

May 4, 1981

LB 346

part we certainly agree on. I guess the difference perhaps is that I don't think we are changing with our amendment, that we would be changing what happens right now. I guess I would like to ask Senator Nichol a question if he would respond please, Mr. President. Senator Nichol, at the present time are the counties required to pay for the attorney fees for both the juvenile and the guardian or parent?

SENATOR NICHOL: I know they are required to pay the attorney fees for the juvenile when it is required. As I recall, yes, they are required to pay for the guardian when they need it, if they can't pay for it.

SENATOR VICKERS: In other words, if a juvenile faces court action, the county has to pay for an attorney for not only the juvenile but also for the juvenile's parents, is that what you are telling me?

SENATOR NICHOL: If they request it, that is right.

SENATOR VICKERS: But that is by request only. Under the 346 it would say that they have to do it, is that correct?

SENATOR NICHOL: Would you say that again? I missed your question, what it means.

SENATOR VICKERS: It says in 346 that the court "shall" inform them of their right to counsel and pay their expenses. Now, and you are telling me right now that is done in the counties at the present time?

SENATOR NICHOL: Not for parents but it is for the juvenile.

SENATOR VICKERS: Okay, but under the 346 it will be done for the parents, right?

SENATOR NICHOL: Well, when you have termination procedures, yes, they have to provide it for both then.

SENATOR VICKERS: Yes, but under the Section 28, it is not talking about termination proceedings, is it, because it says when a juvenile shall be brought before a juvenile court. Now if it is termination proceedings, it is the parents that are brought before the court, isn't that correct?

SENATOR NICHOL: Sometimes, yes. Now what was your other questions or other question?

SENATOR VICKERS: Sometimes...let me get that clear first. If it is termination proceedings, is there ever a case where