, and remained in until I was-- I turned 18. I weaved in and out of the child welfare, welfare and juvenile justice system. I was a child when the state assumed responsibility for my care. What I experienced during those years did not end when I left custody; it followed me into adulthood. Some of the most painful memories of these years are of being detained at the Madison County Juvenile Detention Center. From there, I was then placed in a group home in Norfolk. During my time in the group home, I experienced physical and mental abuse. Even though I was in state custody, I felt powerless to report what was happening, and afraid that no one would believe me. When abuse happens in state-approved placements, it's not just a failure of individual staff; it is a failure of the system to protect the children it claims to serve. Throughout my time in the system, I was moved again and again from placement to placement. Each move erased any progress I had made. Every new placement meant new rules, new staff, new expectations, and new punishment systems. Instead of "stapability," I lived in constant disruption. Instead of healing, I experienced constant reset. The system, for me, did not prioritize reunification, connection, or long-term stability. Eventually, I began to run away from my group homes. Not because I did not want help, but because staying meant endless instabil-- instability with no clear path home. This led me back to the juvenile court system. Back in the system, transports were a major source of trauma that I still carry with me. Every time I was taken to court appointments, and even in the facilities, I was placed in shackles, my hands chained to my waist, my ankles shackled, leaving me to shuffle instead of

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walk. I was a child, yet I was treated like a dangerous criminal. I was treated like a vicious animal. On multiple occasions, I was handled aggressively and physically yanked by transport personnel. These moments were humiliate-- were humiliating and terrifying. Sorry.

**BOSN:** Take your time. You're OK.

**KRYSTA McINTIRE:** They taught me that I was seen as a threat instead of a child. They taught me that I was undeserving, undeserving of dignity. Shacklings changed the way I saw myself. Shackling did not make me safer, it did not made the community safer. It did not help me heal, and only deepened my trauma and reinforced the belief that I was broken, dangerous, and disposable. What I needed was not more punishment. I needed "stapability," I needed affordable access to my family, I needed trauma-informed care, not control. I needed dignity. I needed a system that saw me as a child worth protecting, not, not a problem to be restrained. I survived the youth justice system, but survival should not be the standard for children in state care. Healing should, should be the standard. Safety should be the standard. Dignity should be the standard. I urge you to listen to the-- to those of us who have lived this experience, I urge you to believe in us, and I urge to advance LB996 to end the routine shackling of youth. Thank you, Senator Rountree, for listening to the youth and to this community, for your time, and for giving me the chance to share my story. I am open to any questions.

**BOSN:** Thank you very much for sharing your story. If you need a Kleenex, there's one on the table.

**KRYSTA McINTIRE:** Thank you.

**BOSN:** Let's see if there's any questions, OK? Are there any questions? Senator Hallstrom, followed by Senator Storer.

**HALLSTROM:** Thank you for coming in today. With regard to your shackling-- and I read through and listened-- you indicated whenever you were transported to court. Was there any other time beyond that when you were detained that you were in shackles, or was it, was it just for the transportation situation?

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**KRYSTA McINTIRE:** It was for transportation, like, when I went to court or if they were taking me to a different placement, I was shackled. I had the waist, the arms, and the ankles shackled each time, and they were put on tremendously tight, so.

**HALLSTROM:** Thank you.

**KRYSTA McINTIRE:** Yeah.

**BOSN:** Senator Storer.

**STORER:** I don't really have a question, I just-- I used to work with youth in, in shelter situations and being detained, and I have seen what you're explaining with my own two eyes, and just want to commend you for-- A, you look like you're doing great.

**KRYSTA McINTIRE:** This is the first time I spoke up about it, so.

**STORER:** [INAUDIBLE].

**KRYSTA McINTIRE:** Nerve-racking.

**STORER:** Thank you.

**KRYSTA McINTIRE:** Mm-hmm. Thank you.

**BOSN:** Thanks for coming, and thanks for sharing your story with us. I appreciate that.

**KRYSTA McINTIRE:** Thank you.

**BOSN:** Thank you. Next proponent. Anyone else here to testify in support? Good afternoon, and welcome.

**ANDREW WHITLOW:** Good afternoon. My name is Andrew Whitlow, A-n-d-r-e-w W-h-i-t-l-o-w. I'm a representative of the Southeast Nebraska Collaborative youth chapter, and I have experience in the juvenile justice system. I'm here to support LB9-- I'm here to support LB996 to end the shackling of youth. When I was a 16-year-old kid, I was placed in juvenile detention, and I was personally affected by unnecessary shackling. The first time I was shackled, they put metal cuffs on my wrists and ankles and

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chained them together with a belt. When they shackled me, it made me feel like I was some big-time bad criminal guy, like, I was some dangerous criminal, when in reality I wasn't violent, I had no history of violence or running from anywhere. I wasn't a threat to anybody around me. Because I live in rural Nebraska, it took four hours of transport to get to the facility. Four hours chained in a vehicle, four hours with barely any room to move. I couldn't push my hair out of my face, I couldn't scratch my nose. I felt trapped. I felt powerless. I felt like I wasn't human. I was shackled several times in transport to medical facilities, too. When people saw me when I went in, they looked scared. I remember when I went to the dentist-- I remember this vividly-- I saw a woman literally gasp and, like, cover her child. It was humiliating. I, I felt ashamed, dehumanized. But I, I wasn't a criminal, I wasn't a threat. I never hurt anybody. I just went to go see the dentist. I went more than once, and the second time, I wasn't shackled; I wore the clothes I was booked in. Nobody walked me into the building, and I felt normal. There weren't any stares, no fear, no shame, embarrassment. The only thing I felt was a little nervous about seeing the dentist, honestly. It felt like a breath of fresh air. That's what dignity feels like. Being shackled was one of the worst experiences of my life. I think I deserved to be treated with respect, but instead, I was treated like an animal, like I wasn't human, like it didn't matter. The system routinely uses shackles on children, and you never know when they would use them. Some transporters treated you with dignity, or like a dangerous animal. We need to update the law and practice to have consistency and safety for kids. I just want to say again, I was a kid, not a dangerous criminal or a threat; a kid who needed care, not chains. I support LB996 because kids deserve dignity, kids deserve safety, kids deserve to be treated like kids. Thank you, Senator Rountree, for hearing the youth and introducing this bill into the committee for your time. I'm open to any questions.

**BOSN:** Thank you. Are there any questions for this testifier? So, I guess I am-- is it your understanding, then-- were you still in the same facility for the second trip to the dentist where you were not--

**ANDREW WHITLOW:** Yes. I was, I was there for a while.

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**BOSN:** OK, so one of the-- and you maybe haven't read the opponent comments, but one of opponent comments that I guess I sort of understand is they said we're a transport company; in order for us to provide the transportation, and likely for their insurance purposes, they require you to be shackled. Take it for what it's worth. Let's assume it's true. Both trips, were you transported by a transport company?

**ANDREW WHITLOW:** No, I was transported by the guards there at the facility. But I have been transported by a transport company.

**BOSN:** OK. So, both of the trips you're talking about in this letter were by individuals working for the facility?

**ANDREW WHITLOW:** No, when I was transported to the facility for four hours, I was transported by a transport company.

**BOSN:** OK. And in that circumstance, were shackles used?

**ANDREW WHITLOW:** Yes.

**BOSN:** And then, if you were trans-- tell me about the time you were transported and weren't wearing shackles.

**ANDREW WHITLOW:** I was just in a car with a cage.

**BOSN:** But who was providing the transportation?

**ANDREW WHITLOW:** One of the guards from the facility.

**BOSN:** OK. So, it-- I-- and maybe I'm asking you to speculate, which isn't fair. Is it-- do you think it was because it was someone from the facility providing the transportation that you might need to require the shackling?

**ANDREW WHITLOW:** Yes. I, I believe that the time that I was shackled, it was-- what's the word? It-- like, revenge, because the guard didn't like me and wanted to get back at me.

**BOSN:** OK. But it was a third-party transport company, right?

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**ANDREW WHITLOW:** No, it-- they're-- the guards were transporting me to the dentist while I was in the facility.

**BOSN:** I'm talking about the time you were shackled.

**ANDREW WHITLOW:** No.

**BOSN:** OK.

**ANDREW WHITLOW:** The guards there shackled me and took me.

**BOSN:** OK. So have you ever been transported by a third-party transportation company?

**ANDREW WHITLOW:** Yes, ma'am.

**BOSN:** And have you ever been transported by a third-party transportation company where you weren't wearing shackles?

**ANDREW WHITLOW:** Yes, ma'am.

**BOSN:** OK. That answers my question. Maybe I was not asking it clearly, so I apologize. Any questions in light of that? Thank you very much for being here and sharing your story. All right. Next proponent.

