

LEGISLATIVE BILL 1167

Approved by the Governor April 11, 2000

Introduced by Thompson, 14; Jensen, 20; Dw. Pedersen, 39; Price, 26;
Suttle, 10; Tyson, 19

AN ACT relating to juveniles; to amend sections 43-245, 43-250, 43-253, 43-254, 43-259, 43-265, 43-272, 43-276, 43-286, 43-2,129, 43-2401 to 43-2406, 43-2408, 43-2409, 43-2411 to 43-2413, and 83-4,125, Reissue Revised Statutes of Nebraska; to adopt the Nebraska County Juvenile Services Plan Act; to create the Juvenile Diversion, Detention, and Probation Services Implementation Team; to provide duties; to provide a termination date; to change provisions relating to the Nebraska Juvenile Code; to adopt the Court Appointed Special Advocate Act; to change and eliminate provisions relating to the Juvenile Services Act; to define and redefine terms; to eliminate the Juvenile Services Grant Committee; to establish the Nebraska Coalition for Juvenile Justice; to provide powers and duties; to eliminate an obsolete provision; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 43-2407, 43-2410, and 43-2414, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Sections 1 to 7 of this act shall be known and may be cited as the Nebraska County Juvenile Services Plan Act.

Sec. 2. For purposes of the Nebraska County Juvenile Services Plan Act, the definitions shall be the same as those in sections 43-245 and 43-403.

Sec. 3. (1) It is the intent of the Legislature to encourage counties to develop a continuum of nonsecure detention services for the purpose of enhancing, developing, and expanding the availability of such services to juveniles requiring nonsecure detention.

(2) A county may enhance, develop, or expand nonsecure detention services as needed with private or public providers. Grants under the Juvenile Services Act and the federal Juvenile Justice and Delinquency Prevention Act of 1974 may be used to fund nonsecure detention services. Each county shall routinely review services provided by contract providers and modify services as needed.

Sec. 4. (1) Each county shall develop a county juvenile services plan by January 1, 2003. Two or more counties may establish a multicounty juvenile services plan. Such plan should include input from individuals comprising a local juvenile justice advisory committee as provided for in subdivision (1) of section 5 of this act or a similar committee or group of individuals. The plan shall be submitted to the Nebraska Commission on Law Enforcement and Criminal Justice and shall include:

(a) Identification of the risk factors for delinquency that exist in the county or counties and service needs;

(b) Identification of juvenile services available within the county or counties, including, but not limited to, programs for assessment and evaluation, the prevention of delinquent behavior, diversion, detention, shelter care, intensive juvenile probation services, restitution, family support services, and community centers for the care and treatment of juveniles in need of services;

(c) Identification of juvenile services within close proximity of the county or counties that may be utilized if community-based programs are not available within the county or counties;

(d) Identification of the facilities the county primarily uses for juvenile secure detention and for nonsecure detention, including the costs associated with use of such facilities; and

(e) A coordination plan and an enhancement, development, and expansion plan of community services within the county, counties, or region to help prevent delinquency by providing intervention services when behavior that leads to delinquency is first exhibited. Examples of intervention services include, but are not limited to, alternative schools, school truancy programs, volunteer programs, family preservation and counseling, drug and alcohol counseling, diversion programs, and Parents Anonymous.

(2) Following or in conjunction with the development of a county juvenile services plan, each county may develop regional service plans and establish regional juvenile services boards when appropriate. The regional service plan shall be submitted to the Nebraska Commission on Law Enforcement

and Criminal Justice.

(3) Plans developed under this section shall be updated no less than every five years after the date the plan is submitted to the commission.

Sec. 5. Each county may:

(1) Establish a local juvenile justice advisory committee for the purpose of meeting quarterly to discuss trends and issues related to juvenile offenders and service needs. Such committee should include representation from the courts, law enforcement, community service providers, schools, detention or shelter care, county elected and administrative officials, probation officials, health and human services representatives, and state officials or agency representatives. The committee should discuss state and local policy initiatives, use of detention and other regional services, commitment to state custody, and impacts of policy initiatives and trends on county juvenile justice systems. Notwithstanding any other provision of law regarding the confidentiality of records, information from the various representative agencies can be shared about juveniles under their supervision for the purposes of this subdivision. The information shared shall be in the form of statistical data which does not disclose the identity of any particular individual;

(2) Collect and review data on an ongoing basis to understand the service needs of the juvenile offender population; and

(3) Compile, review, and forward county level data collected pursuant to section 6 of this act.

Sec. 6. County level data on juveniles shall be maintained and compiled by the Nebraska Commission on Law Enforcement and Criminal Justice on arrest rates; petition rates; detention rates and utilization; offender profile data, such as offense, race, age, and sex; and admissions to staff secure and temporary holdover facilities.

Sec. 7. (1) The Legislature finds that there is a need for additional secure detention and detention services, including transportation services, for juveniles in the state. The need can be met by enhancing and expanding the existing secure detention facilities and detention services as needed in the future and by constructing new juvenile detention facilities to serve the southeastern, central, and west central areas of the state.

(2) The Legislature further finds that in order for probation officers to adequately perform the function of providing juvenile intake services statewide, existing probation staff resources need to be expanded and, additionally, program services that enhance a juvenile's successful reintegration into the community need to readily be available and at the disposal of juvenile probation.

(3) The Legislature further finds that juvenile diversion programs should be available throughout the state as a means of providing consequences without the formal involvement of the courts.

Sec. 8. The Juvenile Diversion, Detention, and Probation Services Implementation Team is created. The members of the team shall include:

(1) Three county commissioners or supervisors, one from each congressional district;

(2) Three probation officers, one from each congressional district;

(3) Three judges, one from each congressional district;

(4) Three community youth service agency representatives, one from each congressional district;

(5) Three juvenile detention or holdover facility directors, one from each congressional district;

(6) One county attorney;

(7) One public defender;

(8) One law enforcement officer;

(9) One representative of the Department of Health and Human Services;

(10) One representative from the Nebraska Commission on Law Enforcement and Criminal Justice;

(11) Two at-large members;

(12) The probation administrator of the Office of Probation Administration or his or her designee;

(13) The administrators of the Department of Health and Human Services Protection and Safety Division or the designees of such administrators; and

(14) Two members of the Legislature appointed by the Executive Board of the Legislative Council or their designated staff.

The Governor shall appoint the members in subdivisions (1) through (11) of this section and shall appoint a chairperson for the implementation team. Appointments shall be made within ninety days after the operative date of this section. Members shall be reimbursed for their expenses pursuant to

sections 81-1174 to 81-1177. The University of Nebraska at Omaha, College of Public Affairs and Community Service, shall provide administrative and technical support for the implementation team and shall produce the final report.

