

AMENDMENTS TO LB464

Introduced by Krist

1 1. Strike the original sections and all amendments
2 thereto and insert the following sections:

3 Section 1. Section 29-1816, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 29-1816 ~~(1)~~ The accused shall be arraigned by reading to
6 him or her the indictment or information, unless the reading is
7 waived by the accused when the nature of the charge is made known
8 to him or her. The accused shall then be asked whether he or she
9 is guilty or not guilty of the offense charged. If the accused
10 appears in person and by counsel and goes to trial before a jury
11 regularly impaneled and sworn, he or she shall be deemed to have
12 waived arraignment and a plea of not guilty shall be deemed to have
13 been made.

14 ~~(2)(a)~~ At the time of the arraignment the court shall
15 advise the accused, if he or she was less than eighteen years of
16 age at the time of the commitment of the alleged crime, that he or
17 she may move the county or district court at any time not later
18 than thirty days after arraignment, unless otherwise permitted by
19 the court for good cause shown, to waive jurisdiction in such case
20 to the juvenile court for further proceedings under the Nebraska
21 Juvenile Code. The court shall schedule a hearing on such motion
22 within fifteen days. The customary rules of evidence shall not
23 be followed at such hearing. The county attorney or city attorney

1 shall present the evidence and reasons why such case should be
2 retained, the accused shall present the evidence and reasons why
3 the case should be transferred, and both sides shall consider the
4 criteria set forth in section 43-276. After considering all the
5 evidence and reasons presented by both parties, pursuant to section
6 43-276, the case shall be transferred unless a sound basis exists
7 for retaining the case.

8 (b) In deciding such motion the court shall consider,
9 among other matters, the matters set forth in section 43-276
10 for consideration by the county attorney or city attorney when
11 determining the type of case to file.

12 (c) The court shall set forth findings for the reason for
13 its decision, which shall not be a final order for the purpose of
14 enabling an appeal. If the court determines that the accused should
15 be transferred to the juvenile court, the complete file in the
16 county or district court shall be transferred to the juvenile court
17 and the complaint, indictment, or information may be used in place
18 of a petition therein. The court making a transfer shall order the
19 accused to be taken forthwith to the juvenile court and designate
20 where he or she shall be kept pending determination by the juvenile
21 court. The juvenile court shall then proceed as provided in the
22 Nebraska Juvenile Code.

23 (1) (a) The accused may be arraigned in county court or
24 district court for the following offenses:

25 (i) If the accused was eighteen years of age or older
26 when an alleged offense was committed;

27 (ii) If the accused was younger than eighteen years of

1 age and older than sixteen years of age when it is alleged that any
2 of the Class I felony offenses have been committed;

3 (iii) If the accused was younger than eighteen years of
4 age when the alleged offense was committed and the accused has been
5 previously convicted of any of the Class I felonies; or

6 (iv) If the alleged offense is a traffic offense as
7 defined in section 43-245.

8 (b) Arraignment in county court or district court shall
9 be by reading to the accused the complaint or information, unless
10 the reading is waived by the accused when the nature of the charge
11 is made known to him or her. The accused shall then be asked
12 whether he or she is guilty or not guilty of the offense charged.
13 If the accused appears in person and by counsel and goes to trial
14 before a jury regularly impaneled and sworn, he or she shall be
15 deemed to have waived arraignment and a plea of not guilty shall be
16 deemed to have been made.

17 (2) At the time of the arraignment the county court or
18 district court shall advise the accused, if the accused was younger
19 than eighteen years of age at the time the offense was committed,
20 that the accused may move the county court or district court at any
21 time not later than thirty days after arraignment, unless otherwise
22 permitted by the court for good cause shown, to waive jurisdiction
23 in such case to the juvenile court for further proceedings under
24 the Nebraska Juvenile Code. This subsection does not apply if
25 the case was transferred to county court or district court from
26 juvenile court.

27 (3) For motions to transfer a case from the county court

1 or district court to juvenile court:

2 (a) The county court or district court shall schedule a
3 hearing on such motion within fifteen days. The customary rules of
4 evidence shall not be followed at such hearing. The accused shall
5 be represented by an attorney. The criteria set forth in section
6 43-276 shall be considered at such hearing. After considering all
7 the evidence and reasons presented by both parties, the case shall
8 be transferred to juvenile court unless a sound basis exists for
9 retaining the case in county court or district court; and

10 (b) The county court or district court shall set forth
11 findings for the reason for its decision. If the county court or
12 district court determines that the accused should be transferred
13 to the juvenile court, the complete file in the county court or
14 district court shall be transferred to the juvenile court and
15 the complaint, indictment, or information may be used in place
16 of a petition therein. The county court or district court making
17 a transfer shall order the accused to be taken forthwith to the
18 juvenile court and designate where the juvenile shall be kept
19 pending determination by the juvenile court. The juvenile court
20 shall then proceed as provided in the Nebraska Juvenile Code.

21 (4) When the accused was younger than eighteen years of
22 age when an alleged offense was committed, the county attorney or
23 city attorney shall proceed under section 43-274.

24 Sec. 2. (1) The office is authorized as a child placing
25 agency for the purpose of proceedings of juveniles described in
26 subdivisions (1), (2), (3)(b), and (4) of section 43-247. The
27 office may enter into an agreement with the Department of Health

1 and Human Services, as the single state agency administering
2 the Title IV-E state plan, to be a public agency administering
3 or supervising the administration of the Title IV-E state plan
4 in accordance with 42 U.S.C. 672(a)(2)(B)(ii) and to obtain
5 federal reimbursement for allowable maintenance, administrative,
6 and training expenses in accordance with Title IV-E of the federal
7 Social Security Act.

8 (2) The office has placement and care responsibility
9 for juveniles described in subdivisions (1), (2), (3)(b), and (4)
10 of section 43-247 who are in foster care or other out-of-home
11 placement. Placement and care includes accountability for the
12 day-to-day care and protection of the juvenile. The office shall
13 develop an individual case plan for the juvenile, including
14 periodic review of the appropriateness and suitability of the
15 plan and the foster care or other out-of-home placement, to ensure
16 that proper care and services are provided to facilitate return
17 to the juvenile's own home or to make an alternative placement.
18 The case plan activities include such items as assessing family
19 strength and needs, identifying and using community resources, and
20 the periodic review and determination of continued appropriateness
21 of placement. Placement and care does not include rights retained
22 by the legal custodian, including, but not limited to, provision of
23 and decisions regarding education, morality, religion, discipline,
24 and medical care.

25 Sec. 3. Section 29-2269, Revised Statutes Cumulative
26 Supplement, 2012, is amended to read:

27 29-2269 Sections 29-2246 to 29-2269 and section 2 of this

1 act shall be known and may be cited as the Nebraska Probation
2 Administration Act.

3 Sec. 4. Section 43-247, Revised Statutes Supplement,
4 2013, is amended to read:

5 43-247 ~~Except as provided in section 43-247.02, the~~
6 ~~juvenile court shall have exclusive original jurisdiction as to any~~
7 ~~juvenile defined in subdivision (1) of this section who is under~~
8 ~~the age of sixteen, as to any juvenile defined in subdivision (3)~~
9 ~~of this section, and as to the parties and proceedings provided~~
10 ~~in subdivisions (5), (6), and (7) of this section. As used in~~
11 ~~this section, all references to the juvenile's age shall be the~~
12 ~~age at the time the act which occasioned the juvenile court~~
13 ~~action occurred. The juvenile court shall have concurrent original~~
14 ~~jurisdiction with the district court as to any juvenile defined~~
15 ~~in subdivision (2) of this section. The juvenile court shall~~
16 ~~have concurrent original jurisdiction with the district court and~~
17 ~~county court as to any juvenile defined in subdivision (1) of~~
18 ~~this section who is age sixteen or seventeen, any juvenile defined~~
19 ~~in subdivision (4) of this section, and any proceeding under~~
20 ~~subdivision (6) or (10) of this section. The juvenile court shall~~
21 ~~have concurrent original jurisdiction with the county court as~~
22 ~~to any proceeding under subdivision (8) or (9) of this section.~~
23 ~~Notwithstanding any disposition entered by the juvenile court~~
24 ~~under the Nebraska Juvenile Code, the juvenile court's jurisdiction~~
25 ~~over any individual adjudged to be within the provisions of this~~
26 ~~section shall continue until the individual reaches the age of~~
27 ~~majority or the court otherwise discharges the individual from its~~