**KATIE NUNGESSER:** Good afternoon again.

**BOSN:** Welcome back.

**KATIE NUNGESSER:** Thank you, Chairperson Bosn and members of the Judiciary Committee. My name is Katie Nungesser, K-a-t-i-e N-u-n-g-e-s-s-e-r, and I'm here representing Voices for Children in Nebraska in support of LB996. I want to thank those last two testifiers. That was really brave, and I know they braved the snow, too, to get here. It's, it's, it's a heavy conversation. We really want to ground it in the fact that this Legislature, again, as this could be just closing a gap in the past, has went ahead and decided that shackling in the courtrooms is wrong for kids, and so we're just asking to take that same type of thinking and apply this to these other situations. Let's see. It was a bipartisan decision that-- from the Legislature that kids

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deserve dignity, care, and protection from unnecessary harm of shackling in the courtroom. We just want to close that gap. We want to extend that same moral clarity beyond the courtroom into transport facilities, medical appointments, and everyday interactions with systems that are supposed to protect and rehabilitate. Every child, regardless of their behavior, is still a child. Their bodies are growing. There's research about growth plates being vulnerable, the use of the metal chains and restraints causing long-term damage. I had a testifier that couldn't make it today that still has scars on his ankles from a transport gone wrong. The mental harm is just as bad, if not worse. During this point-- point in adolescence, it's a critical period when kids are a form-- forum? I cannot talk right now. They are forming their identities, and they're actively developing their sense of self and their understanding of who they are in this world. When we're chaining them, restraining them, and treating them like criminals, they might begin to internalize that identity. Shackling doesn't just restrict movement, it reshapes their self-perception; it teaches kids to see themselves as less than human, as something threatening, as something disposable. The presence of shackles creates threatening and stigmatizing environments where justice feels punitive instead of rehabilitative, and this is the opposite of what our Nebraska juvenile justice system is trying to do. We are really concerned about the use of shackling in those long-term-- long-distance transports. We've heard from kids in western Nebraska and places that are being transported to Madison County Detention Center. For Gering, for example, it's about five or six hours that those kids would be shackled. So, sometimes, even those lesser crimes, if you're in a rural area, you're going to experience even more shackling, even if you had no violence. There's some information in my testimony about Miami-Dade County, where they ended it and not seen any reduction in safety. And we just want to end the routine shackling. We understand their situations, that short-term, that they may escalate, and the courtrooms have that, that exception also. But we are just asking to end that routine use, especially for these kids that have shown no violence and no history of running. So, we really thank Senator Rountree for engaging with the youth, bringing this legislation, and this committee for your thoughtful questions and consideration. I'm open for questions.

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**BOSN:** Senator Storer.

**STORER:** Thank you, Chair Bosn. And thank you for-- it, it appears that you have been very involved in getting this legislation, I think, brought to-- is that safe for me to assume? To-- with work-- working with Senator Rountree?

**KATIE NUNGESSER:** Yes, helping connect the kids to the Senator through [INAUDIBLE].

**STORER:** OK. So, this wouldn't-- as I read it, this wouldn't prevent the use when necessary. It just sort of narrows the scope of when it would be acceptable to use shackles on a juvenile, right?

**KATIE NUNGESSER:** Correct.

**STORER:** And handcuffs are not considered shackles, as I understand it in, in the language of the, of the bill.

**KATIE NUNGESSER:** Yes.

**STORER:** OK. And I probably just need to do my own homework a little bit more, but what would the-- and nothing in, in this particular section is very clear about what actually authorizes the use of shackles. Is-- so this is all adding new text to this, this section of statute, so can you-- or maybe-- and, and if you don't know, that's fine too.

**KATIE NUNGESSER:** Yeah.

**STORER:** But what in the statute actually authorize that?

**KATIE NUNGESSER:** This is a part that I think we have a lot of questions on. I think that the last testifier, his example of the dentist-- I think where Senator Bosn maybe wasn't quite grasping that, is he went to the dentist twice. The same place transported him. One person shackled him, made him shuffle in, acted like he was just a threat to the community. The other one didn't even walk in with him. He went in his street clothes, he was like that. What we're hearing from kids is it's all over the place on being shackled in detention centers, some being

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"chackled"-- shackled for transport, some not. Depending on who they transport-- like, the third-party contractors--

**STORER:** Mm-hmm. Mm-hmm.

**KATIE NUNGESSER:** --is where we hear the most stories from kids, and that might just be depending on the areas they're in. I'm not an expert on when they use third-party. But the consistency does not seem to be there. And so, I think that's one thing that, that we have questions about moving into this, is, is why is there not clear standards on when this is used? Why aren't we tracking when this used? Kids have been making noise about this, and I think feeling pretty powerless. So, I'm hoping that Senator Rountree bringing this will at least start these conversations again and ask those exact questions. What gives the authority? When they-- when should they be using it? I know in the courtroom, like, the judge can make that determination. But again, is that consistent? I'm not sure. But I think the Legislature already made that decision that it's harmful to kids, they just made it in that smaller scope of courtroom.

**STORER:** And I-- and sort of along the lines of Senator Bosn's question, I would just wonder if there might be other areas of statute that would need to be aligned regarding the use of shackles for third-party trans-- I'm not sure, but--

**KATIE NUNGESSER:** Yeah.

**STORER:** That question is in my head, so. Thank you.

**BOSN:** I guess let me-- so right now, in statute, in Chapter 43-251.03, which is referenced on page 2, line 12, is the limitations on court proceedings. What would-- can you articulate for me why we wouldn't just expand what we've got in 43-251.03 to just be across the board? Is there a difference? Because they use "restraints" and you're using "shackling." Or are those being treated synonymously?

**KATIE NUNGESSER:** I think they're meaning the same thing. We struggled a little bit with, like, how to frame this, because we would love to just say close the gap and expand it from the courtroom language to everything else. But the problem is, we

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know, like, when an officer's picking a kid up or these things, a judge isn't involved yet, and so there's got to be someone that has to make those decisions that's going to be more, like, front-line. And so, it was hard to just expand the court language. But I think that, yes, shackling and the restraints, I think we could shore that up a little more with that definition.

**BOSN:** Because, I mean, in, in the existing statute, you've got essentially the same exceptions.

**KATIE NUNGESSER:** Mm-hmm.

**BOSN:** Like, if this is a history of running behavior or assaultive behavior. And so, I, I-- you're right. I hadn't thought about the fact that you don't have a judge involved when it's an initial detainment. But I would think you could add that to this, and essentially keep it the same. But I still think we do probably need to figure out something to do with these third-party transport companies. And I'm happy to have a conversation with Senator Rountree separately, because I met with some other ones from other states who refused to do shackling transport. They think it is carte-blanche harmful, and so they will only coordinate with states that don't do it. So, it might be an interesting concept for him to work with them as well. But if those company-- if we need those companies, which I think we all agree we do--

**KATIE NUNGESSER:** Yes.

**BOSN:** --and they refuse to do it unless, we'd probably have to have some exception for, OK, we've exhausted all other opportunities for providers, no one else can do it, the kid still does need to go to the dentist. This company's our last-- you know, does that make sense? OK.

**KATIE NUNGESSER:** Yeah, yeah. And I hope we can hold that harder line for kids. Like, I know that-- I, I think there's some education and misperceptions. I think there's a stigma. I think when we look back at, like, kids being "super-predators" from the '80s, things like that-- like, from what we hear from the kids, some of, some of these transporters are in rural areas, some of them are older community members and things like that.

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And it-- what, what perceptions do they have, and is there any education we could do there? We also just have questions about, what does that training look like? We know they transport for other reasons. I think they-- from what I understand, they transport in rural areas for, like, different things that are not maybe, maybe justice-involved. So, I guess our question would be, like, what does that training look like, specifically when you're handling kids that are in Nebraska state care? Because we're hearing more that the kids are experiencing it in those transports with a third-party than we are consistently from staff at facilities.

**BOSN:** Senator Hallstrom.

**HALLSTROM:** Yeah, and I'm glad Senator Bosn referenced 43-12-- 251.03. I mean, it seems to me that the language is almost identical, except we haven't added flight-- risk of flight--

**KATIE NUNGESSER:** Mm-hmm.

**HALLSTROM:** --and could easily add that in there. And the other thing, before I looked at this, I was going to question exactly how good a standard substantial risk and recent behavior is, particularly when we're looking with juveniles that might commit a violent crime. You look at that, that juvenile, day one, 15-year-old kid, never caused anybody harm. The very next day, that was a substantial risk, and that was recent behavior.