Sec. 9. The Juvenile Diversion, Detention, and Probation Services Implementation Team shall:

(1) Examine juvenile detention practices, identify risk factors that should be considered in making a detention decision, and recommend a standardized juvenile detention screening instrument to the Office of Probation Administration no later than December 15, 2000;

(2) Develop a plan for regional secure juvenile detention facilities and detention services, including transportation services, and recommend a funding strategy;

(3) Develop standards for juvenile diversion services throughout the state;

(4) Review the structure, purpose, and function of juvenile probation; analyze juvenile probation offender characteristics; determine the level of staffing and types of program services needed in order for juvenile probation to fulfill its core responsibilities within the juvenile justice system; and recommend needed system changes;

(5) Provide an appropriation request for expenses of team members and the hiring of consultant services; and

(6) Submit a final report to the Governor and the Legislature.

Sec. 10. The Juvenile Diversion, Detention, and Probation Services Implementation Team and sections 8 to 10 of this act terminate on June 1, 2002.

Sec. 11. Section 43-245, Reissue Revised Statutes of Nebraska, is amended to read:

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

(1) Age of majority means nineteen years of age;

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

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

(4) Juvenile means any person under the age of eighteen;

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

(6) Juvenile detention facility has the same meaning as in section 83-4,125;

(7) Mediator for juvenile offender and victim mediation means a person who (a) has completed at least thirty hours of training in conflict resolution techniques, neutrality, agreement writing, and ethics set forth in section 25-2913, (b) has an additional eight hours of juvenile offender and victim mediation training, and (c) meets the apprenticeship requirements set forth in section 25-2913;

(8) Mental health facility means a mental health center as defined in section 83-1006 or a government, private, or state hospital which treats mental illness;

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

(10) Nonsecure detention means detention characterized by the absence of restrictive hardware, construction, and procedure. Nonsecure detention services may include a range of placement and supervision options, such as home detention, electronic monitoring, day reporting, drug court, tracking and monitoring supervision, staff secure and temporary holdover facilities, and group homes;

~~(10)~~ (11) Parent means one or both parents or a stepparent when such stepparent is married to the custodial parent as of the filing of the petition;

~~(11)~~ (12) Parties means the juvenile as described in section 43-247 and his or her parent, guardian, or custodian;

~~(12)~~ (13) Except in proceedings under the Nebraska Indian Child

Welfare Act, relative means father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece;

(14) Secure detention means detention in a highly structured, residential, hardware-secured facility designed to restrict a juvenile's movement;

~~(13)~~ (15) Status offender means a juvenile who has been charged with or adjudicated for conduct which would not be a crime if committed by an adult, including, but not limited to, juveniles charged under subdivision (3)(b) of section 43-247 and sections 53-180.01 and 53-180.02; and

~~(14)~~ (16) Traffic offense means any nonfelonious act in violation of a law or ordinance regulating vehicular or pedestrian travel, whether designated a misdemeanor or a traffic infraction.

Sec. 12. Section 43-250, Reissue Revised Statutes of Nebraska, is amended to read:

43-250. An officer who takes a juvenile into temporary custody under section 43-248 shall immediately take reasonable measures to notify the juvenile's parent, guardian, custodian, or relative and shall proceed as follows:

(1) The officer shall release such juvenile;

(2) The officer shall prepare in triplicate a written notice requiring the juvenile to appear before the juvenile court or probation officer of the county in which such juvenile was taken into custody at a time and place specified in the notice or at the call of the court. The notice shall also contain a concise statement of the reasons such juvenile was taken into custody. The officer shall deliver one copy of the notice to such juvenile and require such juvenile or his or her parent, guardian, other custodian, or relative, or both, to sign a written promise that such signer will appear at the time and place designated in the notice. Upon the execution of the promise to appear, the officer shall immediately release such juvenile. The officer shall, as soon as practicable, file one copy of the notice with the county attorney and, when required by the juvenile court, also file a copy of the notice with the juvenile court, the officer appointed by the court for such purpose, or the probation officer;

(3) The officer shall take such juvenile without unnecessary delay before the juvenile court or probation officer of the county in which such juvenile was taken into custody and deliver the custody of such juvenile to the juvenile court or probation officer. When ~~custody~~ detention of a juvenile is necessary, such ~~custody~~ detention shall occur within a juvenile detention facility except:

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

(b) When a juvenile described in subdivision (1) or (2) of section 43-247, except for a status offender, is taken into temporary custody outside of a metropolitan statistical area and where no juvenile detention facility is reasonably available, the juvenile may be delivered, for temporary custody not to exceed twenty-four hours excluding nonjudicial days and while awaiting an initial court appearance, to a secure area of a jail or other facility intended or used for the detention of adults solely for the purposes of identifying the juvenile and ascertaining his or her health and well-being and for safekeeping while awaiting transport to an appropriate juvenile placement or release to a responsible party;

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

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

(e) If, within the time limits specified in subdivision (3)(a) or (3)(b) of this section, a felony charge is filed against the juvenile as an

adult in county or district court, he or she may be securely held in a jail or other facility intended or used for the detention of adults beyond the specified time limits;

(f) A status offender or nonoffender taken into temporary custody shall not be held in a secure area of a jail or other facility intended or used for the detention of adults. A status offender accused of violating a valid court order may be securely detained in a juvenile detention facility longer than twenty-four hours if he or she is afforded a detention hearing before a court within twenty-four hours, excluding nonjudicial days, and if, prior to a dispositional commitment to secure placement, a public agency, other than a court or law enforcement agency, is afforded an opportunity to review the juvenile's behavior and possible alternatives to secure placement and has submitted a written report to the court; and

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

(4) When a juvenile is taken into temporary custody pursuant to subdivision (3) or (4) of section 43-248, the officer may deliver the custody of such juvenile to the Department of Health and Human Services which shall make a temporary placement of the juvenile in the least restrictive environment consistent with the best interests of the juvenile as determined by the department. The department shall supervise such placement and, if necessary, consent to any necessary emergency medical, psychological, or psychiatric treatment for such juvenile. The department shall have no other authority with regard to such temporary custody until or unless there is an order by the court placing the juvenile in the custody of the department. If the officer delivers temporary custody of the juvenile pursuant to this subdivision, the officer shall make a full written report to the county attorney within twenty-four hours of taking such juvenile into temporary custody. If a court order of temporary custody is not issued within forty-eight hours of taking the juvenile into custody, the temporary custody by the department shall terminate and the juvenile shall be returned to the custody of his or her parent, guardian, custodian, or relative; or

(5) If the officer takes the juvenile into custody pursuant to subdivision (4) of section 43-248, the officer may place the juvenile at a mental health facility for evaluation and emergency treatment or may deliver the juvenile to the Department of Health and Human Services pursuant to subdivision (4) of this section. At the time of the admission or turning the juvenile over to the department, the peace officer responsible for taking the juvenile into custody shall execute a written certificate as prescribed by the Department of Health and Human Services which will indicate that the officer believes the juvenile to be mentally ill and dangerous, a summary of the subject's behavior supporting such allegations, and that the harm described in section 83-1009 is likely to occur before proceedings before a juvenile court may be invoked to obtain custody of the juvenile. A copy of the certificate shall be forwarded to the county attorney. The peace officer shall notify the juvenile's parents, guardian, custodian, or relative of the juvenile's placement.