1 ~~jurisdiction.~~

2 The juvenile court in each county as herein provided
3 shall have jurisdiction of:

4 (1) Any juvenile who has committed an act other than
5 a traffic offense which would constitute a misdemeanor or an
6 infraction under the laws of this state, or violation of a city or
7 village ordinance;

8 (2) Any juvenile who has committed an act which would
9 constitute a felony under the laws of this state;

10 (3) Any juvenile (a) who is homeless or destitute, or
11 without proper support through no fault of his or her parent,
12 guardian, or custodian; who is abandoned by his or her parent,
13 guardian, or custodian; who lacks proper parental care by reason of
14 the fault or habits of his or her parent, guardian, or custodian;
15 whose parent, guardian, or custodian neglects or refuses to provide
16 proper or necessary subsistence, education, or other care necessary
17 for the health, morals, or well-being of such juvenile; whose
18 parent, guardian, or custodian is unable to provide or neglects
19 or refuses to provide special care made necessary by the mental
20 condition of the juvenile; or who is in a situation or engages in
21 an occupation, including prostitution, dangerous to life or limb or
22 injurious to the health or morals of such juvenile, (b) who, by
23 reason of being wayward or habitually disobedient, is uncontrolled
24 by his or her parent, guardian, or custodian; who deports himself
25 or herself so as to injure or endanger seriously the morals or
26 health of himself, herself, or others; or who is habitually truant
27 from home or school, or (c) who is mentally ill and dangerous as

1 defined in section 71-908;

2 (4) Any juvenile who has committed an act which would
3 constitute a traffic offense as defined in section 43-245;

4 (5) The parent, guardian, or custodian of any juvenile
5 described in this section;

6 (6) The proceedings for termination of parental rights;

7 (7) Any juvenile who has been voluntarily relinquished,
8 pursuant to section 43-106.01, to the Department of Health and
9 Human Services or any child placement agency licensed by the
10 Department of Health and Human Services;

11 (8) Any juvenile who was a ward of the juvenile court at
12 the inception of his or her guardianship and whose guardianship has
13 been disrupted or terminated;

14 (9) The adoption or guardianship proceedings for a child
15 over which the juvenile court already has jurisdiction under
16 another provision of the Nebraska Juvenile Code; and

17 (10) The paternity or custody determination for a child
18 over which the juvenile court already has jurisdiction.

19 Notwithstanding the provisions of the Nebraska Juvenile
20 Code, the determination of jurisdiction over any Indian child as
21 defined in section 43-1503 shall be subject to the Nebraska Indian
22 Child Welfare Act; and the district court shall have exclusive
23 jurisdiction in proceedings brought pursuant to section 71-510.

24 Sec. 5. The juvenile court shall have:

25 (1) Exclusive original jurisdiction as to:

26 (a) Any juvenile described in subdivision (1) or (3) of
27 section 43-247;

1 (b) A juvenile who is under sixteen years of age at the
2 time the alleged offense was committed if the offense falls under
3 subdivision (2) of section 43-247 except a juvenile described in
4 subdivision (1)(a)(iii) of section 29-1816; and

5 (c) A party and proceeding described in subdivision (5)
6 or (7) of section 43-247;

7 (2) Concurrent original jurisdiction with the county
8 court or district court as to any juvenile who is sixteen years
9 of age or older described in subdivision (2) of section 43-247.
10 Proceedings initiated under this subdivision may be transferred to
11 the county court or district court as provided in section 43-274;

12 (3) Concurrent jurisdiction with the county court and the
13 district court as to:

14 (a) Any juvenile described in subdivision (4) of section
15 43-247;

16 (b) Any proceeding under subdivision (6) or (10) of
17 section 43-247; and

18 (c) Any juvenile described in subdivision (1)(a)(ii)
19 through (iv) of section 29-1816. Proceedings initiated under this
20 subdivision may be transferred to county court or district court as
21 provided in section 43-274; and

22 (4) Concurrent original jurisdiction with the county
23 court as to any proceeding under subdivision (8) or (9) of section
24 43-247.

25 Sec. 6. Section 43-247.01, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 ~~43-247.01~~ (1) Pending the adjudication of any case,

1 the court may provide the parties the opportunity to address
2 issues involving the child's care and placement, services to
3 the family, and other concerns through facilitated conferencing.
4 Facilitated conferencing may include prehearing conferences and
5 family group conferences. All discussions taking place during
6 such facilitated conferences, including plea negotiations, shall
7 be considered confidential and privileged communications, except
8 communications required by mandatory reporting under section 28-711
9 for new allegations of child abuse or neglect which were not
10 previously known or reported.

11 (2) For purposes of this section:

12 (a) Prehearing conference means a facilitated meeting
13 prior to appearing in court and held to gain the cooperation
14 of the parties, to offer services and treatment, and to develop
15 a problem-solving atmosphere in the best interests of children
16 involved in the juvenile court system; and

17 (b) Family group conference means a facilitated
18 collaborative process in which families work with extended family
19 members and others to make decisions and develop plans for the best
20 interests of children who are under the jurisdiction of the court.

21 Sec. 7. Section 43-255, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 43-255 Whenever a juvenile is detained or placed
24 under section 43-250 or 43-253, the juvenile shall be released
25 unconditionally within forty-eight hours after the detention or
26 placement order or the setting of bond, excluding nonjudicial days,
27 unless within such period of time (1) a juvenile court petition has

1 been filed alleging that such juvenile has violated an order of
2 the juvenile court, (2) a juvenile court petition has been filed
3 pursuant to section 43-274, or (3) a criminal complaint has been
4 filed in a court of competent jurisdiction.

5 Sec. 8. Section 43-258, Revised Statutes Supplement,
6 2013, is amended to read:

7 43-258 (1) Pending the adjudication of any case under the
8 Nebraska Juvenile Code, the court may order the juvenile examined
9 by a physician, surgeon, psychiatrist, duly authorized community
10 mental health service program, or psychologist to aid the court
11 in determining (a) a material allegation in the petition relating
12 to the juvenile's physical or mental condition, (b) the juvenile's
13 competence to participate in the proceedings, (c) the juvenile's
14 responsibility for his or her acts, or (d) whether or not to
15 provide emergency medical treatment.

16 (2)(a) Pending the adjudication of any case under the
17 Nebraska Juvenile Code and after a showing of probable cause that
18 the juvenile is within the court's jurisdiction, for the purposes
19 of subsection (1) of this section, the court may order such
20 juvenile to be placed with the Department of Health and Human
21 Services for evaluation, except that on and after October 1, 2013,
22 no juvenile alleged to be a juvenile as described in subdivision
23 (1), (2), (3)(b), or (4) of section 43-247 shall be placed with
24 the Department of Health and Human Services. If a juvenile is
25 placed with the Department of Health and Human Services under
26 this subdivision, the department shall make arrangements for an
27 appropriate evaluation. The department shall determine whether the

1 evaluation will be made on a residential or nonresidential basis.
2 Placement with the department for the purposes of this section
3 shall be for a period not to exceed thirty days. If necessary
4 to complete the evaluation, the court may order an extension not
5 to exceed an additional thirty days. Any temporary placement of a
6 juvenile made under this section shall be in the least restrictive
7 environment consistent with the best interests of the juvenile and
8 the safety of the community.