**KATIE NUNGESSER:** Mm-hmm.

**HALLSTROM:** But how recent? And I, I don't know that using poor language in the existing statute is a reason to use similarly poor language in the new statute. So, we might all work with Senator Rountree on, on that.

**KATIE NUNGESSER:** That's good feedback. Thank you.

**HALLSTROM:** Thank you.

**BOSN:** All right. Thank you for being here. Next proponent. Good afternoon, and welcome back.

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**TAMI SOPER:** Good afternoon Chair Bosn, and members of the Judiciary Committee. Again, my name is Tami Soper, that's T-a-m-i S-o-p-e-r, and I am an advocacy and policy advisor for Boys Town. I do want to say a couple of things here that are in my notes. I gave you a copy of my testimony, as well as a policy statement from the Child Welfare League of America. It's a little bit older, but I think it refers to broadening the scope of shackling beyond just courtrooms, and there's a ton of data out there that says that. I felt like some of the things that I wanted to say have already been mentioned. I do think it's important to know that a couple of things in the bill that are, that are important were the idea that narrowly limited time and scope of the use of shackles is important. I think that language is in there. I would agree that perhaps some additional definition would be helpful, but I think having that information written and documented and subject to review is also important when there's an exception to having the children shackled. I also want to say that there's a lot of information that's been shared about the harm that can be caused to these children. And it's not just the physical harm and the trauma, because, again, as, as has been said, there are times when people think these young people have done something wrong, let's shackle them, let's, you know, lock them up and throw away the key. That mentality goes on. But I think it's important to remember not every child who's in a group home, not every child who's absconded, not every child who is in that situation is in that situation because they, they came through the juvenile justice system. There are children who are in group homes who come to us at Boys Town on a regular basis, and if they've been transported from somewhere they may have been on run or something of that nature when they're transported, and they may be handcuffed and shackled. But they may have come through the child welfare system, and so this is-- there's tremendous trauma associated with that. And in fact, I, I, I, I just want to reiterate that it also impacts the way that people see these children. The perception that these children are dangerous, the perception that they're going to be hurtful, the perception that-- as the young man-- even-- it's the way they see themselves. Am I a bigger criminal than I thought I was? Sometimes, that's a bragging right for a young person that's involved in the system, you know, to say that I've done-- so, to put this young person in shackles when they're not a violent-- they haven't committed

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violent offenses, can change their, their demeanor and their feelings about themselves, and sometimes not in a positive way. So, I think it's important to consider how it, it leaves the child feeling emotionally. Again, there's a ton of information there that's available to us through national associations on psychiatric health for children and adolescents. There are, there are lots of advocates out there saying that this is the right direction to go, to not be shackling these children. And as Boys Town, and the fact that the young person who motivated this bill came from Boys Town, I just felt like we had an obligation to come and say that our philosophy has always been that children should be treated like children. We are able to work with thousands of children and their families every year to deal with children in some of the worst "crises" as they've ever been in without shackling, without restraining in that nature. And so, we just want to support this bill and the work of Senator Rountree, and thank you for, for bringing this, this idea forward.

**BOSN:** Thank you. Any questions for this testifier? Seeing none. Thank you for being here.

**TAMI SOPER:** Thank you.

**BOSN:** Next proponent. Welcome back.

**CHLOE FOWLER:** Hello, hello. I'll be back a third time, so. Haven't gotten rid of me yet.

**BOSN:** You're fine. We're happy to have you.

**CHLOE FOWLER:** All right. Members of the Judiciary Committee, I'm Chloe Fowler, C-h-l-o-e F-o-w-l-e-r. I'm the child welfare policy analyst for the Children's Commission, and I'm here to testify on behalf of the commission in support of LB996. In many jurisdictions, youth are transported to court from a detention facility or from any other facility by law enforcement or secure transport staff. When they arrive, they are often already placed in handcuffs and sometimes leg restraints. In some courtrooms, those restraints are removed before the hearing begins; in others, they remain on throughout the proceeding unless there's an objection. That means a 13-, 14-, or 15-year-old may stand

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before a judge in shackles for a detention review, a probation violation, or even a status offense related matter. Often, there has been no individualized finding on the record that the youth present a specific safety risk in the courtroom itself. The restraints are used as a matter of routine transport practice rather than judicial determination. So, what does that mean for the case? First, it affects the youth's ability to participate. When a young person is restrained, they cannot easily lean over to their attorney, and they are more anxious and less likely to ask questions. Juvenile proceedings rely heavily on engagement by understanding probation conditions, acknowledging expectations, and responding to the court. Shackling can undermine that engagement. Second, it shapes perception. Even subconsciously, seeing a youth in restraints can reframe-- can frame them as dangerous or non-compliant before the court has made any individualized assessment. That runs counter to the rehabilitative purpose of the juvenile system. Third, it can escalate trauma. Many youth in juvenile court have significant histories of adverse childhood experiences. Being restrained in a public courtroom can compound that trauma and increase distrust in the system, making future compliance more difficult. LB996 does not eliminate the use of restraints where they are necessary. They-- the carved-out exceptions are important and appropriate, and this is where the commission has entered in support on. Courts must retain discretion when there is a documented safety risk, credible flight concern, or disruptive behavior that cannot be managed otherwise. What the bill does is to change the default from routine to individualized. It requires case-specific determination rather than reliance on blanket policy. That aligns courtroom practice with the rehabilitative goals of juvenile courts and with current national standards in juvenile justice. From the Children's Commission perspective, this is, again, regarding system integrity and proportionality. We can maintain courtroom safety while also ensuring that the restraints are used only when absolutely justified. LB996 strikes that balance, and for these reasons, the commission, the Children's Commission respectfully urges your advancement, and I open any questions.

**BOSN:** Thank you. Any questions for this testifier? Seeing none. Thank you for being here.

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**CHLOE FOWLER:** Thanks.

**BOSN:** Next proponent. Good afternoon, and welcome back.

**JASON WITMER:** Good afternoon. Jason Witmer, J-a-s-o-n W-i-t-m-e-r, policy strategist with the ACLU, and we're here in support of LB996. And what I handed out is the ACE study, so feel free to take it, and I ask that if you do take it, to think about what it-- it's meaning. With-- most of my focus is on trauma here. Before many of our children ever entered a courtroom, they have already lived through trauma most adults would struggle to endure. The ACEs or Adverse Childhood Experience research shows a strong connection between early trauma and later behavioral and emotional regulation challenges. Many of the young people have history of neglect, physical abuse, and domestic violence. For a child who has lived through trauma, mechanical restraints carry psychological weight. Research on psych-- on physical immobilization shows it can trigger acute stress responses. Instead of stabilizing behavior, shackling can intensify the very reactions it seeks to control. LB996 does not eliminate restraint authority; emergency restraint remains lawful. What the bill changes is the, the-- is the default. Instead of treating shackling as routine, the bill makes it situational. It requires a clear behavior-based justification, the use of least-restrictive option available, and immediate removal once the risk ends. Documentation and review provide structure, consistency, and accountability. Trauma-informed practices-- trauma-informed practice is not about weakening safety standards; it is about recognizing how youth respond to stress and authority. Routine mechanical restraints run counter to that understanding, justified restraints does not. LB996 balances safety with developmental reality. It protects staff by preserving emergency authority, it protects the youth by ensuring that shackling is used only when necessary, not as a matter of habit or policy convenience. At its core, LB996 recognizes that children in our system are not just defendants, they are our youth who are often arriving already carrying the weight of trauma long before the state ever places restraint on them. Again, for clarity, when restraint is necessary, it is allowed. When restraint is not necessary, it should not be routine. With this, we respectfully urge the committee to

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advance LB996 out of, out of the committee into General File.  
Thank you.

**BOSN:** Thank you. Any questions? Oh, I'm sorry. Senator Hallstrom.

**HALLSTROM:** Mr. Witmer, you used the term emergency authority. If you have an emergency on your hands, are there occasions where it might be too late?

**JASON WITMER:** Yeah, but we don't want to become a system that judges a person before they, they show something. Otherwise, that's-- Minority Report is a great movie of-- they-- this person is going to commit a crime, so let's already arrest them. So, I do understand that. But when we have law enforcement, we have correctional officers, and we have this, they go on the job accepting that there is risk, not to mitigate risk by preempting it before it even exists. So, I do understand the, the fear of, well, what about my safety? If, if the threat is shown, the reaction is justified.