In determining the appropriate temporary placement of a juvenile under this section, the officer shall select the placement which is least restrictive of the juvenile's freedom so long as such placement is compatible with the best interests of the juvenile and the safety of the community.

Sec. 13. The Office of Probation Administration shall prepare and distribute to probation officers and judges a standardized juvenile detention screening instrument before October 1, 2001. The types of risk factors to be included as well as the format of this standardized juvenile detention screening instrument shall be determined by the office after reviewing recommendations derived from the Juvenile Diversion, Detention, and Probation Services Implementation Team as outlined in subdivision (1) of section 9 of this act. The standardized juvenile detention screening instrument shall be used as an evaluative tool statewide by probation officers and judges under section 14 of this act in order to determine if detention of the juvenile is necessary and, if so, whether secure or nonsecure detention is indicated.

Sec. 14. The need for preadjudication placement or supervision and the need for detention of a juvenile and whether secure or nonsecure detention is indicated may be determined as follows:

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

(2) If the results indicate that secure detention is not required, nonsecure detention placement or supervision options shall be pursued; and

(3) If the results indicate that secure detention is required,

detention at the secure level as indicated by the instrument shall be pursued.

Sec. 15. Section 43-253, Reissue Revised Statutes of Nebraska, is amended to read:

43-253. (1) Upon delivery to the juvenile court or probation officer of a juvenile who has been taken into temporary custody under sections 43-248 and 43-250, the court or probation officer shall immediately investigate the situation of the juvenile and the nature and circumstances of the events surrounding his or her being taken into custody. Such investigation may be by hearing on the record before the court or by informal means when appropriate.

(2) No juvenile who has been taken into temporary custody under subdivision (3) of section 43-250 shall be detained in any ~~locked~~ secure detention facility for longer than twenty-four hours, excluding nonjudicial days, after having been taken into custody unless such juvenile has appeared personally before a court of competent jurisdiction for a hearing to determine if continued detention is necessary. If continued secure detention ~~in a locked facility~~ is ordered, such detention shall be in a juvenile detention facility, except that a juvenile charged with a felony as an adult in county or district court may be held in an adult jail as set forth in subdivision (3)(e) of section 43-250.

(3) When the court or probation officer deems it to be in the best interests of the juvenile, the court or probation officer shall immediately release such juvenile to the custody of his or her parent. If the juvenile has both a custodial and a noncustodial parent and the court or probation officer deems that release of the juvenile to the custodial parent is not in the best interests of the juvenile, the court or probation officer shall, if it is deemed to be in the best interests of the juvenile, attempt to contact the noncustodial parent, if any, of the juvenile and to release the juvenile to such noncustodial parent. If such release is not possible or not deemed to be in the best interests of the juvenile, the court or probation officer may release the juvenile to the custody of a legal guardian, a responsible relative, or another responsible person. The court may admit such juvenile to bail by bond in such amount and on such conditions and security as the court, in its sole discretion, shall determine, or the court may proceed as provided in section 43-254. In no case shall the court or probation officer release such juvenile if it appears that further detention or placement of such juvenile is a matter of immediate and urgent necessity for the protection of such juvenile or the person or property of another or if it appears that such juvenile is likely to flee the jurisdiction of the court.

Sec. 16. Section 43-254, Reissue Revised Statutes of Nebraska, is amended to read:

43-254. Pending the adjudication of any case, if it appears that the need for placement or further detention exists, the juvenile may be (1) placed or detained a reasonable period of time on order of the court in the temporary custody of either the person having charge of the juvenile or some other suitable person, (2) kept in some suitable place provided by the city or county authorities, (3) placed in any proper and accredited charitable institution, (4) placed in a state institution, except any adult ~~penal institution~~ correctional facility, when proper facilities are available and the only local facility is a city or county jail, at the expense of the committing county on a per diem basis as determined from time to time by the head of the particular institution, or (5) placed in the temporary care and custody of the Department of Health and Human Services when it does not appear that there is any need for secure detention. ~~in a locked facility.~~ The court may assess the cost of such placement or detention in whole or in part to the parent of the juvenile as provided in section 43-290.

If a juvenile has been removed from his or her parent, guardian, or custodian pursuant to subdivision (3) of section 43-248, the court may enter an order continuing detention or placement upon a written determination that continuation of the juvenile in his or her home would be contrary to the health, safety, or welfare of such juvenile and that reasonable efforts were made to preserve and reunify the family if required under subsections (1) through (4) of section 43-283.01.

Sec. 17. Section 43-259, Reissue Revised Statutes of Nebraska, is amended to read:

43-259. The juvenile, his or her attorney, parent, guardian, or custodian may file a motion to release the juvenile from custody and request a hearing after the initial commitment order for evaluation provided in section 43-258 is entered. Pending the hearing on such application, the juvenile shall remain in custody in such manner as the court determines to be in the best interests of the juvenile, taking into account the results of a standardized juvenile detention screening instrument as provided in section 14

of this act.

Sec. 18. Section 43-265, Reissue Revised Statutes of Nebraska, is amended to read:

43-265. If the person so summoned under section 43-263 is other than a parent or guardian of the juvenile, then the parent or guardian or both, if their residence is known, shall also be notified of the pendency of the case and of the time and place appointed; if there is neither a parent nor guardian, or if his or her residence is not known, then some relative, if there be one and his or her residence is known, shall be notified, except that in any case the court may appoint ~~some suitable person~~ a guardian ad litem to act in behalf of the juvenile.

Sec. 19. Section 43-272, Reissue Revised Statutes of Nebraska, is amended to read:

43-272. (1) When any juvenile shall be brought without counsel before a juvenile court, the court shall advise such juvenile and his or her parent or guardian of their right to retain counsel and shall inquire of such juvenile and his or her parent or guardian as to whether they desire to retain counsel. The court shall inform such juvenile and his or her parent or guardian of such juvenile's right to counsel at county expense if none of them is able to afford counsel. If the juvenile or his or her parent or guardian desires to have counsel appointed for such juvenile, or the parent or guardian of such juvenile cannot be located, and the court ascertains that none of such persons are able to afford an attorney, the court shall forthwith appoint an attorney to represent such juvenile for all proceedings before the juvenile court, except that if an attorney is appointed to represent such juvenile and the court later determines that a parent of such juvenile is able to afford an attorney, the court shall order such parent or juvenile to pay for services of the attorney to be collected in the same manner as provided by section 43-290. If the parent willfully refuses to pay any such sum, the court may commit him or her for contempt, and execution may issue at the request of the appointed attorney or the county attorney or by the court without a request.