9 (b) Beginning October 1, 2013, pending the adjudication
10 of any case in which a juvenile is alleged to be a juvenile
11 as described in subdivision (1), (2), (3)(b), or (4) of section
12 43-247 and after a showing of probable cause that the juvenile
13 is within the court's jurisdiction, for the purposes of subsection
14 (1) of this section, the court may order an evaluation. ~~The~~
15 ~~Office of Probation Administration shall provide and pay for any~~
16 ~~evaluation ordered by the court under this subdivision if the~~
17 ~~office determines that there are no parental funds or private~~
18 ~~or public insurance available to pay for such evaluation.~~ Any
19 temporary placement of a juvenile made under this section shall
20 be in the least restrictive environment consistent with the best
21 interests of the juvenile and the safety of the community.

22 (3) Upon completion of the evaluation, the juvenile shall
23 be returned to the court together with a written or electronic
24 report of the results of the evaluation. Such report shall
25 include an assessment of the basic needs of the juvenile and
26 recommendations for continuous and long-term care and shall be made
27 to effectuate the purposes in subdivision (1) of section 43-246.

1 The juvenile shall appear before the court for a hearing on the
2 report of the evaluation results within ten days after the court
3 receives the evaluation.

4 (4) During any period of detention or evaluation prior to
5 adjudication costs incurred on behalf of a juvenile shall be paid
6 as provided in section 16 of this act.+

7 (5) The court shall provide copies of the evaluation
8 report and any evaluations of the juvenile to the juvenile's
9 attorney and the county attorney or city attorney prior to any
10 hearing in which the report or evaluation will be relied upon.

11 ~~(a) Except as provided in subdivision (4)(b) of this~~
12 ~~section, the county in which the case is pending is responsible for~~
13 ~~all detention costs incurred before and after an evaluation period~~
14 ~~prior to adjudication, the cost of delivering the juvenile to the~~
15 ~~location of the evaluation, and the cost of returning the juvenile~~
16 ~~to the court for further proceedings, and~~

17 ~~(b) The Department of Health and Human Services is~~
18 ~~responsible for (i) the costs incurred during an evaluation when~~
19 ~~the juvenile has been placed with the department unless otherwise~~
20 ~~ordered by the court pursuant to section 43-290 and (ii) the~~
21 ~~preevaluation detention costs for any days over the first ten days~~
22 ~~from the date the court places the juvenile with the department~~
23 ~~for evaluation, except that on and after October 1, 2013, the~~
24 ~~department shall not be responsible for any such costs in any case~~
25 ~~in which a juvenile is alleged to be a juvenile as described in~~
26 ~~subdivision (1), (2), (3)(b), or (4) of section 43-247.~~

27 (5) The Department of Health and Human Services is

1 ~~not responsible for preadjudication costs except as provided in~~
2 ~~subdivision (4)(b) of this section.~~

3 Sec. 9. (1)(a) A juvenile court petition and all
4 subsequent proceedings shall be entitled In the Interest of
5, a Juvenile, inserting the juvenile's
6 name in the blank. The written petition shall specify which
7 subdivision of section 43-247 is alleged, state the juvenile's
8 date of birth, set forth the facts verified by affidavit, and
9 request the juvenile court to determine whether support will be
10 ordered pursuant to section 43-290. An allegation under subdivision
11 (1), (2), or (4) of section 43-247 is to be made with the same
12 specificity as a criminal complaint. It is sufficient if the
13 affidavit is based upon information and belief.

14 (b) A juvenile court petition is filed with the clerk of
15 the court having jurisdiction over the matter. If such court is a
16 separate juvenile court, the petition is filed with the clerk of
17 the district court. If such court is a county court sitting as a
18 juvenile court, the petition is filed with the clerk of the county
19 court.

20 (2) In all cases involving violation of a city or village
21 ordinance, the city attorney or village prosecutor may file a
22 petition in juvenile court. If such a petition is filed, for
23 purposes of such proceeding, references in the Nebraska Juvenile
24 Code to county attorney are construed to include a city attorney or
25 village prosecutor.

26 Sec. 10. Section 43-264, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 43-264 If the petition filed under section 43-274 a
2 juvenile court petition is filed that alleges that the juvenile is
3 a juvenile as described in subdivision (1), (2), ~~or~~ (3)(b), or (4)
4 of section 43-247, a summons with a copy of the petition attached
5 shall be served as provided in section 43-263 on such juvenile and
6 his or her parent, guardian, or custodian requiring the juvenile
7 and such parent, guardian, or custodian to appear personally at
8 the time and place stated. When so ordered by the court, personal
9 service shall be obtained upon such juvenile notwithstanding any
10 other provisions of the Nebraska Juvenile Code.

11 Sec. 11. Section 43-274, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 43-274 ~~(1)~~ The county attorney, having knowledge of a
14 juvenile in his or her county who appears to be a juvenile
15 described in subdivision ~~(1)~~, ~~(2)~~, ~~(3)~~, or ~~(4)~~ of section 43-247,
16 may file with the clerk of the court having jurisdiction in
17 the matter a petition in writing specifying which subdivision of
18 section 43-247 is alleged, setting forth the facts verified by
19 affidavit, and requesting the court to determine whether support
20 will be ordered pursuant to section 43-290. Allegations under
21 subdivisions ~~(1)~~, ~~(2)~~, and ~~(4)~~ of section 43-247 shall be made
22 with the same specificity as a criminal complaint. It shall be
23 sufficient if the affidavit is based upon information and belief.
24 Such petition and all subsequent proceedings shall be entitled In
25 the Interest of, a Juvenile Under Eighteen Years of
26 Age, inserting the juvenile's name in the blank.

27 ~~(2)~~ In all cases involving violation of a city or village

1 ~~ordinance, the city attorney or village prosecutor may file a~~
2 ~~petition in juvenile court. If such a petition is filed, for~~
3 ~~purposes of such proceeding, references in the Nebraska Juvenile~~
4 ~~Code to county attorney shall be construed to include a city~~
5 ~~attorney or village prosecutor.~~

6 (1) The county attorney or city attorney, having
7 knowledge of a juvenile within his or her jurisdiction who appears
8 to be a juvenile described in subdivision (1), (2), (3)(b), or (4)
9 of section 43-247 and taking into consideration the criteria in
10 section 43-276, may proceed as provided in this section.

11 ~~(3)~~ (2) The county attorney or city attorney may
12 offer pretrial diversion to the juvenile in accordance with
13 a juvenile pretrial diversion program established pursuant to
14 sections 43-260.02 to 43-260.07.

15 ~~(4)(a)~~ (3)(a) If a juvenile appears to be a juvenile
16 described in subdivision (1), (2), (3)(b), or (4) of section 43-247
17 because of a nonviolent act or acts, the county attorney or city
18 attorney may offer mediation to the juvenile and the victim of
19 the juvenile's act. If both the juvenile and the victim agree to
20 mediation, the juvenile, his or her parent, guardian, or custodian,
21 and the victim shall sign a mediation consent form and select a
22 mediator or approved center from the roster made available pursuant
23 to section 25-2908. The county attorney or city attorney shall
24 refer the juvenile and the victim to such mediator or approved
25 center. The mediation sessions shall occur within thirty days after
26 the date the mediation referral is made unless an extension is
27 approved by the county attorney or city attorney. The juvenile or

1 his or her parent, guardian, or custodian shall pay the mediation
2 fees. The fee shall be determined by the mediator in private
3 practice or by the approved center. A juvenile shall not be denied
4 services at an approved center because of an inability to pay.

5 (b) Terms of the mediation agreement shall specify
6 monitoring, completion, and reporting requirements. The county
7 attorney or city attorney, the court, or the probation office shall
8 be notified by the designated monitor if the juvenile does not
9 complete the agreement within the agreement's specified time.

10 (c) Terms of the agreement may include one or more of the
11 following:

12 (i) Participation by the juvenile in certain community
13 service programs;

14 (ii) Payment of restitution by the juvenile to the
15 victim;

16 (iii) Reconciliation between the juvenile and the victim;
17 and

18 (iv) Any other areas of agreement.

19 (d) If no mediation agreement is reached, the mediator
20 or approved center will report that fact to the county attorney
21 or city attorney within forty-eight hours of the final mediation
22 session excluding nonjudicial days.

