

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 79

Introduced by McGill, 26; Ashford, 20; Avery, 28; Campbell, 25;
Christensen, 44; Cook, 13; Council, 11; Dubas, 34;
Hadley, 37; Nordquist, 7; Wallman, 30.

Read first time January 06, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to courts; to amend section 43-3701, Reissue
2 Revised Statutes of Nebraska; to state intent; to create
3 a fund; to provide for grants to court appointed special
4 advocate programs; to provide duties; to create a court
5 fee; to provide a duty for the Revisor of Statutes; to
6 harmonize provisions; and to repeal the original section.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. The Legislature finds and declares that:

2 (1) The safety and well-being of abused and neglected
3 children throughout the State of Nebraska should be of tantamount
4 concern to the state and its citizens;

5 (2) Court appointed special advocate volunteers provide a
6 unique and vital service to the children they represent and work to
7 ensure the safety and well-being of abused and neglected children;

8 (3) Court appointed special advocate volunteers have
9 provided, in many cases, the judges who adjudicate cases with
10 essential information that has not only ensured the safety and well-
11 being of abused and neglected children throughout Nebraska, but has
12 also saved the state thousands of dollars; and

13 (4) Providing resources through a grant program will
14 increase the savings to the state through these programs.

15 Sec. 2. The Court Appointed Special Advocate Fund is
16 created. The fund shall be under the control of the Supreme Court and
17 administered by the State Court Administrator. The fund shall be used
18 for grants as provided in section 3 of this act. The fund shall
19 consist of fees remitted under section 6 of this act. Any money in
20 the fund available for investment shall be invested by the state
21 investment officer pursuant to the Nebraska Capital Expansion Act and
22 the Nebraska State Funds Investment Act. Interest earned shall be
23 credited back to the fund.

24 Sec. 3. (1) The Supreme Court shall award grants from the
25 Court Appointed Special Advocate Fund as provided in subsection (2)

1 of this section to any court appointed special advocate program that
2 applies for the grant and:

3 (a) Is a nonprofit organization organized under section
4 501(c)(3) of the Internal Revenue Code;

5 (b) Operates statewide; and

6 (c) Has an affiliation agreement with local programs that
7 meet the requirements of section 43-3706.

8 (2) The Supreme Court shall award grants up to the amount
9 credited to the fund from the fees assessed under section 6 of the
10 act as follows:

11 (a) Up to twenty-five thousand dollars may be used by the
12 court to administer this section;

13 (b) Of the remaining amount, eighty percent, but not more
14 than four hundred thousand dollars, shall be awarded as grants used
15 to recruit new court appointed special advocate volunteers and to
16 defray the cost of training court appointed special advocate
17 volunteers;

18 (c) Of the remaining amount, ten percent, but no more
19 than fifty thousand dollars, shall be awarded as grants used to
20 create innovative programming to implement the Court Appointed
21 Special Advocate Act; and

22 (d) Of the remaining amount, ten percent but no more than
23 fifty thousand dollars shall be awarded as grants used to expand
24 court appointed special advocate programs into counties that have no
25 programs or limited programs.

1 Sec. 4. Each applicant who is awarded a grant under
2 section 3 of this act shall provide the Supreme Court, Clerk of the
3 Legislature, and Governor prior to December 31 of each year a report
4 detailing:

5 (1) The number of court appointed special advocate
6 volunteers trained during the previous fiscal year;

7 (2) The cost of training the court appointed special
8 advocate volunteers trained during the previous fiscal year;

9 (3) The number of court appointed special advocate
10 volunteers recruited during the previous fiscal year;

11 (4) A description of any programs described in
12 subdivision (2)(d) of section 3 of this act;

13 (5) The total number of courts being served by court
14 appointed special advocate programs during the previous fiscal year;
15 and

16 (6) The total number of children being served by court
17 appointed special advocate volunteers during the previous fiscal
18 year.

19 Sec. 5. Section 43-3701, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 43-3701 Sections 43-3701 to 43-3716 and sections 1, 2, 3,
22 and 4 of this act shall be known and may be cited as the Court
23 Appointed Special Advocate Act.

24 Sec. 6. In addition to all other court costs assessed
25 according to law, a fee of one dollar and twenty-five cents shall be

1 taxed as costs for each case filed in each county court and district
2 court, including appeals to such courts, and for each appeal and
3 original action filed in the Court of Appeals and the Supreme Court.
4 The fees shall be remitted to the State Treasurer on forms prescribed
5 by the State Treasurer within ten days after the end of each month.
6 The State Treasurer shall credit the fees to the Court Appointed
7 Special Advocate Fund.

8 Sec. 7. The Revisor of Statutes shall assign section 6 of
9 this act to Chapter 33.

10 Sec. 8. Original section 43-3701, Reissue Revised
11 Statutes of Nebraska, is repealed.