(2) The court, on its own motion or upon application of a party to the proceedings, shall appoint a guardian ad litem for the juvenile: (a) If the juvenile has no parent or guardian of his or her person or if the parent or guardian of the juvenile cannot be located or cannot be brought before the court; (b) if the parent or guardian of the juvenile is excused from participation in all or any part of the proceedings; (c) if the parent is a juvenile or an incompetent; (d) if the parent is indifferent to the interests of the juvenile; or (e) in any proceeding pursuant to the provisions of subdivision (3)(a) of section 43-247.

A guardian ad litem shall have the duty to protect the interests of the juvenile for whom he or she has been appointed guardian, and shall be deemed a parent of the juvenile as to those proceedings with respect to which his or her guardianship extends.

(3) ~~Except in cases when there are special reasons why a particular layperson would be the most appropriate guardian ad litem for the juvenile,~~ ~~the~~ ~~The~~ court shall appoint an attorney as guardian ad litem. A guardian ad litem ~~who is an attorney~~ shall act as his or her own counsel and as counsel for the juvenile, unless there are special reasons in a particular case why the guardian ad litem or the juvenile or both should have separate counsel in addition to the guardian ad litem. ~~In such cases and in cases when the guardian ad litem appointed by the court is not an attorney,~~ the guardian ad litem shall have the right to counsel, except that the guardian ad litem shall be entitled to appointed counsel without regard to his or her financial ability to retain counsel. Whether such appointed counsel shall be provided at the cost of the county shall be determined as provided in subsection (1) of this section.

Sec. 20. Section 43-276, Reissue Revised Statutes of Nebraska, is amended to read:

43-276. In cases coming within subdivision (1) of section 43-247, when there is concurrent jurisdiction, or subdivision (2) or (4) of section 43-247, when the juvenile is under the age of sixteen years, the county attorney shall, in making the determination whether to file a criminal charge, juvenile court petition, or mediation referral, consider: (1) The type of treatment such juvenile would most likely be amenable to; (2) whether there is evidence that the alleged offense included violence or was committed in an aggressive and premeditated manner; (3) the motivation for the commission of the offense; (4) the age of the juvenile and the ages and circumstances of any others involved in the offense; (5) the previous history of the juvenile, including whether he or she had been convicted of any previous offenses or adjudicated in juvenile court, and, if so, whether such offenses were crimes against the person or relating to property, and other previous history of

antisocial behavior, if any, including any patterns of physical violence; (6) the sophistication and maturity of the juvenile as determined by consideration of his or her home, school activities, emotional attitude and desire to be treated as an adult, pattern of living, and whether he or she has had previous contact with law enforcement agencies and courts and the nature thereof; (7) whether there are facilities particularly available to the juvenile court for treatment and rehabilitation of the juvenile; (8) whether the best interests of the juvenile and the security of the public may require that the juvenile continue in ~~custody~~ secure detention or under supervision for a period extending beyond his or her minority and, if so, the available alternatives best suited to this purpose; (9) whether the victim agrees to participate in mediation; and (10) such other matters as the county attorney deems relevant to his or her decision.

Sec. 21. Section 43-286, Reissue Revised Statutes of Nebraska, is amended to read:

43-286. (1) When any juvenile is adjudicated to be a juvenile described in subdivision (1), (2), or (4) of section 43-247:

(a) The court may continue the dispositional portion of the hearing, from time to time upon such terms and conditions as the court may prescribe, including an order of restitution of any property stolen or damaged or an order requiring the juvenile to participate in community service programs, if such order is in the interest of the juvenile's reformation or rehabilitation, and, subject to the further order of the court, may:

(i) Place the juvenile on probation subject to the supervision of a probation officer;

(ii) Permit the juvenile to remain in his or her own home or be placed in a suitable family home, subject to the supervision of the probation officer; or

(iii) Cause the juvenile to be placed in a suitable family home or institution, subject to the supervision of the probation officer. If the court has committed the juvenile to the care and custody of the Department of Health and Human Services, the department shall pay the costs of the suitable family home or institution which are not otherwise paid by the juvenile's parents.

Under subdivision (1)(a) of this section, upon a determination by the court that there are no parental, private, or other public funds available for the care, custody, and maintenance of a juvenile, the court may order a reasonable sum for the care, custody, and maintenance of the juvenile to be paid out of a fund which shall be appropriated annually by the county where the petition is filed until a suitable provision may be made for the juvenile without such payment; or

(b) The court may commit such juvenile to the Office of Juvenile Services, but a juvenile under the age of twelve years shall not be placed at the Youth Rehabilitation and Treatment Center-Geneva or the Youth Rehabilitation and Treatment Center-Kearney unless he or she has violated the terms of probation or has committed an additional offense and the court finds that the interests of the juvenile and the welfare of the community demand his or her commitment. This minimum age provision shall not apply if the act in question is murder or manslaughter.

(2) When any juvenile is found by the court to be a juvenile described in subdivision (3)(b) of section 43-247, the court may enter such order as it is empowered to enter under subdivision (1)(a) of this section or enter an order committing or placing the juvenile to the care and custody of the Department of Health and Human Services.

(3) Beginning July 15, 1998, when any juvenile is adjudicated to be a juvenile described in subdivision (1), (2), (3)(b), or (4) of section 43-247 because of a nonviolent act or acts and the juvenile has not previously been adjudicated to be such a juvenile because of a violent act or acts, the court may, with the agreement of the victim, order the juvenile to attend juvenile offender and victim mediation with a mediator or at an approved center selected from the roster made available pursuant to section 25-2908.

(4)(a) When a juvenile is placed on probation or under the supervision of the court and it is alleged that the juvenile is again a juvenile described in subdivision (1), (2), (3)(b), or (4) of section 43-247, a petition may be filed and the same procedure followed and rights given at a hearing on the original petition. If an adjudication is made that the allegations of the petition are true, the court may make any disposition authorized by this section for such adjudications.