23 (e) If a mediation agreement is reached and the agreement
24 does not violate public policy, the agreement shall be approved
25 by the county attorney or city attorney. If the agreement is not
26 approved and the victim agrees to return to mediation (i) the
27 juvenile may be referred back to mediation with suggestions for

1 changes needed in the agreement to meet approval or (ii) the county
2 attorney or city attorney may proceed with the filing of a criminal
3 charge or juvenile court petition. If the juvenile agrees to return
4 to mediation but the victim does not agree to return to mediation,
5 the county attorney or city attorney may consider the juvenile's
6 willingness to return to mediation when determining whether or not
7 to file a criminal charge or a juvenile court petition.

8 (f) If the juvenile meets the terms of an approved
9 mediation agreement, the county attorney or city attorney shall
10 not file a criminal charge or juvenile court petition against
11 the juvenile for the acts for which the juvenile was referred to
12 mediation.

13 (4) The county attorney or city attorney shall file the
14 petition in the court with jurisdiction as outlined in section 5 of
15 this act.

16 (5) When a transfer from juvenile court to county court
17 or district court is authorized because there is concurrent
18 jurisdiction, the county attorney or city attorney may move to
19 transfer the proceedings. Such motion shall be filed with the
20 juvenile court petition unless otherwise permitted for good cause
21 shown. The juvenile court shall schedule a hearing on such motion
22 within fifteen days after the motion is filed. The county attorney
23 or city attorney has the burden of presenting clear and convincing
24 evidence and reasons why such proceeding should be transferred.
25 The juvenile shall be represented by counsel at the hearing and
26 shall present the evidence as to why the proceeding should be
27 retained. After considering all the evidence and reasons presented

1 by both parties, the juvenile court shall retain the proceeding
2 unless there is clear and convincing evidence for transferring the
3 proceeding to the county court or district court. The juvenile
4 court shall set forth findings for the reason for its decision.
5 If the proceeding is transferred from juvenile court to the county
6 court or district court, the county attorney or city attorney shall
7 file a criminal information in the county court or district court,
8 as appropriate, and the accused shall be arraigned as provided for
9 a person eighteen years of age or older in subdivision (1)(b) of
10 section 29-1816.

11 Sec. 12. Section 43-276, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 43-276 ~~In cases coming within subdivision (1) of section~~
14 ~~43-247, when there is concurrent jurisdiction, or subdivision~~
15 ~~(2) or (4) of section 43-247, when the juvenile is under the~~
16 ~~age of sixteen years, the The county attorney shall, or city~~
17 ~~attorney, in making the determination whether to file a criminal~~
18 ~~charge, file a juvenile court petition, offer juvenile pretrial~~
19 ~~diversion, or ~~offer~~ mediation, or transfer a case to or from~~
20 ~~juvenile court and the juvenile court, county court, or district~~
21 ~~court in making the determination whether to transfer a case, shall~~
22 consider: (1) The type of treatment such juvenile would most likely
23 be amenable to; (2) whether there is evidence that the alleged
24 offense included violence; ~~or was committed in an aggressive and~~
25 ~~premeditated manner;~~ (3) the motivation for the commission of the
26 offense; (4) the age of the juvenile and the ages and circumstances
27 of any others involved in the offense; (5) the previous history

1 of the juvenile, including whether he or she had been convicted
2 of any previous offenses or adjudicated in juvenile court; (6)
3 the best interests of the juvenile; (7) consideration of public
4 safety; (8) whether the juvenile has the capacity to appreciate
5 the nature and seriousness of his or her conduct; (9) ~~and~~
6 if so, whether such offenses were crimes against the person or
7 relating to property, and other previous history of antisocial
8 behavior, if any, including any patterns of physical violence;
9 ~~(6) the sophistication and maturity of the juvenile as determined~~
10 ~~by consideration of his or her home, school activities, emotional~~
11 ~~attitude and desire to be treated as an adult, pattern of living,~~
12 ~~and whether he or she has had previous contact with law enforcement~~
13 ~~agencies and courts and the nature thereof;~~ ~~(7) whether there~~
14 ~~are facilities particularly available to the juvenile court for~~
15 ~~treatment and rehabilitation of the juvenile;~~ ~~(8) whether the best~~
16 ~~interests of the juvenile and the security of the public may~~
17 ~~require that the juvenile continue in secure detention or under~~
18 ~~supervision for a period extending beyond his or her minority and,~~
19 ~~if so, the available alternatives best suited to this purpose;~~
20 ~~(9) (10) whether the victim agrees to participate in mediation;~~
21 ~~(10) (11) whether there is a juvenile pretrial diversion program~~
22 ~~established pursuant to sections 43-260.02 to 43-260.07;~~ ~~(11) (12)~~
23 ~~whether the juvenile has been convicted of or has acknowledged~~
24 ~~unauthorized use or possession of a firearm;~~ ~~(12) (13) whether~~
25 ~~a juvenile court order has been issued for the juvenile pursuant~~
26 ~~to section 43-2,106.03;~~ ~~(13) whether the juvenile is a criminal~~
27 ~~street gang member;~~ ~~(14) whether the juvenile has been previously~~

1 ~~committed to a youth rehabilitation and treatment center, and (15)~~
2 (14) such other matters as the county attorney deems relevant to
3 his or her decision, as the parties deem relevant to aid in the
4 decision.

5 Sec. 13. Section 43-281, Revised Statutes Supplement,
6 2013, is amended to read:

7 43-281 (1) Following an adjudication of jurisdiction and
8 prior to final disposition, the court may place the juvenile with
9 the Office of Juvenile Services or the Department of Health and
10 Human Services for evaluation, except that on and after October 1,
11 2013, no juvenile adjudicated under subdivision (1), (2), (3) (b),
12 or (4) of section 43-247 shall be placed with the office or the
13 department. The office or department shall arrange and pay for
14 an appropriate evaluation if the office or department determines
15 that there are no parental funds or private or public insurance
16 available to pay for such evaluation, except that on and after
17 October 1, 2013, the office and the department shall not be
18 responsible for such evaluations of any juvenile adjudicated under
19 subdivision (1), (2), (3) (b), or (4) of section 43-247.

20 (2) On and after October 1, 2013, following an
21 adjudication of jurisdiction under subdivision (1), (2), (3) (b), or
22 (4) of section 43-247 and prior to final disposition, the court
23 may order an evaluation. ~~The Office of Probation Administration~~
24 ~~shall arrange and pay for the evaluation ordered by the court if~~
25 ~~the office determines that there are no parental funds or private~~
26 ~~or public insurance available to pay for such evaluation. Any~~
27 ~~evaluation ordered under this subsection shall~~ For juveniles in

1 detention, the court shall order that such evaluation be completed
2 and the juvenile ~~shall be~~ returned to the court within twenty-one
3 days after the evaluation. For juveniles who are not in detention,
4 the evaluation shall be completed and the juvenile returned to
5 the court within a reasonable time. ~~is ordered.~~ The physician,
6 psychologist, licensed mental health practitioner, licensed drug
7 and alcohol counselor, or other provider responsible for completing
8 the evaluation shall have up to ten days to complete the evaluation
9 after receiving the referral authorizing the evaluation.

10 (3) A juvenile pending evaluation ordered under
11 subsection (1) or (2) of this section shall not reside in a
12 detention facility at the time of the evaluation or while waiting
13 for the completed evaluation to be returned to the court unless
14 detention of such juvenile is a matter of immediate and urgent
15 necessity for the protection of such juvenile or the person or
16 property of another or if it appears that such juvenile is likely
17 to flee the jurisdiction of the court.

18 Sec. 14. Section 43-285, Revised Statutes Supplement,
19 2013, is amended to read:

20 43-285 (1) When the court awards a juvenile to the care
21 of the Department of Health and Human Services, an association,
22 or an individual in accordance with the Nebraska Juvenile Code,
23 the juvenile shall, unless otherwise ordered, become a ward and
24 be subject to the guardianship of the department, association,
25 or individual to whose care he or she is committed. Any such
26 association and the department shall have authority, by and
27 with the assent of the court, to determine the care, placement,

1 medical services, psychiatric services, training, and expenditures
2 on behalf of each juvenile committed to it. Any such association
3 and the department shall be responsible for applying for any health
4 insurance available to the juvenile, including, but not limited
5 to, medical assistance under the Medical Assistance Act. Such
6 guardianship shall not include the guardianship of any estate of
7 the juvenile.

