

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 68**

Introduced By: Hudkins, 21;  
Read first time: January 5, 2007  
Committee: Judiciary

A BILL

1       FOR AN ACT relating to juveniles; to create the Office of  
2               Guardian ad Litem Services; to provide for local guardian ad  
3               litem programs; to provide powers and duties to the State  
4               Court Administrator; and to define a term.  
5       Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) The Office of Guardian ad Litem Services is  
2 created. The office shall be located in the office of the State Court  
3 Administrator. The Office of Guardian ad Litem Services shall  
4 establish and administer local programs pursuant to this section to  
5 aid abused, neglected, or dependent juveniles involved in judicial  
6 proceedings and to assure that all guardians ad litem in these  
7 proceedings are adequately trained to carry out their  
8 responsibilities. Each local program shall consist of volunteer  
9 guardians ad litem, at least one program attorney, a program  
10 coordinator, and any clerical staff as the State Court Administrator  
11 deems necessary. The costs of each local program shall be paid by the  
12 state. The State Court Administrator shall adopt and promulgate rules  
13 and regulations necessary and appropriate for the administration of  
14 the Office of Guardian ad Litem Services.

15           (2) The duties of the local programs shall be to (a) make  
16 an investigation to determine the facts, the needs of the juvenile,  
17 and the available resources within the family and community to meet  
18 those needs, (b) facilitate, when appropriate, the settlement of  
19 disputed issues, (c) offer evidence and examine witnesses at  
20 adjudication, (d) explore options with the court at the dispositional  
21 hearing, (e) conduct follow-up investigations to ensure that the  
22 orders of the court are being properly executed, (f) report to the  
23 court when the needs of the juvenile are not being met, and (g)  
24 protect and promote the best interests of the juvenile until formally  
25 relieved of the responsibility by the court.

26           (3) The Office of Guardian ad Litem Services shall consult  
27 with each judge of the county court or separate juvenile court during

1 the establishment process of the local program that will provide  
2 services to such county.

3 (4) The Office of Guardian ad Litem Services shall appoint  
4 a Guardian ad Litem Advisory Committee consisting of at least five  
5 members to advise the office in matters related to the local  
6 programs. The members of the committee shall be reimbursed for actual  
7 and necessary expenses incurred in the performance of their duties as  
8 provided in sections 81-1174 to 81-1177.

9 (5) If a conflict of interest prohibits a local program  
10 from providing representation to an abused, neglected, or dependent  
11 juvenile, the court may appoint an attorney to represent the  
12 juvenile.

13 (6) A county court or separate juvenile court judicial  
14 district shall be granted a waiver from the implementation of a local  
15 program if the Office of Guardian ad Litem Services determines that  
16 the following conditions are met:

17 (a) An alternative plan has been developed to provide  
18 adequate guardian ad litem services for each abused, neglected, or  
19 dependent juvenile consistent with the requirements of this section;  
20 and

21 (b) The alternative plan will require no greater proportion  
22 of state funds than the judicial district's abuse and neglect caseload  
23 represents to the state's abuse and neglect caseload. Computation of  
24 abuse and neglect caseloads shall include such factors as the  
25 juvenile population, the number of substantiated abuse and neglect  
26 reports, the number of abuse and neglect petitions, the number of  
27 abused and neglected juveniles in care to be reviewed pursuant to

1 this section, the nature of the district's caseload, and the number  
2 of petitions to terminate parental rights.

3 When a waiver is approved pursuant to this subsection, the  
4 Office of Guardian ad Litem Services shall retain the authority to  
5 monitor implementation of the alternative plan in order to assure  
6 compliance with the requirements of this section. In any county court  
7 or separate juvenile court judicial district in which the office  
8 determines that implementation of an alternative plan is not in  
9 compliance with the requirements of this subsection, the office may  
10 establish and administer a program authorized by this section.

11 (7) The appointment of a guardian ad litem shall be made  
12 pursuant to this section unless representation is otherwise provided  
13 pursuant to the Nebraska Juvenile Code.

14 (8) All local programs shall be established pursuant to  
15 this section no later than June 30, 2009, or a county court or  
16 separate juvenile court judicial district that qualifies for a waiver  
17 under subsection (6) of this section shall be granted such waiver no  
18 later than June 30, 2009.

19 (9) For purposes of this section, local program means a  
20 program providing guardian ad litem servicesCaret to one or more  
21 counties of a county court or separate juvenile court judicial  
22 district.