(b) When a juvenile is placed on probation or under the supervision of the court for conduct under subdivision (1), (2), (3)(b), or (4) of section 43-247 and it is alleged that the juvenile has violated a term of probation or supervision or that the juvenile has violated an order of the court, a motion

to revoke probation or supervision or to change the disposition may be filed and proceedings held as follows:

(i) The motion shall set forth specific factual allegations of the alleged violations and a copy of such motion shall be served on all persons required to be served by sections 43-262 to 43-267;

(ii) The juvenile shall be entitled to a hearing before the court to determine the validity of the allegations. At such hearing the juvenile shall be entitled to those rights relating to counsel provided by section 43-272 and those rights relating to detention provided by sections 43-254 to 43-256. The juvenile shall also be entitled to speak and present documents, witnesses, or other evidence on his or her own behalf. He or she may confront persons who have given adverse information concerning the alleged violations, may cross-examine such persons, and may show that he or she did not violate the conditions of his or her probation or, if he or she did, that mitigating circumstances suggest that the violation does not warrant revocation. The revocation hearing shall be held within a reasonable time after the juvenile is taken into custody;

(iii) The hearing shall be conducted in an informal manner and shall be flexible enough to consider evidence, including letters, affidavits, and other material, that would not be admissible in an adversarial criminal trial;

(iv) The juvenile shall be given a preliminary hearing in all cases when the juvenile is confined, detained, or otherwise significantly deprived of his or her liberty as a result of his or her alleged violation of probation. Such preliminary hearing shall be held before an impartial person other than his or her probation officer or any person directly involved with the case. If, as a result of such preliminary hearing, probable cause is found to exist, the juvenile shall be entitled to a hearing before the court in accordance with this subsection;

(v) If the juvenile is found by the court to have violated the terms of his or her probation, the court may modify the terms and conditions of the probation order, extend the period of probation, or enter any order of disposition that could have been made at the time the original order of probation was entered; and

(vi) In cases when the court revokes probation, it shall enter a written statement as to the evidence relied on and the reasons for revocation.

Sec. 22. The court may appoint a court appointed special advocate volunteer pursuant to the Court Appointed Special Advocate Act.

Sec. 23. Section 43-2,129, Reissue Revised Statutes of Nebraska, is amended to read:

43-2,129. Sections 43-245 to 43-2,129 and sections 13, 14, and 22 of this act shall be known and may be cited as the Nebraska Juvenile Code.

Sec. 24. Sections 24 to 39 of this act shall be known and may be cited as the Court Appointed Special Advocate Act.

Sec. 25. For purposes of the Court Appointed Special Advocate Act, the definitions in sections 26 to 28 of this act apply.

Sec. 26. Child means an individual under nineteen years of age.

Sec. 27. Court appointed special advocate program means a program established pursuant to the Court Appointed Special Advocate Act.

Sec. 28. Court appointed special advocate volunteer or volunteer means an individual appointed by a court pursuant to the Court Appointed Special Advocate Act.

Sec. 29. (1) Court appointed special advocate programs may be established and shall operate pursuant to the Court Appointed Special Advocate Act.

(2) A court appointed special advocate program shall:

(a) Be an organization that screens, trains, and supervises court appointed special advocate volunteers to advocate for the best interests of children when appointed by a court as provided in section 33 of this act. Each court may be served by a court appointed special advocate program. One program may serve more than one court;

(b) Hold regular case conferences with volunteers to review case progress and conduct annual performance reviews for all volunteers;

(c) Provide staff and volunteers with written program policies, practices, and procedures; and

(d) Provide the training required pursuant to section 31 of this act.

Sec. 30. The program director of the court appointed special advocate program shall be responsible for the administration of the program, including recruitment, selection, training, supervision, and evaluation of staff and court appointed special advocate volunteers.

Sec. 31. (1) All court appointed special advocate volunteers shall participate fully in preservice training, including, but not limited to,

instruction on recognizing child abuse and neglect, cultural awareness, socioeconomic issues, child development, the juvenile court process, permanency planning, volunteer roles and responsibilities, advocacy, information gathering, and documentation. Volunteers shall be required to participate in observation of court proceedings prior to appointment.

(2) All volunteers shall receive a training manual that includes guidelines for service and duties.

(3) Each court appointed special advocate program shall provide a minimum of ten hours of inservice training per year to volunteers.

Sec. 32. (1) The minimum qualifications for any prospective court appointed special advocate volunteer are that he or she shall:

(a) Be at least twenty-one years of age or older and have demonstrated an interest in children and their welfare;

(b) Be willing to commit to the court for a minimum of one year of service to a child;

(c) Complete an application, including providing background information required pursuant to subsection (2) of this section;

(d) Participate in a screening interview; and

(e) Participate in the training required pursuant to section 31 of this act.

(2) As required background screening, the program director shall obtain the following information regarding a volunteer applicant:

(a) A check of the applicant's criminal history record information maintained by the Identification Division of the Federal Bureau of Investigation through the Nebraska State Patrol;

(b) A check of his or her record with the state Abused or Neglected Child Registry;

(c) A check of his or her driving record; and

(d) At least three references who will attest to the applicant's character, judgment, and suitability for the position of a court appointed special advocate volunteer.

(3) If the applicant has lived in Nebraska for less than twelve months, the program director shall obtain the records required in subdivisions (2)(a) through (2)(c) of this section from all other jurisdictions in which the applicant has lived during the preceding year.

Sec. 33. (1) A judge may appoint a court appointed special advocate volunteer in any proceeding brought pursuant to section 43-247 or 43-292 when, in the opinion of the judge, a child who may be affected by such proceeding requires services that a volunteer can provide and the court finds that the appointment is in the best interests of the child.

(2) A volunteer shall be appointed pursuant to a court order. The court order shall specify the volunteer as a friend of the court acting on the authority of the judge. The volunteer acting as a friend of the court may offer as evidence a written report with recommendations consistent with the best interests of the child, subject to all pertinent objections.

(3) A memorandum of understanding between a court and a court appointed special advocate program is required in any county where a program is established and shall set forth the roles and responsibilities of the court appointed special advocate volunteer.

(4) The volunteer's appointment shall conclude:

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

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

(c) With the approval of the court, at the request of the program director of the court appointed special advocate program to which the volunteer is assigned; or

(d) Upon successful motion of a party to the action for the removal of the volunteer because the party believes the volunteer has acted inappropriately, is unqualified, or is unsuitable for the appointment.

Sec. 34. A court appointed special advocate volunteer shall not:

(1) Accept any compensation for the duties and responsibilities of his or her appointment;

(2) Have any association that creates a conflict of interest with his or her duties;

(3) Be related to any party or attorney involved in a case;

(4) Be employed in a position that could result in a conflict of interest or give rise to the appearance of a conflict; or

(5) Use the position to seek or accept gifts or special privileges.

Sec. 35. (1) Upon appointment in a proceeding, a court appointed special advocate volunteer shall:

(a) Conduct an independent examination regarding the best interests of the child that will provide factual information to the court regarding the child and the child's family. The examination may include interviews with and

observations of the child, interviews with other appropriate individuals, and the review of relevant records and reports; and

(b) Determine if an appropriate permanency plan has been created for the child, whether appropriate services are being provided to the child and the child's family, and whether the treatment plan is progressing in a timely manner.

(2) The volunteer, with the support and supervision of the court appointed special advocate program staff, shall make recommendations consistent with the best interests of the child regarding placement, visitation, and appropriate services for the child and the child's family and shall prepare a written report to be distributed to the court and the parties to the proceeding.

(3) The volunteer shall monitor the case to which he or she has been appointed to assure that the child's essential needs are being met.

(4) The volunteer shall make every effort to attend all hearings, meetings, and any other proceeding concerning the case to which he or she has been appointed.

(5) The volunteer may be called as a witness in a proceeding by any party or the court.