8 (2)(a) This subdivision applies until October 1, 2013.
9 Following an adjudication hearing at which a juvenile is adjudged
10 to be under subdivision (3) of section 43-247, the court may
11 order the department to prepare and file with the court a proposed
12 plan for the care, placement, services, and permanency which are
13 to be provided to such juvenile and his or her family. The
14 plan shall include a statement regarding the eligibility of the
15 juvenile for any health insurance, including, but not limited to,
16 medical assistance under the Medical Assistance Act. The health
17 and safety of the juvenile shall be the paramount concern in the
18 proposed plan. When the plan includes the provision of services
19 in order that the juvenile can remain in his or her home and
20 such services are to prevent out-of-home placement, the plan shall
21 be prepared and shall clearly state that the services described
22 in the plan are to prevent placement and that, absent preventive
23 services, foster care is the planned arrangement for the child. The
24 department shall include in the plan for a juvenile who is sixteen
25 years of age or older and subject to the guardianship of the
26 department a written independent living transition proposal which
27 meets the requirements of section 43-1311.03 and, for eligible

1 juveniles, the Young Adult Voluntary Services and Support Act.
2 The court may approve the plan, modify the plan, order that an
3 alternative plan be developed, or implement another plan that is
4 in the juvenile's best interests. In its order the court shall
5 include a finding regarding the appropriateness of the programs and
6 services described in the proposal designed to assist the juvenile
7 in acquiring independent living skills. Rules of evidence shall not
8 apply at the dispositional hearing when the court considers the
9 plan that has been presented.

10 (b) This subdivision applies beginning October 1, 2013.
11 Following an adjudication hearing at which a juvenile is adjudged
12 to be under subdivision (3)(a) or (c) of section 43-247, the court
13 may order the department to prepare and file with the court a
14 proposed plan for the care, placement, services, and permanency
15 which are to be provided to such juvenile and his or her family.
16 The health and safety of the juvenile shall be the paramount
17 concern in the proposed plan. The department shall include in the
18 plan for a juvenile who is sixteen years of age or older and
19 subject to the guardianship of the department a written independent
20 living transition proposal which meets the requirements of section
21 43-1311.03 and, for eligible juveniles, the Young Adult Voluntary
22 Services and Support Act. The juvenile court shall provide a copy
23 of the plan to the juvenile and the juvenile's attorney before
24 the hearing. The court may approve the plan, modify the plan,
25 order that an alternative plan be developed, or implement another
26 plan that is in the juvenile's best interests. In its order the
27 court shall include a finding regarding the appropriateness of

1 the programs and services described in the proposal designed to
2 assist the juvenile in acquiring independent living skills. Rules
3 of evidence shall not apply at the dispositional hearing when the
4 court considers the plan that has been presented.

5 (3) Within thirty days after an order awarding a juvenile
6 to the care of the department, an association, or an individual
7 and until the juvenile reaches the age of majority, the department,
8 association, or individual shall file with the court a report
9 stating the location of the juvenile's placement and the needs of
10 the juvenile in order to effectuate the purposes of subdivision
11 (1) of section 43-246. The department, association, or individual
12 shall file a report with the court once every six months or at
13 shorter intervals if ordered by the court or deemed appropriate by
14 the department, association, or individual. Every six months, the
15 report shall provide an updated statement regarding the eligibility
16 of the juvenile for health insurance, including, but not limited
17 to, medical assistance under the Medical Assistance Act. The
18 department, association, or individual shall file a report and
19 notice of placement change with the court and shall send copies of
20 the notice to all interested parties at least seven days before the
21 placement of the juvenile is changed from what the court originally
22 considered to be a suitable family home or institution to some
23 other custodial situation in order to effectuate the purposes of
24 subdivision (1) of section 43-246. The court, on its own motion
25 or upon the filing of an objection to the change by an interested
26 party, may order a hearing to review such a change in placement
27 and may order that the change be stayed until the completion of

1 the hearing. Nothing in this section shall prevent the court on
2 an ex parte basis from approving an immediate change in placement
3 upon good cause shown. The department may make an immediate change
4 in placement without court approval only if the juvenile is in a
5 harmful or dangerous situation or when the foster parents request
6 that the juvenile be removed from their home. Approval of the court
7 shall be sought within twenty-four hours after making the change in
8 placement or as soon thereafter as possible. The department shall
9 provide the juvenile's guardian ad litem with a copy of any report
10 filed with the court by the department pursuant to this subsection.

11 (4) The court shall also hold a permanency hearing if
12 required under section 43-1312.

13 (5) When the court awards a juvenile to the care of the
14 department, an association, or an individual, then the department,
15 association, or individual shall have standing as a party to file
16 any pleading or motion, to be heard by the court with regard to
17 such filings, and to be granted any review or relief requested in
18 such filings consistent with the Nebraska Juvenile Code.

19 (6) Whenever a juvenile is in a foster care placement
20 as defined in section 43-1301, the Foster Care Review Office or
21 the designated local foster care review board may participate in
22 proceedings concerning the juvenile as provided in section 43-1313
23 and notice shall be given as provided in section 43-1314.

24 (7) Any written findings or recommendations of the Foster
25 Care Review Office or the designated local foster care review board
26 with regard to a juvenile in a foster care placement submitted to
27 a court having jurisdiction over such juvenile shall be admissible

1 in any proceeding concerning such juvenile if such findings or
2 recommendations have been provided to all other parties of record.

3 (8) The executive director and any agent or employee of
4 the Foster Care Review Office or any member of any local foster
5 care review board participating in an investigation or making any
6 report pursuant to the Foster Care Review Act or participating in a
7 judicial proceeding pursuant to this section shall be immune from
8 any civil liability that would otherwise be incurred except for
9 false statements negligently made.

10 Sec. 15. Section 43-286, Revised Statutes Supplement,
11 2013, is amended to read:

12 43-286 (1) When any juvenile is adjudicated to be a
13 juvenile described in subdivision (1), (2), or (4) of section
14 43-247:

15 (a)(i) This subdivision applies until October 1, 2013.
16 The court may continue the dispositional portion of the hearing,
17 from time to time upon such terms and conditions as the court may
18 prescribe, including an order of restitution of any property stolen
19 or damaged or an order requiring the juvenile to participate in
20 community service programs, if such order is in the interest of
21 the juvenile's reformation or rehabilitation, and, subject to the
22 further order of the court, may:

23 (A) Place the juvenile on probation subject to the
24 supervision of a probation officer;

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

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

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

15 (ii) This subdivision applies beginning October 1, 2013.
16 The court may continue the dispositional portion of the hearing,
17 from time to time upon such terms and conditions as the court may
18 prescribe, including an order of restitution of any property stolen
19 or damaged or an order requiring the juvenile to participate in
20 community service programs, if such order is in the interest of
21 the juvenile's reformation or rehabilitation, and, subject to the
22 further order of the court, may:

23 (A) Place the juvenile on probation subject to the
24 supervision of a probation officer; or

25 (B) Permit the juvenile to remain in his or her own home
26 or be placed in a suitable family home or institution, subject to
27 the supervision of the probation officer.

1 If the court has placed a juvenile under the supervision
2 of a probation officer, the Office of Probation Administration
3 shall pay the costs of the suitable family home or institution
4 which are not otherwise paid by the juvenile's parents.

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

13 (b) (i) This subdivision applies to all juveniles
14 committed to the Office of Juvenile Services prior to July 1,
15 2013. The court may commit such juvenile to the Office of Juvenile
16 Services, but a juvenile under the age of fourteen years shall not
17 be placed at the Youth Rehabilitation and Treatment Center-Geneva
18 or the Youth Rehabilitation and Treatment Center-Kearney unless
19 he or she has violated the terms of probation or has committed
20 an additional offense and the court finds that the interests of
21 the juvenile and the welfare of the community demand his or her
22 commitment. This minimum age provision shall not apply if the act
23 in question is murder or manslaughter.