**HALLSTROM:** Or the safety of a third party, or a potential liability--

**JASON WITMER:** Or the safety of the third party or the individual themselves.

**HALLSTROM:** Yeah.

**JASON WITMER:** And for only a matter of amount of time as needed, which tends to get lost in the-- in-- when we have these confinement situations and restrict situations.

**HALLSTROM:** Another good movie besides Minority Report was A Few Good Men.

**JASON WITMER:** Yes.

**HALLSTROM:** "Grave danger. Is there any other kind?"

**JASON WITMER:** Well, sometimes people "can't handle the truth."

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**HALLSTROM:** Thank you. Good one.

**BOSN:** And there's your Friday afternoon [INAUDIBLE].

**JASON WITMER:** Yeah. We're going to pair up and be a team, a comedy team.

**HALLSTROM:** Or something.

**BOSN:** Are there any other reasonable questions for Mr. Witmer? Thank you for being here.

**JASON WITMER:** Thank you.

**BOSN:** Next proponent.

**\*MARY ANGUS:** From the U.S. Department of Education Restraint and Seclusion: Resource Document 2012 "As many reports have documented, the use of restraint and seclusion can have very serious consequences, including, most tragically, death. Furthermore, there continues to be no evidence that using restraint or seclusion is effective in reducing the occurrence of the problem behaviors that frequently precipitate the use of such techniques." I have spent years working to reduce the use of restraints, or in this case "mechanical restraint, including handcuffs, leg irons, waist chains, belly chains, ankle restraints, a restraint chair, or any combination of such devices, that restricts the movement of a juvenile's arms, hands, legs, waist, or torso." I am familiar with the Juvenile Justice system. Too often youth are kept, for lack of a better phrase, hog-tied. Their freedom is threatened. Law enforcement may be bringing them to jail, they may be in court, or at a facility. Using mechanical restraints frustrates them. It may scare them. Since there is no proof that restraining youth reduces problematic behavior, they should only be used to protect themselves and/or others. The National Conference of State Legislatures reports that 41 states have banned the use of mechanical or physical restraints of youth during court hearings. Nebraska is one of those. I believe that the use of shackles should be prohibited outside of the courtroom as well, at anytime there is no imminent threat of harm to self or others. I support Senator Rountree's LB996.

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**BOSN:** Any other proponents? There is now. Opponents. Anyone here in opposition? Good afternoon, and welcome.

**WILLIAM RINN:** Good afternoon. Madam Chair, members of the Judiciary, thank you for hearing our testimony. My name is William Rinn, W-i-l-l-i-a-m R-i-n-n. I'm the chief deputy of administration for the Douglas County Sheriff's Office under Sheriff Aaron Hanson. I'm also here on behalf and at the request of the Nebraska Sheriffs Association and the "policees"-- Police Chiefs Association of Nebraska in opposition to LB996. I won't read all of my testimony to you. As you can read for yourself, I have attached some statistics for transportation that just the Douglas County sheriffs do on the back, for your leisure. We believe that the specific nature of LB996 would significantly hinder officers and deputies' ability to evaluate security in real time and safely and securely manage juveniles in custody, particularly those in transportation assignments or medical escorts. Managing juvenile populations presents a unique and complex challenge. Juvenile behavior can be highly unpredictable, and is frequently compounded by significant mental health concerns. Deputies regularly intel-- encounter volatile situations in which juveniles, due to their agility and smaller stature, bypass lesser means of restriction, flee custody, cause damage to property and/or transport vehicles. We acknowledge the, the emotional stress that restraints and shackling can occur, however, in situations where emotional stress associated with serious felony and other capital offenses are concerned, often that accentuates escape and assault behavior. Systems-involved youths often possess a diminished ability to play-- display sound judgment and due regard for outcome of escape actions and, and assault actions. I think you heard testimony earlier in proponent of LB995 where it was stated that juveniles often choose and seek short-term gratification without regard for long-term outcomes. That could also be true for assaultive behavior and/or escape behaviors. With regard to real-time assessment of whether juveniles are possessing a risk or being compliant, we have numerous situations, both anecdotally and through research, that individuals feign compliance or run out of energy to, to gain, you know, the trust, or lull people into-- the officers into complacency, and then only as they regain composure they continue the fight. Also, as an agency-- and, and this is a

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newer concept. You know, we have implemented verbal de-escalation; it should always be used first. But we've also been challenged as police agencies to do de-escalation by environmental design. That's a new concept. So, we're asked in the lawsuits and when people have-- we have use-of-force situations, did you talk for-- yes. OK, what did you do with the environment to, to change the environment, the physical environment, to try and "discalate"-- de-escalate the situation before it occurred? And that would include the use of restraints, restricting movements, adding more officers, which we've done in response to the, the bill as it changed, with regard to courtroom procedures. We acknowledge that the-- there's-- that was a reasonable change to the system. We've had to add deputies to take care of that, and we'd have to do the same thing for transportation assignments.

**BOSN:** Senator DeBoer.

**DeBOER:** Thanks for being here.

**WILLIAM RINN:** Sure.

**DeBOER:** You heard the testimony of the kids up here before, and it seems like there's sort of a, a, a variety, a, a spectrum of restraints that you could use. There's sort of the just handcuffs, there's-- all the way to, you know, the one was talking about chains around their, their belly and different things like that.

**WILLIAM RINN:** Right.

**DeBOER:** Your concerns that you have about kids that you're transporting or your office is transporting, would that-- is there a less-restrictive form of shackling than you can use besides this, like, sort of description we got of, of-- I mean, I'm just not as, you know, experienced with understanding all the forms of shackling.

**WILLIAM RINN:** Sure.

**DeBOER:** So, is there-- like, could you just handcuff kids, and that would be enough?

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**WILLIAM RINN:** The answer is maybe. And it depends. And, and the, the way shackling systems work, specific with the belly chains, is they're designed to be worked as a system. Handcuffs can be-- and I myself have been assaulted by a juvenile who took their handcuffs off, slipped them off, and, and assaulted me. They routinely slip them from behind their backs into the front, in which case they become weapons, so the belly chain in combination with the handcuffs is designed to restrict movement so they can't move them around and slip those handcuffs off, and use-- be more effective as a-- when they're running and/or assaulting people. With regard to the other restrictive means, I mean, we do have in the court systems, and we use this for adults, which are stun cuffs, stun belts, electronic means that we can activate and, and stop the neuromuscular activity of an adult if they are running, but we can't use those on juveniles. So, that-- that's a restriction that we follow.

**DeBOER:** How long have you been a deputy?

**WILLIAM RINN:** 26 years.

**DeBOER:** OK, so you've been around.

**WILLIAM RINN:** I have been around, yes.

**DeBOER:** I suspect, but I don't know this, so I'm asking it as a question, that you can tell the difference pretty readily with some kind of, like, sense you get from a kid whether they're going to be pretty placid the whole time, or whether there might be problems.

**WILLIAM RINN:** I would like to say I wish that were true, and, and there probably are circumstances, and I, I heard about different places where peace-- people were placed in certain facilities over others. I would point out that the majority of our transportation assignments take place from the Douglas County Youth Center, which as-- try as they may to reduce that population, both between the juvenile probation system and the judges, they've, they've pretty much deemed that if you're in detention it is because you are a flight risk, an assault wrist [SIC], or some combination of the two. So, it's only reasonable for officers and deputies using transportation assignments back

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and forth from that facility that shackles and restraints could be used, because you, you can't tell. With regard to being in the field, I think that's what you're kind of describing. I, I think we do a fair job of trying to assess that, and I can't speak to what smaller agencies do, and more, you know, lesser-experienced officers do. I'd like to believe that I got a little better at it as I, as I be-- was a field officer in, in kind of judging those, and I tried to, you know, be-- act accordingly with regard to restraining them.

**DeBOER:** OK. Are there vehicles that could be used that would provide the kind of safety that is necessary for a kid? So, we heard a story about a kid being shackled for four hours. Obviously, that's not going to happen in Douglas County, but in other places, it might. And as they're being transported long distances, are there vehicles or something of that nature that could limit the amount of shackling so that no one is sitting in a vehicle for four hours shackled?