Sec. 36. (1) All government agencies, service providers, professionals, parents, and families shall cooperate with all reasonable requests of the court appointed special advocate volunteer. The volunteer shall cooperate with all government agencies, service providers, professionals, parents, and families.

(2) The volunteer shall be notified in a timely manner of all hearings, meetings, and any other proceeding concerning the case to which he or she has been appointed. The court in its discretion may proceed notwithstanding failure to notify the volunteer or failure of the volunteer to appear.

Sec. 37. The contents of any document, record, or other information relating to a case to which the court appointed special advocate volunteer has access are confidential, and the volunteer shall not disclose such information to persons other than the court, the parties to the action, and other persons authorized by the court. A violation of this section is a Class III misdemeanor.

Sec. 38. Nothing in the Court Appointed Special Advocate Act affects the attorney-client privilege.

Sec. 39. A court appointed special advocate volunteer shall be immune from civil liability to the full extent provided in the federal Volunteer Protection Act of 1997.

Sec. 40. Section 43-2401, Reissue Revised Statutes of Nebraska, is amended to read:

43-2401. Sections 43-2401 to ~~43-2414~~ 43-2413 shall be known and may be cited as the Juvenile Services Act.

Sec. 41. Section 43-2402, Reissue Revised Statutes of Nebraska, is amended to read:

43-2402. For purposes of the Juvenile Services Act:

(1) Coalition means the Nebraska Coalition for Juvenile Justice established pursuant to section 43-2411;

(2) Commission ~~shall mean~~ means the Nebraska Commission on Law Enforcement and Criminal Justice;

~~(2) Committee shall mean the Juvenile Services Grant Committee established pursuant to section 43-2411;~~

(3) Eligible applicant ~~shall mean~~ means a community-based agency or organization, ~~community team~~, political subdivision, school district, ~~or~~ federally recognized or state-recognized Indian tribe, or state agency necessary to comply with the federal act;

(4) Federal act means the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. 5601 et seq.;

(5) Juvenile ~~shall mean~~ means a person who is under eighteen years of age;

~~(6) Plan shall mean means the comprehensive juvenile services plan required pursuant to section 43-2405; and~~

~~(7) Program shall mean means those programs and services described in section 43-2404.~~

Sec. 42. Section 43-2403, Reissue Revised Statutes of Nebraska, is amended to read:

43-2403. The Legislature hereby finds that the incarceration of juveniles in adult jails, lockups, and correctional facilities is contrary to the best interests and well-being of juveniles and frequently inconsistent with state and federal law requiring intervention by the least restrictive method. The Legislature further finds that the lack of available alternatives

within local communities is a significant factor in the incarceration of juveniles in such adult jails, lockups, and correctional facilities.

To address such lack of available alternatives to the incarceration of juveniles, the Legislature declares it to be the policy of the State of Nebraska to aid local communities in the establishment of programs or services for juveniles under the jurisdiction of the juvenile or criminal justice system and to finance such programs or services with appropriations from the General Fund and with funds acquired by participation in the federal act. The purposes of the Juvenile Services Act shall be to (1) ~~develop statewide criteria for programs or services for juveniles, including a description of factors to be considered in making placement decisions and a description of necessary components of programs or services,~~ (2) assist in the provision of appropriate preventive, diversionary, and dispositional alternatives for juveniles, (3) (2) encourage coordination of the elements of the juvenile services system, and (4) (3) provide an opportunity for local involvement in developing community programs for juveniles so that the following objectives may be obtained:

(a) Preservation of the family unit whenever the best interests of the juvenile are served and such preservation does not place the juvenile at imminent risk;

(b) Limitation on intervention to those actions which are necessary and the utilization of the least restrictive yet most effective and appropriate resources;

(c) Encouragement of active family participation in whatever treatment is afforded a juvenile whenever the best interests of the juvenile require it;

(d) Treatment in the community rather than commitment to a youth rehabilitation and treatment center whenever the best interests of the juvenile require it; and

(e) Encouragement of and assistance to communities in the development of alternatives to secure temporary custody for juveniles who do not require secure detention.

All state agencies providing direct services to juveniles shall coordinate their efforts and work with the commission, members of the judiciary, and local political subdivisions in the development of a comprehensive juvenile services plan and the establishment and provision of programs or services in such plan. Programs or services established pursuant to the Juvenile Services Act and the federal act shall conform to the family policy tenets prescribed in sections 43-532 to 43-534.

Sec. 43. Section 43-2404, Reissue Revised Statutes of Nebraska, is amended to read:

43-2404. ~~On and after July 15, 1992, and annually thereafter, the commission~~ The coalition shall make award recommendations to the commission, at least annually, solely on the recommendation of the committee, shall award grants in accordance with the Juvenile Services Act and the federal act to assist communities in the implementation and operation of programs or services identified in their comprehensive juvenile services plan, including, but not limited to, programs for assessment and evaluation, the prevention of delinquent behavior, diversion, detention, shelter care, intensive juvenile probation services, restitution, family support services, and community centers for the care and treatment of juveniles in need of services.

Sec. 44. Section 43-2405, Reissue Revised Statutes of Nebraska, is amended to read:

43-2405. (1) An eligible applicant may apply to the ~~committee coalition~~ in a manner and form prescribed by the ~~committee~~ commission for funds made available under the Juvenile Services Act or the federal act. ~~The committee may require an eligible applicant to appear before the committee to explain its application in greater detail.~~ The application shall include a comprehensive juvenile services plan. Grants shall be awarded to eligible applicants at least annually within the limits of available funds until programs are available statewide. On request, the commission may provide ~~consultation and~~ technical assistance to eligible applicants to aid in the development and implementation of such plans.

(2) All plans shall comply with rules and regulations adopted and promulgated by the commission pursuant to the Juvenile Services Act or the federal act. ~~include, but not be limited to:~~

(a) ~~An identification of the geographic area to be served by the proposed program and the target population to be served;~~

(b) ~~A description of the programs of public and private agencies within the geographic area to be served which offer services to juveniles at various age levels, including those programs which have a significant prevention aspect or objective;~~

(c) A demonstration of the need for each program or service and its purpose;

(d) A demonstration of the commitment of the eligible applicant and other participants in the plan, including, but not limited to, a commitment of matching funds, either in cash or in kind, by public or private resources within the community, county, or region;

(e) A description of the manner in which programs are expected to meet the identified juvenile crime problems and the juvenile needs of the geographic area to be served;

(f) A description of the manner in which the proposed programs or services are expected to meet the purposes of the act;

(g) Evidence of coordination and cooperation between service agencies or community organizations in the development of the plan;

(h) A detailed strategy explaining how the community will implement proposed programs or services during the first year of the plan;

(i) An identification of those individuals and organizations involved in the plan;

(j) A description of the manner in which the programs interrelate with other similar state or local programs;

(k) Provisions for administering money awarded under the act;

(l) Criteria to be used by the eligible applicant in evaluating programs in the plan funded pursuant to the act; and

(m) The information required by section 43-2406.