24 (ii) This subdivision applies to all juveniles committed
25 to the Office of Juvenile Services for placement at a youth
26 rehabilitation and treatment center on or after July 1, 2013.

27 When it is alleged that the juvenile has exhausted all

1 levels of probation supervision and options for community-based
2 supervision and section 43-251.01 has been satisfied, a motion for
3 commitment to a youth rehabilitation and treatment center may be
4 filed and proceedings held as follows:

5 (A) The motion shall set forth specific factual
6 allegations that support the motion and a copy of such motion shall
7 be served on all persons required to be served by sections 43-262
8 to 43-267;

9 (B) The juvenile shall be entitled to a hearing before
10 the court to determine the validity of the allegations. At
11 such hearing the burden is upon the state to present clear
12 and convincing evidence that:

13 (I) All levels of probation supervision have been
14 exhausted;

15 (II) All options for community-based services have been
16 exhausted; and

17 (III) Placement at a youth rehabilitation and treatment
18 center is a matter of immediate and urgent necessity for the
19 protection of the juvenile or the person or property of another or
20 if it appears that such juvenile is likely to flee the jurisdiction
21 of the court.

22 Unless prohibited by section 43-251.01, After the
23 hearing, the court may commit such juvenile to the Office of
24 Juvenile Services for placement at a youth rehabilitation and
25 treatment center as a condition of an order of intensive supervised
26 probation. if all levels of probation supervision and options for
27 community-based services have been exhausted and placement of such

1 juvenile is a matter of immediate and urgent necessity for the
2 protection of such juvenile or the person or property of another or
3 if it appears that such juvenile is likely to flee the jurisdiction
4 of the court. Upon commitment by the court to the Office of
5 Juvenile Services, the court shall notify the Office of Juvenile
6 Services of the commitment within twenty-four hours. Intensive
7 supervised probation for purposes of this subdivision means that
8 the Office of Juvenile Services shall be responsible for the care
9 and custody of the juvenile until the Office of Juvenile Services
10 court discharges the juvenile from commitment to the Office of
11 Juvenile Services. Upon discharge of the juvenile, the court shall
12 hold a review hearing on the conditions of probation and enter any
13 order allowed under subdivision (1)(a) of this section.

14 The Office of Juvenile Services shall notify all persons
15 required to be served by sections 43-262 to 43-267 of the pending
16 release of a juvenile from the youth rehabilitation and treatment
17 center as early as possible and in no case less than thirty
18 days prior to release. Upon notice of pending release by the
19 Office of Juvenile Services, the court shall set a continued
20 disposition hearing in anticipation of reentry. The Office of
21 Juvenile Services shall work in collaboration with the Office of
22 Probation Administration in developing an individualized reentry
23 plans plan for the juvenile as created provided in section 43-425
24 and shall notify the committing court at least sixty days prior
25 to discharge. The Office of Juvenile Services shall pay the
26 cost of the care and custody of the juvenile from the time of
27 commitment until discharge from the Office of Juvenile Services;

1 ~~or~~ release. The Office of Juvenile Services shall provide a
2 copy of the individualized reentry plan to the juvenile, the
3 juvenile's attorney, and the county attorney or city attorney
4 prior to the continued disposition hearing. At the continued
5 disposition hearing, the court shall review and approve or modify
6 the individualized reentry plan, place the juvenile under probation
7 supervision, discharge the Office of Juvenile Services of the care
8 and custody of the juvenile, and enter any other order allowed by
9 law. No hearing is required if all interested parties stipulate
10 to the individualized reentry plan by signed motion. In such a
11 case, the court shall approve the conditions of probation, approve
12 the individualized reentry plan, place the juvenile under probation
13 supervision, and discharge the Office of Juvenile Services of care
14 and custody of the juvenile.

15 The Office of Juvenile Services is responsible for
16 transportation of the juvenile to and from the youth rehabilitation
17 and treatment center. The Office of Juvenile Services may contract
18 for such services. A plan for a juvenile's transport to return
19 to the community shall be a part of the individual reentry plan.
20 The Office of Juvenile Services may approve family to provide such
21 transport when specified in the individualized reentry plan.

22 Release from the youth rehabilitation and treatment
23 center by the Office of Juvenile Services shall not constitute
24 a discharge of the juvenile from the Office of Juvenile Services.

25 (c) Beginning July 1, 2013, and until October 1, 2013,
26 the court may commit such juvenile to the Office of Juvenile
27 Services for community supervision.

1 (2) When any juvenile is found by the court to be a
2 juvenile described in subdivision (3)(b) of section 43-247, the
3 court may enter such order as it is empowered to enter under
4 subdivision (1)(a) of this section or until October 1, 2013, enter
5 an order committing or placing the juvenile to the care and custody
6 of the Department of Health and Human Services.

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

15 (4) When a juvenile is placed on probation and a
16 probation officer has reasonable cause to believe that such
17 juvenile has committed or is about to commit a substance abuse
18 violation, a noncriminal violation, or a violation of a condition
19 of his or her probation, the probation officer shall take
20 appropriate measures as provided in section 43-286.01.

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

1 for such adjudications.

2 (b) When a juvenile is placed on probation or under
3 the supervision of the court for conduct under subdivision (1),
4 (2), (3)(b), or (4) of section 43-247 and it is alleged that the
5 juvenile has violated a term of probation or supervision or that
6 the juvenile has violated an order of the court, a motion to revoke
7 probation or supervision or to change the disposition may be filed
8 and proceedings held as follows:

9 (i) The motion shall set forth specific factual
10 allegations of the alleged violations and a copy of such motion
11 shall be served on all persons required to be served by sections
12 43-262 to 43-267;

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

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

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

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

22 (vi) In cases when the court revokes probation,
23 supervision, or other court order, it shall enter a written
24 statement as to the evidence relied on and the reasons for
25 revocation.

26 (5) Costs incurred on behalf of a juvenile under this
27 section shall be paid as provided in section 16 of this act.

1 Sec. 16. (1) Payment of costs involved in the
2 adjudication and disposition of juveniles alleged to be or
3 described in subdivision (1), (2), (3)(b), and (4) of section
4 43-247, except as ordered by the court pursuant to section 43-290,
5 shall be paid by:

6 (a) The county for the period of time prior to
7 adjudication, except as provided in subdivision (1)(b)(ii) and
8 (iii) of this section. Such costs paid for by the county include,
9 but are not limited to, the costs of detention, services, detention
10 alternatives, treatment, voluntary services, and transportation,
11 other than transportation and other costs paid under subdivision
12 (1)(c) of this section;

13 (b) The Office of Probation Administration for:

14 (i) The period of time after adjudication that the
15 juvenile is on probation, including, but not limited to, the
16 costs of evaluations, detention, services, placement that is
17 not detention, detention alternatives, treatment, voluntary
18 services, and transportation, other than transportation paid under
19 subdivision (1)(c) of this section;

20 (ii) The time period prior to adjudication for a juvenile
21 who is on probation and commits a new violation or is subject to a
22 motion to revoke probation; and

23 (iii) Preadjudication evaluations and preadjudication
24 placements that are not detention; and

25 (c) The Office of Juvenile Services of the Department of
26 Health and Human Services for any period of time from when the
27 court commits the juvenile to the Office of Juvenile Services until

1 the continued disposition hearing at which the Office of Juvenile
2 Services is discharged by the court, including, but not limited to,
3 the costs of evaluations, placement, services, detention including
4 detention costs prior to placement, and for transportation to and
5 from the youth rehabilitation and treatment center.