**WILLIAM RINN:** Right. So, that's kind of plays to what my discussion of de-escalation via environmental design. There, there can be and should be an investment in certain types of facilities, and they are the modern facilities, which require much less shackling and movement of prisoners. As far as our Sarpy County, Lancaster, we, we live-- move large numbers of juveniles, at some times 6, 7, 8, 9. So, having some shackled and some not is just not advisable. But when you're moving one juvenile back and forth, certainly, if there was an investment in research and time to put it in vehicles, that can be, you know-- that would be worthwhile exploring. It-- I, I just know that we can't, by law and policy, shackle juveniles to an object within a vehicle, like, if it's just handcuffs and then maybe a buckle underneath their, you know, that's to the seat. That would be considered no-- a no-no. You can't do that, although it would keep them from moving around, but. So, there's some--

**DeBOER:** [INAUDIBLE]

**WILLIAM RINN:** There-- yeah, it doesn't seem very safe, either, if, if the vehicle were to get in an accident. But the, the main objection here is, is this vehicle-- this bill is very specific, and it, it was not done in, in communication with any of the,

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the agencies that I represent today. And I think that if, if it had been, we could have had some discussions on some of those lesser means; what that, what that exactly that is, and what is expected, as far as making these assessments of, are they complying or are they not?

**DeBOER:** So, there would be some openness to discussing this on a longer-term scale over an interim, or something like that--

**WILLIAM RINN:** Well, I think we should, yeah.

**DeBOER:** --about ensuring that we don't-- I'm-- because I'm really troubled by a kid sitting four hours in shackles. It doesn't seem-- I mean, there's no way that all four hours, especially if they were by themselves, they needed to be in that-- those shackles. So, there's probably some reform we could do here. Would you agree with that?

**WILLIAM RINN:** There's always room for re-evaluation of how we do things. Yes.

**DeBOER:** OK. Thank you.

**BOSN:** Just for-- let me really quick, for clarification, follow up on her question. You can wait.

**WILLIAM RINN:** I don't know if that's good or bad.

**BOSN:** Handcuffs are in the back, if someone is just handcuffed, and--

**WILLIAM RINN:** Correct.

**BOSN:** --shackles would be hands in the front through a chain that goes from your wrists to your waistbelt to your ankles. Is that correct?

**WILLIAM RINN:** Correct.

**BOSN:** OK. And so--

**WILLIAM RINN:** --generally speaking. I can't--

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**BOSN:** And the, the reason for that is, is that if someone's being transported, putting them behind their back is sometimes uncomfortable and there's a safety risk if they were just handcuffed in their front. Is that-- am I understanding what you were saying correctly?

**WILLIAM RINN:** Correct. So, if you're handcuffed in back and you're walking, and you're-- [INAUDIBLE] should always have close escort or a hand on there to prevent-- and you trip and fall, you're going to obviously bust your face. I mean, that's no good. So, the-- having them in front provides some means of self-protection, should there be some incident that you need to take care of, and it just restrains movement. It's a little more natural movement if they need to sign things. And very regularly-- I can again only speak for the, the major counties. If they have to sign something or use the restroom, whatever, the handcuff comes off and they have a free hand to do that. So, do we need to, to look at what other counties and other jurisdictions are doing and what their limitations are? Probably.

**BOSN:** Thank you. Senator Holdcroft.

**HOLDCROFT:** Thank you, Chairman Bosn. That was the question I was going to ask. No, I'm only kidding. So, thanks for coming.

**WILLIAM RINN:** [INAUDIBLE]

**HOLDCROFT:** I bet you were pretty busy last night.

**WILLIAM RINN:** I am usually pretty busy, yes.

**HOLDCROFT:** Yeah. I just have some questions about the acronyms on your chart.

**WILLIAM RINN:** Yes.

**HOLDCROFT:** Can you tell me what CFS stands for?

**WILLIAM RINN:** As this came from the Court Services Bureau, I will do my best, Senator.

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**HOLDCROFT:** They got the "Courts - AM," court-- "CFS - AM"--

**WILLIAM RINN:** Probably Child/Family.

**HOLDCROFT:** Child/Family, OK. Services.

**WILLIAM RINN:** Mm-hmm.

**HOLDCROFT:** And then, under the trips, you have HOJ and OTR.

**WILLIAM RINN:** Yes. That would be the trips for the day, as the, the bailiffs for the juvenile justice, either on the juvenile side, or the, the-- they'll put in the computer which juveniles they want moved from the youth center back and forth.

**HOLDCROFT:** OK. OK. Thank you.

**BOSN:** Any other questions? Seeing none, thank you for being here.

**WILLIAM RINN:** Thank you.

**BOSN:** Next propon-- or, opponent. Excuse me. Good afternoon, and welcome.

**KEVIN STOCKER:** Thank you very kindly. I will be very short here. Good afternoon, Chair Bosn, and members of the Judiciary Committee. My name is Kevin Stocker, K-e-v-i-n S-t-o-c-k-e-r. I'm the vice chair of the Nebraska Public Service Commission, and I'm here to testify to the commission's unanimous oppose-- opposition to LB996. The Public Service Commission regulates for-hire passenger transportation within Nebraska, including regulating carriers who transport those in juv-- in the juvenile justice system. Several of the carriers have expressed concerns with this bill to the commission. We oppose this because of the potential for additional risk that some unrestrained individuals may pose to transport-- to the transportation provider. The commission believes law enforcement and others who supervise juveniles should continue to be able to use their own best judgment to ensure safe transportation rather than having their hands tied with this bill. I want to thank the committee for

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your time this afternoon. Happy to answer any questions that you may have.

**BOSN:** Thank you. Questions? Senator Storer.

**STORER:** Thank you, Chair Bosn. Would the-- and thank you for being here, Mr. Stocker. The-- in the bill, do you, do you feel like the language-- I mean, the-- there-- it does allow for some discretion with the-- it says, you know, juvenile presents as-- if, basically, a juvenile presents a substantial risk of inflicting physical harm on himself or herself or others, and that there's no less-restrictive alternative to prevent such risks; limitation of, obviously, duration-- I mean, it's, it's not a hard and fast prescriptive, suggested law. There, there-- it appears to me there is still some discretion in there. But what you're-- if I'm hearing you correctly-- I mean, if there's concern, do transport-- the third-party transport services just prefer to always shackle kids when they're transporting them?

**KEVIN STOCKER:** We've had conversations with three of the transporters that do this, third-party transporters. Their employees are generally elderly retired people. They are very concerned about their safety and the longevity of their employment. They've been told by their employees, the drivers, that under no circumstance will they transport any of the folks from some of the facilities without them being some sort of-- I don't know about shackling, but some sort of restraints. This seems to open it up to discretion, and this is what the carriers are worried about.

**STORER:** And generally, aren't those transport vehicles equipped with a, with a cage, in essence? With a barrier between the driver and the--

**KEVIN STOCKER:** They are not. Oftentimes, these are minivans that simply have rings bolted into the floor for restraint.

**STORER:** Mm-hmm.

**KEVIN STOCKER:** These vans are used for other things, so having a cage between the driver and the passenger area isn't always available.

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**STORER:** OK. Thank you.

**BOSN:** Thank you for being here. Next opponents. Anyone else here in opposition? We'll move on to-- good afternoon, and welcome.

**ALYSSA BISH:** Good afternoon, Chairwoman Bosn, and members of the Judiciary Committee. My name is Dr. Alyssa Bish, A-l-y-s-s-a B-i-s-h, and I am the director of the Division of Children and Family Services in the Department of Health and Human Services, and I'm here to testify in opposition to LB996. We appreciate the intent of LB996 to protect the dignity, safety, and well-being of youth involved in the juvenile justice system. The department shares this goal. We have longstanding practices in place that limit the use of restraints while prioritizing individualized assessment, trauma-informed care, and safety-based decision making. At the time of commitment, limited information may be available regarding a youth's emotional state, risk of flight, medical needs, or other safety considerations. Initial transport to the facility occurs before a comprehensive assessment, clinical evaluation, or full review of a youth's behavioral history has been completed. For those reasons, restraints are used during the initial transport to a youth rehabilitation treatment facility, formerly known as YRTCs. In extremely rare circumstances, restraints are used when a youth is transported to adult court for felony charges. Once a youth arrives at the facility and is properly assessed, the department's practice is clear: restraints are only used when necessary for the safety of the youth or others. They are not used as a matter of routine convenience or policy default, but only when justified by individualized safety considerations. Our concern with LB996 is not that-- is that overt-- overly-prescriptive statutory language may unintentionally remove the discretion needed to respond to real-time safety risks, particularly during initial transport when limited information is available. Transport environments are dynamic, they're unpredictable, and inherently high-risk for both youth and staff. Maintaining professional discretion allows decisions to be based on safety, clinical judgment, and situational awareness rather than rigid legal thresholds We support policies that minimize the use of restraints, require justification and documentation, emphasize trauma-informed practices, and center around youth dignity and safety. We believe these goals are best

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achieved through practice standards, training, oversight, and clinical protocols rather than statutory restrictions that may unintentionally create safety gaps or operational barriers. For these reasons, while we are aligned with the intent of LB996, we have concerns about its operational impact and potential unintended consequences, and we encourage careful consideration of how the bill may affect safety, transport operations, and individualized youth care. We respectfully request that the committee not advance the bill to General File. Thank you for your time, and I'd be happy to answer any questions on this bill.