(3) Any portion of the plan dealing with the administration, procedures, and programs of the juvenile court shall not be submitted to the commission without the concurrence of the presiding judge of the court having jurisdiction in juvenile cases for the geographic area to be served.

(4) Eligible applicants may give consideration to contracting with private nonprofit agencies for the provision of programs.

(5) An eligible applicant receiving money under the act shall not make any amendment or modification which involves more than two thousand dollars of approved funding to an approved plan without first seeking approval from the commission. An eligible applicant making an amendment or modification which involves two thousand dollars or less of approved funding shall notify the commission within thirty days after making such amendment or modification. Failure to notify the commission shall result in the withdrawal of the funding involved in the amendment or modification.

Sec. 45. Section 43-2406, Reissue Revised Statutes of Nebraska, is amended to read:

43-2406. From amounts appropriated to the commission for programs by the Legislature the Juvenile Services Act or funds available through the federal act, the commission shall award grants on a competitive basis to eligible applicants identified in the plan based upon criteria to be determined by the commission. Such criteria shall include, but not be limited to, the following information which shall be provided in the plan:

(1) Availability of programs or services in the geographic area to be served;

(2) A description in the plan of the juvenile crime problems and the needs of juveniles within the geographic area to be served, including an analysis of the leading causes of juvenile crime in the geographic area to be served, trends in juvenile crime in the geographic area to be served, and proposals for addressing juvenile crime and juvenile needs in the geographic area to be served;

(3) An analysis of how well the plan will address the needs of the geographic area to be served;

(4) An analysis of the overall commitment of the eligible applicant and other participants to the plan, including the commitment of matching funds;

(5) An explanation of how, in rural areas, plans are multicounty, multicounty, or regional in scope or utilize interlocal agreements or contracts for the provision of services;

(6) A demonstration of collaboration and cooperation between interested agencies or parties in the geographic area to be served;

(7) An explanation of how plans comprehensively address the needs of juveniles in the geographic area to be served as defined in the plan;

(8) An explanation of how plans aid in reducing the number of commitments to the youth rehabilitation and treatment centers or placements in other long-term, out-of-home care for juvenile offenders; and

(9) A demonstration that the following programs are provided or will be provided within the community, county, or region by public or private agencies:

(a) ~~Twenty-four hour intake screening services or accessibility to such services;~~
 (b) ~~Family crisis intervention services;~~
 (c) ~~A program to divert juveniles from the juvenile justice system;~~
 (d) ~~A program of options to juvenile detention; and~~
 (e) ~~A program to provide nonrestrictive services to juveniles who are alleged to have committed acts which would not be offenses if committed by adults.~~

The committee may specify additional criteria as it deems necessary. It is the intent of the Legislature that competitive grants shall be distributed statewide from available funds.

Sec. 46. Section 43-2408, Reissue Revised Statutes of Nebraska, is amended to read:

43-2408. (1) ~~Funds Grants~~ provided under the Juvenile Services Act section 43-2406 may be used for developing programs and for acquiring, developing, or improving local facilities for juveniles if the development and use of the facilities are prescribed in the approved plan.

(2) No funds awarded under the act section 43-2406 shall be used to acquire, develop, build, or improve local correctional facilities which are not specifically utilized for juveniles.

Sec. 47. Section 43-2409, Reissue Revised Statutes of Nebraska, is amended to read:

43-2409. (1) ~~The commission coalition~~ shall review periodically the performance of eligible applicants participating under the Juvenile Services Act and the federal act to determine if substantial compliance criteria are being met. If the committee or commission determines that there are reasonable grounds to believe that an eligible applicant is not in substantial compliance with its plan, the committee or commission, after giving the eligible applicant not less than thirty days' notice, shall conduct a public hearing to ascertain whether there is substantial compliance or satisfactory progress being made toward compliance. In its notice, the committee or commission shall identify the reasons for believing that the eligible applicant is out of compliance. After the hearing, the commission may suspend any portion of those funds made available to the eligible applicant under the act until the required compliance occurs or may rescind any portion of such funds. The commission shall establish criteria for defining substantial compliance.

(2) ~~Funds Grants~~ received by an eligible applicant under the act section 43-2406 shall not be used to replace or supplant any funds currently being used to support existing programs for juveniles.

(3) ~~Funds Grants~~ received under the act section 43-2406 shall not be used for capital construction or the lease or acquisition of facilities unless such uses have been approved by the commission.

Sec. 48. Section 43-2411, Reissue Revised Statutes of Nebraska, is amended to read:

43-2411. (1) ~~The Juvenile Services Grant Committee is hereby Nebraska Coalition for Juvenile Justice is created. As provided in the federal act, there shall be no less than fifteen nor more than thirty-three members of the coalition. The committee shall be comprised of coalition members shall be appointed by the Governor and shall include:~~

(a) ~~Three members in good standing of the Nebraska State Bar Association, each experienced in practice before the juvenile court, one to be selected from each congressional district by the president of the Nebraska State Bar Association;~~

(b) ~~One director of a secure juvenile detention facility, or his or her designee, to be selected by the chairperson of the Jail Standards Board;~~

(c) ~~The Director of Correctional Services or his or her designee;~~

(d) ~~The Director of Health and Human Services or his or her designee;~~

(e) ~~The Executive Director of the Nebraska Commission on Law Enforcement and Criminal Justice or his or her designee;~~

(f) ~~The Commissioner of Education or his or her designee;~~

(g) ~~The Executive Director of the Nebraska Association of County Officials or his or her designee;~~

(h) ~~Three representatives of community-based, not-for-profit agencies solely dedicated to serving the needs of youth and families, one from each congressional district, to be selected by nomination and a majority vote of approval of the members of the committee;~~

(i) ~~A member of the Juvenile Justice Advisory Committee to the Nebraska Commission on Law Enforcement and Criminal Justice to be selected by the Juvenile Justice Advisory Committee;~~

(j) ~~Three representatives of community mental health, one from each~~

congressional district to be selected by the Nebraska Association of Community Mental Health Providers; and

~~(k) Three county officials, one to be selected from each congressional district by the Nebraska Association of County Officials.~~

~~(a) The Administrator of the Office of Juvenile Services;~~

~~(b) The Director of Health and Human Services or his or her designee;~~

~~(c) The Commissioner of Education or his or her designee;~~

~~(d) The executive director of the Nebraska Commission on Law Enforcement and Criminal Justice or his or her designee;~~

~~(e) The Executive Director of the Nebraska Association of County Officials or his or her designee;~~

~~(f) The probation administrator of the Office of Probation Administration or his or her designee;~~

~~(g) One county commissioner or supervisor;~~

~~(h) One police chief;~~

~~(i) One sheriff;~~

~~(j) One separate juvenile court judge;~~

~~(k) One county court judge;~~

~~(l) One representative of mental health professionals who works directly with juveniles;~~