6 (2) For payment of costs involved in the adjudication and
7 disposition of juveniles, other than those described in subsection
8 (1) or (3) of this section:

9 (a) The Department of Health and Human Services shall
10 pay the costs incurred during an evaluation or placement with the
11 department that is ordered by the court except as otherwise ordered
12 by the court pursuant to section 43-290;

13 (b) Payment of costs for juveniles with a court
14 adjudication or disposition under section 43-284: Upon a
15 determination by the court that there are no parental, private,
16 or other funds available for the care, custody, education, and
17 maintenance of the juvenile, the court may order a reasonable sum
18 for the care, custody, education, and maintenance of the juvenile
19 to be paid out of a fund appropriated annually by the county where
20 the petition is filed until suitable provisions are made for the
21 juvenile without such payment. The amount to be paid by a county
22 for education shall not exceed the average cost for education of a
23 public school student in the county in which the juvenile is placed
24 and shall be paid only for education in kindergarten through grade
25 twelve; and

26 (c) Other costs shall be as provided in section 43-290.

27 (3) For payment of costs if a juvenile is a dual status

1 youth, the court shall order services be paid for by the Department
2 of Health and Human Services and enter such order under the
3 child welfare or child protection system case. For purposes of
4 this section, a dual status youth, a dually-adjudicated youth, or
5 dually-involved youth means any juvenile who comes into contact
6 with both the child welfare or child protection system and the
7 juvenile justice system or who has an open case with both the child
8 welfare or child protection system and the juvenile justice system.

9 (4) Payment of costs of medical expenses of juveniles
10 under the Nebraska Juvenile Code shall be as provided in section
11 43-290.

12 Sec. 17. Section 43-290, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 43-290 It is the purpose of this section to promote
15 parental responsibility and to provide for the most equitable use
16 and availability of public money.

17 Pursuant to ~~the~~ a petition filed by ~~the~~ a county
18 attorney ~~in accordance with section 43-274,~~ or city attorney having
19 knowledge of a juvenile in his or her jurisdiction who appears to
20 be a juvenile described in subdivision (1), (2), (3), or (4) of
21 section 43-247, whenever the care or custody of a juvenile is given
22 by the court to someone other than his or her parent, which shall
23 include placement with a state agency, or when a juvenile is given
24 medical, psychological, or psychiatric study or treatment under
25 order of the court, the court shall make a determination of support
26 to be paid by a parent for the juvenile at the same proceeding at
27 which placement, study, or treatment is determined or at a separate

1 proceeding. Such proceeding, which may occur prior to, at the same
2 time as, or subsequent to adjudication, shall be in the nature of a
3 disposition hearing.

4 At such proceeding, after summons to the parent of the
5 time and place of hearing served as provided in sections 43-262
6 to 43-267, the court may order and decree that the parent shall
7 pay, in such manner as the court may direct, a reasonable sum that
8 will cover in whole or part the support, study, and treatment of
9 the juvenile, which amount ordered paid shall be the extent of the
10 liability of the parent. The court in making such order shall give
11 due regard to the cost of the support, study, and treatment of the
12 juvenile, the ability of the parent to pay, and the availability
13 of money for the support of the juvenile from previous judicial
14 decrees, social security benefits, veterans benefits, or other
15 sources. Support thus received by the court shall be transmitted to
16 the person, agency, or institution having financial responsibility
17 for such support, study, or treatment and, if a state agency or
18 institution, remitted by such state agency or institution quarterly
19 to the Director of Administrative Services for credit to the proper
20 fund.

21 Whenever medical, psychological, or psychiatric study or
22 treatment is ordered by the court, whether or not the juvenile
23 is placed with someone other than his or her parent, or if such
24 study or treatment is otherwise provided as determined necessary
25 by the custodian of the juvenile, the court shall inquire as to
26 the availability of insured or uninsured health care coverage or
27 service plans which include the juvenile. The court may order the

1 parent to pay over any plan benefit sums received on coverage for
2 the juvenile. The payment of any deductible under the health care
3 benefit plan covering the juvenile shall be the responsibility of
4 the parent. If the parent willfully fails or refuses to pay the sum
5 ordered or to pay over any health care plan benefit sums received,
6 the court may proceed against him or her as for contempt, either
7 on the court's own motion or on the motion of the county attorney
8 or authorized attorney as provided in section 43-512, or execution
9 shall issue at the request of any person, agency, or institution
10 treating or maintaining such juvenile. The court may afterwards,
11 because of a change in the circumstances of the parties, revise or
12 alter the order of payment for support, study, or treatment.

13 If the juvenile has been committed to the care and
14 custody of the Department of Health and Human Services, the
15 department shall pay the costs for the support, study, or treatment
16 of the juvenile which are not otherwise paid by the juvenile's
17 parent.

18 If no provision is otherwise made by law for the support
19 or payment for the study or treatment of the juvenile, compensation
20 for the support, study, or treatment shall be paid, when approved
21 by an order of the court, out of a fund which shall be appropriated
22 by the county in which the petition is filed.

23 The juvenile court shall retain jurisdiction over a
24 parent ordered to pay support for the purpose of enforcing such
25 support order for so long as such support remains unpaid but not to
26 exceed ten years from the nineteenth birthday of the youngest child
27 for whom support was ordered.

1 Sec. 18. Section 43-2,106.03, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-2,106.03 Any time after the disposition of a juvenile
4 described in subdivision (1), (2), (3)(b), or (4) of section
5 43-247, upon the motion of any party or the court on its own
6 motion, a hearing may be held regarding the amenability of the
7 juvenile to the rehabilitative services that can be provided under
8 the Nebraska Juvenile Code. The court may enter an order, based
9 upon evidence presented at the hearing, finding that a juvenile
10 is not amenable to rehabilitative services that can be provided
11 under the Nebraska Juvenile Code. The reasons for such a finding
12 shall be stated in the order. Such an order shall be considered by
13 the county attorney in making a future determination under section
14 43-276 regarding such juvenile and by the court when considering
15 a future transfer motion under section 29-1816 or 43-274 or any
16 future charge or petition regarding such juvenile.

17 Sec. 19. Section 43-2,129, Revised Statutes Supplement,
18 2013, is amended to read:

19 43-2,129 Sections 43-245 to 43-2,129 and sections 5, 6,
20 9, 16, and 25 of this act shall be known and may be cited as the
21 Nebraska Juvenile Code.

22 Sec. 20. Section 43-407, Revised Statutes Supplement,
23 2013, is amended to read:

24 43-407 (1) This subsection applies to all juveniles
25 committed to the Office of Juvenile Services for placement at a
26 youth rehabilitation and treatment center prior to July 1, 2013.
27 The Office of Juvenile Services shall design and make available

1 programs and treatment services through the Youth Rehabilitation
2 and Treatment Center-Kearney and Youth Rehabilitation and Treatment
3 Center-Geneva. The programs and treatment services shall be based
4 upon the individual or family evaluation process and treatment
5 plan. The treatment plan shall be developed within fourteen days
6 after admission. If a juvenile placed at the Youth Rehabilitation
7 and Treatment Center-Kearney or Youth Rehabilitation and Treatment
8 Center-Geneva is assessed as needing inpatient or subacute
9 substance abuse or behavioral health residential treatment, the
10 juvenile may be transferred to a program or facility if the
11 treatment and security needs of the juvenile can be met. The
12 assessment process shall include involvement of both private and
13 public sector behavioral health providers. The selection of the
14 treatment venue for each juvenile shall include individualized
15 case planning and incorporate the goals of the juvenile justice
16 system pursuant to section 43-402. Juveniles committed to the Youth
17 Rehabilitation and Treatment Center-Kearney or Youth Rehabilitation
18 and Treatment Center-Geneva who are transferred to alternative
19 settings for treatment remain committed to the Department of Health
20 and Human Services and the Office of Juvenile Services until
21 discharged from such custody. Programs and treatment services shall
22 address:

- 23 (a) Behavioral impairments, severe emotional
- 24 disturbances, sex offender behaviors, and other mental health or
- 25 psychiatric disorders;
- 26 (b) Drug and alcohol addiction;
- 27 (c) Health and medical needs;

1 (d) Education, special education, and related services;

2 (e) Individual, group, and family counseling services

3 as appropriate with any treatment plan related to subdivisions

4 (a) through (d) of this subsection. Services shall also be made

5 available for juveniles who have been physically or sexually

6 abused;

7 (f) A case management and coordination process, designed

8 to assure appropriate reintegration of the juvenile to his or

9 her family, school, and community. This process shall follow

10 individualized planning which shall begin at intake and evaluation.