**BOSN:** Thank you. Questions for this testifier? Seeing none. Thank you for being here. Next opponent. Any neutral testifiers? All right. Senator Holdcr-- or-- geez. I'm going to get names right, but it is not today, apparently. Senator Rountree. It's the military connection.

**HOLDCROFT:** It's a good look.

**BOSN:** Senator Rountree, welcome back.

**ROUNTREE:** Thank you so much, Chairwoman Bosn. And thank you so much to our Judiciary Committee, and thank you for all of our testifiers; some had to leave already. And for our proponents and our opponents, your every word is heard today. And I appreciate Senator Storer, your statement. There's, there's room. There's room. And that's what we want to get to. Our hearings, when our bills come to our hearings, 99 percent of the time, they're not perfect, but that's why we have the hearing, so we can get to listen to everyone's input and then forge a path forward that'll get us to the best answer, best decision where we can protect all interests, and that's what I want to do. So, I will say to my proponents and to the HHS that did come and talk with me on yesterday when we received the statement-- but let's see what we can do to move forward. I would like to advance the bill in light of the young kids' testimonies that I heard. But I also understand the protection. I had to get a ride back home from H&H Kia on Monday, and it was a senior gentleman that drove me home, and we had a good conversation. But I can also understand that as well. So, I would like to be able to continue discussion with each so we can get the bill to a place

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where we can advance it and have it be beneficial for all. So, with that, I thank everybody for their time today. Opening to questions.

**BOSN:** And as I indicated just to one of your previous testifiers, I did meet with an organization that works in other states over the interim about transport issues, and their program is that they transport youth and refuse to use shackles because they think it's an opportunity for uplifting youth and making connections and improving outcomes. So, it might be worth you and I having a conversation with them later.

**ROUNTREE:** Absolutely. As soon as possible.

**BOSN:** Yeah. Any other questions? Seeing none. Thank you very much. That will conclude our hearing--

**ROUNTREE:** All right. Thank you.

**BOSN:** --on LB996. Yes, yes. I remember now. Next up, we have Mike Lee on behalf of Senator McKinney's office, for LB962. We did it again where we have-- all the numbers are essentially the same.

**MICHAEL A. LEE, Jr.:** Yeah.

**BOSN:** Good afternoon. You are last but not least, and welcome.

**MICHAEL A. LEE, Jr.:** Perfect. Good afternoon. For the record, my name is Michael A. Lee-- well, let me restart that. Hello, Chair Bosn, and members of the Judiciary Committee. Good afternoon and happy Friday. For the record, my is Michael Andrew Lee Junior, M-i-c-h-a-e-l A. L-e-e J-r. I'm Senator McKinney's legislative aide, and I'm here to introduce his priority bill, LB962, the Youth Reentry and Transitional Support Act. This bill is rooted in a simple reality. The moment a young person exits a juvenile facility, probation supervision, or residential placement is one of the most critical windows in determining whether they stabilize or, or circle back into the system. Too often, our system focuses on custody and supervision, but underinvests in transition planning. Youth leave without stable housing, without identification documents, without employment pathways, and

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without coordinated behavioral support, health support. That gap is where recidivism grows. LB962 establishes a coordinated, structured re-entry model that plans-- that begins planning within 30 days of intake, not at the point of release. Each youth is assigned an aftercare coordinator and receives an individualized transition plan that addresses housing stabilization, school reentry, and education advancement; employment planning, Medicaid continuity, and family engagement. The bill also incorporates credible messenger mentoring individuals which live-- with lived experience who are trained to provide guidance and accountability. Research consistently shows that mentorship and structured aftercare significantly reduce recidivism and improve workforce outcomes. Importantly, this bill leverages existing agency infrastructure. It aligns current duties across the Department of Health and Human Services, the Office of Juvenile Services, the Office of Probation Administration, the Division of Rehabilitation Services, and the Department for Labor. It does not authorize new General Fund appropriations. Instead, it coordinates existing federal workforce and Medicaid resources more effectively. This legislation is about system alignment and accountability. It requires annual reporting on housing, education, employment, and recidivism outcomes so that we can measure what out-- we can measure what works, and adjust accordingly. At its core, LB962 recognizes that public safety is strengthened when young people exiting the system have a real plan, a place to live, a path to work, and a structured support during the most vulner-- their most vulnerable transition, period. If we want different outcomes, we must build different systems. Senator McKinney has asked this committee for your favorable consideration, and if you have any questions, feel free to re-- sorry. Please feel free reach out to his office. Thank you.

**BOSN:** Perfect, thank you. We won't force you to answer any questions. We'll follow up with him later on that. But thank you for opening, and we'll start with proponents. While proponents-- did I announce the comments on this? I don't think so. So, while you're coming up, I will note there were 18 proponent comments submitted, 7 opponent, and no neutral comments submitted. Welcome back, Ms. Fowler.

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**CHLOE FOWLER:** Hello. This is the last time today, I promise. And I'll keep it brief.

**BOSN:** You're all right.

**CHLOE FOWLER:** All right. For the third time, I'm Chloe Fowler, C-h-l-o-e F-o-w-l e-r, and I am the Child Welfare Policy Analyst with the Nebraska Children's Commission, here to testify in support of LB962 on behalf of the Children's Commission. The Nebraska Children's Commission works to align child welfare and juvenile justice systems to improve outcomes for youth and families while ensuring taxpayer dollars are used effectively. LB962 is a common-sense, fiscally-responsible reform that strengthens public safety and reduces long-term costs for Nebraska taxpayers. Why LB962 matters. Youth exiting juvenile detention or residential programs face real challenges. They lack stable housing, limited education and job opportunities, and often experience gaps in mental health services. Without structured support, some re-enter the system, which increases costs for taxpayers and the risk for public safety. LB962 provides coordinated transition planning and support, giving youth the tools they need to successfully re-enter their families, their schools, and their communities. For a few notable reasons, one, public safety first. Every youth will have an aftercare coordinator to ensure accountability and connection to supportive services, which reduces the likelihood of re-offending. There's a lot of family engagement, transition plans, actively involved families and community supports, reinforcing stable homes, and local responsibility. This is also fiscally responsible, for the conservatives up on the committee. LB962 is designed to leverage existing resources and funding, not create new spending. And by preventing recidivism and future system involvement, the bill does save taxpayers dollars over time. And finally, measurable results. Agencies are required to coordinate and track outcomes, so the implementation for this bill is data-driven and transparent. Evidence from similar re-entry programs in other states show that structured, accountable transition supports reduce recidivism by 20 to 40 percent and increases employment and school retention, which in turn strengthens families and communities. LB962 applies these principles in a Nebraskan context. LB962 is a public safety, family-centered, and fiscally-responsible solution; it gives youth a real chance

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to succeed while protecting communities and saving resources. On behalf of the Nebraska Children's Commission, I urge this committee to advance LB962, and I welcome any questions. I've also attached a study from the National collaboration-- Collaborative on Workforce and Disability, which outlines a bit more of the best practices and more of the evidence-based reasonings behind this bill, so.

**BOSN:** So, let me ask you, because I participate in some of the stuff that deals with Nebraska Children's Commission. Is it right now that you're not given access to some of this data, or just that it's not compiled in a way that it can be meaningfully--

**CHLOE FOWLER:** I believe for accessing the data, it is a matter of we have to request it, and we will be provided it if it's, you know, not confidential.

**BOSN:** If it's actually--

**CHLOE FOWLER:** Right. Otherwise, I don't know what is and is not being tracked. But with regards to data access, it is kind of, like, we have to ask the correct avenues to receive it. It's not automatically provided

**BOSN:** But if you ask for it, they will give it to you.

**CHLOE FOWLER:** Yes. Typically, yes.

**BOSN:** OK. Typically, or always? I guess that where I'm--

**CHLOE FOWLER:** I will say typically, because I'm not confident on the history of having the data provided.

**BOSN:** OK.

**CHLOE FOWLER:** But usually-- in the times-- within my experience as the policy analyst, when we have asked for data, it has been provided.

**BOSN:** OK.

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**CHLOE FOWLER:** Yeah.