~~(m) Three representatives, one from each congressional district, from community-based, private nonprofit organizations who work with juvenile offenders and their families;~~

~~(n) One volunteer who works with juvenile offenders or potential juvenile offenders;~~

~~(o) One person who works with an alternative to incarceration program for juveniles;~~

~~(p) The director or his or her designee from a youth rehabilitation and treatment center;~~

~~(q) The director or his or her designee from a secure youth confinement facility;~~

~~(r) The director or his or her designee from a staff secure youth confinement facility;~~

~~(s) At least five members who are under twenty-four years of age when appointed;~~

~~(t) One person who works directly with juveniles who have learning or emotional difficulties or are abused or neglected;~~

~~(u) One member of the Nebraska Commission on Law Enforcement and Criminal Justice;~~

~~(v) One county attorney; and~~

~~(w) One public defender.~~

~~(2) The terms of members appointed pursuant to subdivisions ~~(1)(a)~~ and ~~(1)(h)~~ through ~~(1)(w)~~ ~~(1)(g)~~ through ~~(1)(w)~~ of this section shall be three years, except that the terms of the initial members of the coalition shall be staggered so that one-third of the members are appointed for terms of one year, one-third for terms of two years, and one-third for terms of three years, as determined by the Governor. A majority of the coalition members, including the chairperson, shall not be full-time employees of federal, state, or local government. At least one-fifth of the coalition members shall be under the age of twenty-four at the time of appointment. Any vacancy on the committee coalition shall be filled in the same manner in which the original appointment was made by appointment by the Governor. Any new appointments to the committee required by Laws 1997, LB 424, shall be made within sixty days after September 13, 1997. The committee coalition shall select a chairperson, a vice-chairperson, and such other officers as it deems necessary.~~

~~(3) Members of the committee coalition shall be reimbursed for their actual and necessary expenses pursuant to sections 81-1174 to 81-1177.~~

~~(4) The committee shall meet at least four times a year and at other times deemed necessary to perform its functions.~~

~~(5) The committee coalition may appoint task forces or subcommittees to carry out its work. Task force and subcommittee members shall have knowledge of, responsibility for, or interest in an area related to the duties of the committee coalition.~~

~~(6) The coordinator of the Juvenile Services Act established pursuant to section 43-2413 shall serve as staff to the committee.~~

Sec. 49. Section 43-2412, Reissue Revised Statutes of Nebraska, is amended to read:

43-2412. (1) Consistent with the purposes and objectives of the Juvenile Services Act and the federal act, the committee coalition shall:

(a) Make recommendations to the commission on the awarding of grants to eligible applicants; with plans;

(b) Identify juvenile justice issues, share information, and monitor and evaluate programs in the juvenile justice system; Develop a uniform system of reporting and collecting statistical data from eligible applicants and other participants in the plan;

(c) Develop or contract for the development of a statewide system to monitor and evaluate the effectiveness of plans and programs receiving grants under section 43-2406 provided under the act in preventing persons from entering the juvenile justice system and in rehabilitating juvenile offenders;

(d) Recommend guidelines and supervision procedures to be used to develop or expand local diversion programs for to be used for the diversion of juveniles from the juvenile justice system;

(e) Prepare an annual report to the Governor and the Legislature, on the criteria, recommendations, and guidelines developed under this section, including recommendations on administrative and legislative actions which would improve the juvenile justice system;

(f) Ensure widespread citizen involvement in all phases of its work; and

(g) Meet at least once every three months four times each year.

(2) Consistent with the purposes and objectives of the act acts and within the limits of available time and appropriations, the committee coalition may:

(a) Recommend criteria for administrative procedures, including, but not limited to, procedures for intake, detention, petition filing, and probation supervision;

(b) Recommend minimum professional standards, including requirements for continuing professional training, for employees of community-based, youth-serving agencies;

(c) Recommend curricula for and cause to have conducted training sessions for juvenile court judges and employees of other community-based, youth-serving agencies;

(d) Assist and advise state and local agencies in the establishment of volunteer training programs and the utilization of volunteers;

(e) Apply for and receive funds from federal and private sources for carrying out its powers and duties; and

(f) Provide consultation services or technical assistance to eligible applicants.

(3) In formulating, adopting, and promulgating the standards, recommendations, and guidelines provided for in this section, the committee coalition shall consider the differences among counties in population, in geography, and in the availability of local resources.

Sec. 50. Section 43-2413, Reissue Revised Statutes of Nebraska, is amended to read:

43-2413. There is hereby established within the commission the position of coordinator of for the Juvenile Services Act Nebraska Coalition for Juvenile Justice. The coordinator shall assist the commission in the administration of such the Juvenile Services Act and the federal act and shall serve as staff to the committee pursuant to section 43-2411 coalition.

Sec. 51. Section 83-4,125, Reissue Revised Statutes of Nebraska, is amended to read:

83-4,125. For purposes of sections 83-4,124 to 83-4,134:

(1) Criminal detention facility shall mean any institution operated by a political subdivision or a combination of political subdivisions for the careful keeping or rehabilitative needs of adult or juvenile criminal offenders or those persons being detained while awaiting disposition of charges against them. Criminal detention facility shall not include any institution operated by the Department of Correctional Services. Criminal detention facilities shall be classified as follows:

(a) Type I Facilities shall mean criminal detention facilities used for the detention of persons for not more than twenty-four hours, excluding holidays and weekends;

(b) Type II Facilities shall mean criminal detention facilities used for the detention of persons for not more than ninety-six hours, excluding holidays and weekends; and

(c) Type III Facilities shall mean criminal detention facilities used for the detention of persons beyond ninety-six hours; and

(2) Juvenile detention facility shall mean an institution operated by a political subdivision or political subdivisions for the secure custody detention and treatment of persons younger than eighteen years of age, including persons under the jurisdiction of a juvenile court, who are serving a sentence pursuant to a conviction in a county or district court or who are detained while waiting disposition of charges against them. Juvenile detention facility shall not include any institution operated by the

department.

Sec. 52. Sections 8 to 10, 18, 19, 22 to 39, 52, 55, and 57 of this act become operative on their effective date. Sections 40 to 50, 54, and 56 of this act become operative on January 1, 2001. The other sections of this act become operative on July 1, 2001.

Sec. 53. Original sections 43-245, 43-250, 43-253, 43-254, 43-259, 43-276, 43-286, and 83-4,125, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 54. Original sections 43-2401 to 43-2406, 43-2408, 43-2409, and 43-2411 to 43-2413, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 55. Original sections 43-265, 43-272, and 43-2,129, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 56. The following sections are outright repealed: Sections 43-2407, 43-2410, and 43-2414, Reissue Revised Statutes of Nebraska.

Sec. 57. Since an emergency exists, this act takes effect when passed and approved according to law.