**BOSN:** Thank you. Senator Hallstrom.

**HALLSTROM:** Both Senator McKinney's aide and yourself have talked about that there's no General Fund authorization, no new spending. But the fiscal note indicates that there's quite a bit of cost associated with having to set up and operate this program. What are your thoughts on, on that?

**CHLOE FOWLER:** I think that, based on the details of the bill and the aspects that the bill indicates, I think that there is always a just-- a good justification to a upfront short-term spending if we do see an impact in the long term, and I think that this bill absolutely justifies the spending up front. I know that it is a large-- there's a lot of budget concerns going on right now across the state. But I think that by spending up-front for certain things, there will be a benefit from the back end over time. It's just a matter of having the implementation of this bill going swimmingly.

**HALLSTROM:** OK. Thank you.

**CHLOE FOWLER:** Yeah.

**BOSN:** All right. Thank you very much for being here.

**CHLOE FOWLER:** Thank you.

**BOSN:** Next proponent.

**JASON WITMER:** Good afternoon, I think, still.

**BOSN:** Yep.

**JASON WITMER:** Co-chair Bosn [SIC] and Judiciary Committee. My name is Jason Witmer, J-a-s-o-n W-i-t-m-e-r. I'm a policy strategist with the ACLU, here in support of LB962. The Nebraska judicial branch's data show a consistent pattern over a five-year period of roughly one in six juveniles violating probation within one year of discharge. Now, whether that transition-- now, whether that is a transition from probation or a group

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home, the first year after discharge is a difficult period for these young people, and it's a period that LB962 addresses through thoughtful structure. By requiring structured coordination, LB962 requires transitional planning during the intake period to develop an individualized "plathway" towards success with a variety of supports upon transitioning out of supervision or a facility. Rather than reiterate the list of supports identified by LB962, the judicial branch has repeatedly validated the significance of alternatives to detention, support, and supervision within the community. Furthermore, nationwide research over the past few decades show that employment reduces recidivism, stable housing is consistently associated with improved compliance and reduced system contact, positive mentorship reduces delinquency and aggressive behavior, undisrupted mental health and substance use treatment preserves stability, and lower supervision caseload improves contact quality. Data shows that whether it is simply acting out or recidivism, neither are theoretical. Both are measurable, and, just as numbers are measurable, so is the potential for improvement. Also, we are not just talking about reducing one in six juveniles from violating probation in Nebraska. LB962, the adopt the Youth Reentry and Transitional Support Act, is, is offering a solution to reduce the amount of youth contact with our criminal legal system before they need to be on probation. An investment in struggling young Nebraskans to be successful is also an investment in community safety. That's what we call smart justice. We respectfully urge the committee to advance LB962 to General File. Thank you.

**BOSN:** Thank you. Questions for Mr. Witmer? Seeing none. Thank you for being here.

**JASON WITMER:** Thank you.

**BOSN:** Next proponent. Last call for proponents. Welcome back.

**KATIE NUNGESSER:** Good afternoon again, and thank you, Chairperson Bosn, and members of the Judiciary Committee. My name is Katie Nungesser, K-a-t-i-e N-u-n-g-e-s-s-e-r. I'm representing Voices for Children in support of LB962. Every year, young people leave detention, treatment, group homes, and probation supervision, and are expected to immediately start

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rebuilding their lives. They return to communities carrying trauma, disrupted education, strained family relationships, and uncertainty sometimes about housing, health care, and employment. Too often, they are released with expectations but without enough supports to succeed. We support this bill as it can change that reality for kids. By beginning the transition planning early and assigning each young person dedicated aftercare coordinators, this legislation ensures that kids are not navigating this reentry alone. This bill creates stability, consistency, and trusted relationships at a time when kids are vulnerable. For youth, that relationship can mean the difference between feeling abandoned by the system and supported by it. The focus in this bill on education, employment, employment planning, vocational pathways gives young people something they may have never had before: a vision for their future. When kids are connected to career pathways, training opportunities, credible, credible mentors and-- who understand their experiences, they begin to see themselves as capable, valued, and worthy of investment. That belief is powerful. This bill recognizes that young people do not exist in isolation; it prioritizes family engagement, housing stability, access to identification documents, behavioral health, Medicaid, and community-based support. It treats youth as whole people, not just case numbers. Staying out of trouble is not the goal, but being housed, healthy, educated, employed, and connected to people that care about them. The coordinated approach outlined in this act creates a system that wraps around young people instead of pushing them through. It replaces confusion with clarity, and the fragmentation with teamwork. For youth, that means fewer gaps, fewer missed services, and fewer moments where they fall through the cracks. Most importantly, it sends a clear message to young people that their life matters, their future matters, and Nebraska is willing to invest in them. The Youth Reentry and Transitional Support Act is not just a policy-- is not just a policy framework; it's a promise to young people that when they leave the system, they're not left behind. It offers dignity, stability, opportunity, and hope at a moment when it matters. We're urging the committee to advance LB962 and give Nebraska's youth the support they need. Thank you, Senator McKinney, for your ongoing work and-- on youth justice, and this committee for all of your time and attention today. I'm open to questions. Thank you.

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**BOSN:** All right. Seeing no questions. Thank you.

**KATIE NUNGESSER:** Thank you.

**BOSN:** Next proponent. Welcome back.

**CONNOR HERBERT:** Thank you. All right. Good afternoon, and thank you, Chair Bosn, and members of the Judiciary Committee, for the opportunity to speak today. My name is Connor Herbert, C-o-n-n-o-r H-e-r-b-e-r-t, and I serve as a staffer with the Nebraska Commission on African American Affairs. Nebraska's own data shows that youth of color are disproportionately confined, and face significant barriers when returning to school, work, and community life. The Nebraska Crime Commission has documented that black youth are overrepresented in arrests and juvenile court filings compared to their share of the population, and are less likely be-- to be referred to diversion than their white peers. Nationally, Nebraska has been identified as having one of the black-- highest black youth incarceration rates, and among the largest racial disparities in youth confinement. Without coordinated transition support, too many young people, regardless of race, leave custody only to struggle, increasing the risk of recidivism and long-term system involvement. LB962 addresses this challenge by requiring individualized transition plans for youth under 21 leaving detention, residential treatment, group homes, or probation. Planning begins early, and must address education, employment, behavioral health, housing, and family supports. The bill also provides for aftercare coordinators, up to 12 months of structured coaching, continuity of Medicaid and behavioral health services, and credible messenger mentoring. By aligning agencies around a shared framework, LB962 strengthens public safety through preparation rather than reaction. It promotes workforce participation, educational continuity, and family stability, key factors in reducing repeat involvement. The annual reporting requirements will also provide measurable outcomes on education, housing, and employment, allowing policymakers to assess progress and ensure accountability in the future. This legislation moves Nebraska toward a continuum of care instead of a revolving door, and therefore, we respectfully urge you to advance LB962. Thank you.

**BOSN:** Thank you. Questions? Senator Hallstrom.

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**HALLSTROM:** We hear a lot of witnesses come in here, testifiers come in here and refer to the disproportionality.

**CONNOR HERBERT:** Mm-hmm.

**HALLSTROM:** And I think we've had discussions that that could be from discrimination, it could be from bias. Could-- do you have any data that shows whether it's from the fact that more offenses are being committed by that segment of the population to, to dispute? Or to give credence to the fact that it's, it's automatically discrimination or bias?

**CONNOR HERBERT:** Yeah, so I, I didn't mean to suggest that there's any discrimination or bias, and I think it's a little bit more complicated. So, let me, let me start here. I think with LB962, as it's being presented here, many of these individuals that we're referring to who are in juvenile systems are already in a situation where they're not level with many of their other peers. And being put into a situation where they're removed from school or put into-- or, or generally incarcerated, again, brings them into a situation where they are even further behind their peers, regardless of their personal criminality, right? And so, if we want to ensure that, you know, the citizens of Nebraska, on a general level, are operating in similar levels, it would behoove the state to operate in a way that ensures that there's a decrease in-- or actually, to ensure that there is a continuity of care between these groups.

**HALLSTROM:** And the-- and they're, they're two different ends of the stick.

**CONNOR HERBERT:** Right.

**HALLSTROM:** And, and I didn't mean to suggest that you left that impression, but we've had a lot of witnesses that have come in here--

**CONNOR HERBERT:** Mm-hmm. Absolutely.

**HALLSTROM:** --and made that blanket, bald statement--

**CONNOR HERBERT:** Yeah.

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**HALLSTROM:** --and just leaving us to try and devise whether or not it's discrimination, bias, or that it could be the possibility that more crimes, or more offenses in a juvenile setting--.

**CONNOR HERBERT:** Sure.

**HALLSTROM:** --are being committed by that segment of the population.

**CONNOR HERBERT:** And that's a valid claim. I think statistically, it's a-- like I said, it's, it's very complicated. It's very well-documented that, I mean, I guess on a case-by-case basis, it's very well- documented that--

**HALLSTROM:** The, the numbers are--

**CONNOR HERBERT:** --some African communities are in fact over-policed.

**HALLSTROM:** The numbers are documented.

**CONNOR HERBERT:** Right.

**HALLSTROM:** The reasons aren't.

**CONNOR HERBERT:** Yes.

**HALLSTROM:** OK. Thank you.

**CONNOR HERBERT:** Well, I, I was going to say that there are-- it's very well documented that in some communities, they are over-policed. And so statistically, they may therefore over-represent in the population. That is to say that there might be a lot of children of a different race in a different community committing crime, but it's not being reported or being, you know, policed upon. And so therefore, you know, I guess that it's a little bit more complicated than just African-American children are more criminal.

**HALLSTROM:** Yeah. And, and that was not my point. [INAUDIBLE]

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**CONNOR HERBERT:** Yeah. And I, I know that's not your point, yeah.

**HALLSTROM:** Thank you.

**BOSN:** Any other questions? Seeing none. Thank you for being here.

**CONNOR HERBERT:** Thank you.

**BOSN:** Next proponents. Any other proponents? We'll move to opponents. Anyone here in opposition to LB962? Neutral testifiers. Welcome.

**GENE COTTER:** Thank you. Good afternoon, Chairwoman Bosn, and members of the Judiciary Committee. My name is Gene Cotter, G-e-n-e C-o-t-t-e-r, and I am Nebraska's probation administrator. I am here today testifying neutral to LB962. First off, I would like to begin by indicating the State Court Administrator Corey Steele has already been working with Senator McKinney on some of the components of LB962 that, that prompt my neutral testimony today. Information has also been shared with him regarding current practices of juvenile probation that show alignment with practices outlined in this bill. So, here's why I'm neutral. In 2023, the Nebraska Supreme Court held in 315 Neb. 415, State of Nebraska v. Charles J. Simons that once a term of probation has reached its end, probation is complete. Along with that, so too is our ability to continue supervision, including referrals to and payment for services. As written, Section 2 of LB962 would require a continuation of services and supervision for 12 months after a term of probation ended. We believe that we in probation would not have the authority to serve in this capacity based on this Simmons finding. In that same section, youth are defined as, quote, "any individual under 21 years of age," end quote. Currently, juvenile jurisdiction ends when a youth turns 19 years old. Youth cannot be supervised on juvenile probation past their age of majority. Following best practice standards, we specialize services between adult and juvenile probation officers, with minimal crossover across the state. As mentioned above, reentry planning-- or at least as alluded to up above, reentry planting, success planning, and transition supervision of youth between programs, including from out-of-home placement, is something we already include as-- in the duties of a

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probation officer. Additionally, we would like to recognize the importance of targeted reentry work as core to evidence-based supervision approaches, and essential for successful integration back into the youth's home or community. Because this bill identifies the Department of Health and Human Services as the facilitator of the initiative and assignment of the aftercare coordinators, I also felt it important to note that in fiscal year 2025, a total of 1,583 probation youth were placed out-of-home. In calendar year 2025, we had 2,191 youth released from juvenile probation, and as of Tuesday of this week, we had another 793 individuals on adult probation that would be encompassed in the requirements of this bill as introduced. As I said, we've already been working with Senator McKinney, and because it's his priority bill, we certainly intend to do so. We've, we've already got some possible amendments to the bill drafted that we will be meeting with him on later this week. And with that, I am more than happy to answer any questions.

**BOSN:** Senator DeBoer. Excuse me.

**DeBOER:** Thank you. On-- I'm a little confused on the argument in the Nebraska-- or, the State v. Simmons [SIC] argument. Are you saying because probation is complete by that case that you are no longer able to retain the supervision services that would be 12 months after? But aren't we able to statutorily trump that case?

**GENE COTTER:** I believe that is some of the stuff that we intend to work with Senator McKinney on, because yes, Simons-- right now, the Simons ruling says that if my probation is to end on February 20, that I'm done on February 20. And there--

**DeBOER:** But we could statutorily change that, right?

**GENE COTTER:** Certainly.

**DeBOER:** OK. That's-- I just--

**GENE COTTER:** Yeah, that's just in case law, and it was a, a, a 2023 case that was ruled on, I believe, in 2024 [SIC].

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**DeBOER:** So, we would maybe just have to be more explicit about, explicit about changing that.

**GENE COTTER:** Yes.

**DeBOER:** OK.

**BOSN:** All right. Thank you very much for being here. Next neutral testifier.

**ALYSSA BISH:** Good afternoon, Chairwoman Bosn, and members of the Judiciary Committee. My name is Dr. Alyssa Bish, A-l-y-s-s-a B-i-s-h, and I am the director of the Division of Children and Family Services in the Department of Health and Human Services. I am here to testify in a neutral capacity for LB962. The Youth Reentry and Transitional Support Program outlined in LB962 is similar to Nebraska's Bridge to Independence or b2i program, which provides voluntary support services to eligible young adults formerly in out-of-home care. Based on the eligibility criteria described in LB962, there would be significant overlap between youth who qualify for LB962's program and those eligible for b2i under Nebraska Statute 43-4504. The programs also share similarities in the services they provide, including the assignment of support staff, such as an independence coordinator or aftercare coordinator, referrals to community resources, transition planning, and employment and education support. The b2i program is limited to young adults age 19 to 21 years old, and to tribal youth who reach the age of majority at 18 years old. The program requires participation in educational or employment activities, supervised independent living, and ongoing contact with the caseworker. Unlike the b2i program, LB962 does not set minimum participation standards, nor does it provide framework to protect the rights of the participating youth. Furthermore, the population outlined in LB962 includes youth from whom the department does not currently serve through existing child welfare programs. Given the juvenile-justice-involved nature of this population, the Office of Probation may be better positioned to provide continuity of services and address the unique needs of these youth. To support program implementation, clarification in areas of the bill may be beneficial. As currently drafted, the bill does not specify a minimum or maximum age of participation, nor does it establish

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the duration of a youth's participation. The definition of youth also excludes youth leaving the YRTC's-- oh. Youth Rehabilitation and Treatment Centers. And although the Office for Juvenile Services is referenced throughout the bill, if that population is intended to be included, clarification of the definition section would provide alignment. Finally, Section 3 states that the program will ensure continuity of Medicaid services. The department can assist youth with applying for Medicaid, with eligibility determined in accordance with federal and state requirements. If DHHS is to be the administrator-- administering agency, it would be advantageous for the department to have authority to promulgate regulations to further define the population served and program eligibility criteria in order to reduce potential duplication or overlap with the b2i program. DHHS appreciates the Legislature's focus on improving support services for youth transitioning to adulthood. We share this commitment, and remain dedicated to ensuring youth have the resources and opportunities they need to thrive. Thank you for your time. I'd be happy to answer any questions on this bill.

**BOSN:** Thank you. Questions for Dr. Bish? Senator Hallstrom.

**HALLSTROM:** Yeah, in the fiscal note, you've indicated that if you're required to absorb these functions without additional staffing or funding, you could divert resources from core child services. What would be some examples of what we would be losing if we're having to pick up this program at the expense of something else?

**ALYSSA BISH:** So, we have currently in statute, like, caseload compliance, and so we want to make sure that our caseworkers are able to serve the families that are on their docket. And if we don't have additional resources, those caseloads will just be higher. So, in essence, youth and children potentially could be receiving less-- I'm not going to say less quality, because we always do our best to serve kids. But if you have 20 caseloads versus 15, like, it's just a different amount of time that you've can dedicate to each family.

**HALLSTROM:** So we spread our, our resources too thin?

**ALYSSA BISH:** Mm-hmm.

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**HALLSTROM:** And so, for those existing children, they may get less service at the expense of trying to provide this program?

**ALYSSA BISH:** I wouldn't say necessarily less service, because we will always provide what children need. But the mental energy that a caseworker can provide to each case would be limited to what's on their day-to-day plates.

**HALLSTROM:** And can that lead to depletion of staff?

**ALYSSA BISH:** It would lead to high burnout, yes.

**HALLSTROM:** Thank you.

**BOSN:** All right. Thank you very much for being here. Next neutral testifier. All right. That will conclude our hearing on LB962, as well as our hearings for today. Thank you very much.