11 Structured programming shall be scheduled for all juveniles.

12 This programming shall include a strong academic program as

13 well as classes in health education, living skills, vocational

14 training, behavior management and modification, money management,

15 family and parent responsibilities, substance abuse awareness,

16 physical education, job skills training, and job placement

17 assistance. Participation shall be required of all juveniles if

18 such programming is determined to be age and developmentally

19 appropriate. The goal of such structured programming shall be to

20 provide the academic and life skills necessary for a juvenile to

21 successfully return to his or her home and community upon release;

22 and

23 (g) The design and delivery of treatment programs through

24 the youth rehabilitation and treatment centers as well as any

25 licensing or certification requirements, and the office shall

26 follow the requirements as stated within Title XIX and Title IV-E

27 of the federal Social Security Act, as such act existed on May 25,

1 2007, the Special Education Act, or other funding guidelines as
2 appropriate. It is the intent of the Legislature that these funding
3 sources shall be utilized to support service needs of eligible
4 juveniles.

5 (2) This subsection applies to all juveniles committed
6 to the Office of Juvenile Services for placement at a youth
7 rehabilitation and treatment center on or after July 1, 2013.
8 The Office of Juvenile Services shall design and make available
9 programs and treatment services through the Youth Rehabilitation
10 and Treatment Center-Kearney and Youth Rehabilitation and Treatment
11 Center-Geneva. The programs and treatment services shall be based
12 upon the individual or family evaluation process and treatment
13 plan. The treatment plan shall be developed within fourteen days
14 after admission. If a juvenile placed at the Youth Rehabilitation
15 and Treatment Center-Kearney or Youth Rehabilitation and Treatment
16 Center-Geneva is assessed as needing inpatient or subacute
17 substance abuse or behavioral health residential treatment, the
18 Office of Juvenile Services may arrange for such treatment to be
19 provided at the Hastings Regional Center or may transition the
20 juvenile to another inpatient or subacute residential treatment
21 facility in the State of Nebraska. Except in a case requiring
22 emergency admission to an inpatient facility, the juvenile shall
23 not be discharged ~~by~~ from the custody of the Office of Juvenile
24 Services ~~until~~ by the court until the juvenile has been returned to
25 the court for a ~~review~~ continued disposition hearing of his or her
26 conditions of probation and the juvenile has been transitioned to
27 the clinically appropriate level of care. Programs and treatment

1 services shall address:

2 (a) Behavioral impairments, severe emotional
3 disturbances, sex offender behaviors, and other mental health or
4 psychiatric disorders;

5 (b) Drug and alcohol addiction;

6 (c) Health and medical needs;

7 (d) Education, special education, and related services;

8 (e) Individual, group, and family counseling services

9 as appropriate with any treatment plan related to subdivisions

10 (a) through (d) of this subsection. Services shall also be made
11 available for juveniles who have been physically or sexually
12 abused;

13 (f) A case management and coordination process, designed
14 to assure appropriate reintegration of the juvenile to his or
15 her family, school, and community. This process shall follow
16 individualized planning which shall begin at intake and evaluation.
17 Structured programming shall be scheduled for all juveniles.
18 This programming shall include a strong academic program as
19 well as classes in health education, living skills, vocational
20 training, behavior management and modification, money management,
21 family and parent responsibilities, substance abuse awareness,
22 physical education, job skills training, and job placement
23 assistance. Participation shall be required of all juveniles if
24 such programming is determined to be age and developmentally
25 appropriate. The goal of such structured programming shall be to
26 provide the academic and life skills necessary for a juvenile to
27 successfully return to his or her home and community upon release;

1 and

2 (g) The design and delivery of treatment programs through
3 the youth rehabilitation and treatment centers as well as any
4 licensing or certification requirements, and the office shall
5 follow the requirements as stated within Title XIX and Title IV-E
6 of the federal Social Security Act, as such act existed on January
7 1, 2013, the Special Education Act, or other funding guidelines as
8 appropriate. It is the intent of the Legislature that these funding
9 sources shall be utilized to support service needs of eligible
10 juveniles.

11 (3) (a) The youth rehabilitation and treatment centers
12 shall begin implementing evidence-based practices, policies, and
13 procedures by January 15, 2016. Thereafter, on November 1 of each
14 year, the youth rehabilitation and treatment centers shall submit
15 to the Governor, the Legislature, and the Chief Justice of the
16 Supreme Court, a comprehensive report on its efforts to implement
17 evidence-based practices. The report to the Legislature shall be by
18 electronic transmission. The report shall include at a minimum:

19 (i) The percentage of juveniles being supervised in
20 accordance with evidence-based practices;

21 (ii) The percentage of state funds expended by each
22 respective department for programs that are evidence-based, and a
23 list of all programs which are evidence-based;

24 (iii) Specification of supervision policies, procedures,
25 programs, and practices that were created, modified, or eliminated;
26 and

27 (iv) The youth rehabilitation and treatment centers'

1 recommendations for any additional collaboration with other
2 state, regional, or local public agencies, private entities, or
3 faith-based and community organizations.

4 (b) Each report and executive summary shall be available
5 to the general public on the youth rehabilitation and treatment
6 centers' web site.

7 (c) The Executive Board of the Legislative Council may
8 request a research center to review, study, and make policy
9 recommendations on the reports assigned by the executive board.

10 Sec. 21. Section 43-413, Revised Statutes Supplement,
11 2013, is amended to read:

12 43-413 (1) This section applies to all juveniles placed
13 with the Office of Juvenile Services for evaluation prior to
14 October 1, 2013. A court may, pursuant to section 43-281, place a
15 juvenile with the Office of Juvenile Services or the Department of
16 Health and Human Services for an evaluation to aid the court in the
17 disposition.

18 (2) A juvenile convicted as an adult shall be placed with
19 the Office of Juvenile Services for evaluation prior to sentencing
20 as provided by subsection (3) of section 29-2204.

21 (3) All juveniles shall be evaluated prior to commitment
22 to the Office of Juvenile Services unless the court finds that
23 (a) there has been a substantially equivalent evaluation within
24 the last twelve months that makes reevaluation unnecessary or (b)
25 an addendum to a previous evaluation rather than a reevaluation
26 would be appropriate. The court shall not commit such juvenile
27 to the temporary custody of the Office of Juvenile Services prior

1 to disposition. The office may place a juvenile in residential or
2 nonresidential community-based evaluation services for purposes of
3 evaluation to assist the court in determining the initial level of
4 treatment for the juvenile.

5 (4) During any period of detention or evaluation prior to
6 adjudication, costs incurred on behalf of a juvenile shall be paid
7 as provided in section 16 of this act. ~~disposition.~~

8 ~~(a) Except as provided in subdivision (4)(b) of this~~
9 ~~section,~~ the county in which the case is pending is responsible
10 for all detention costs incurred before and after an evaluation
11 period prior to disposition, the cost of delivering the juvenile
12 to the facility or institution for an evaluation, and the cost of
13 returning the juvenile to the court for disposition, and

14 ~~(b) The state is responsible for (i) the costs incurred~~
15 ~~during an evaluation unless otherwise ordered by the court pursuant~~
16 ~~to section 43-290 and (ii) the preevaluation detention costs for~~
17 ~~any days over the first ten days from the date the evaluation is~~
18 ~~ordered by the court.~~

19 ~~(5) The Office of Juvenile Services and the Department of~~
20 ~~Health and Human Services are not responsible for predisposition~~
21 ~~costs except as provided in subdivision (4)(b) of this section.~~

22 Sec. 22. Section 43-416, Revised Statutes Supplement,
23 2013, is amended to read:

24 43-416 This section applies to all juveniles committed
25 to the Office of Juvenile Services for placement at a youth
26 rehabilitation and treatment center prior to July 1, 2013. ~~This~~
27 ~~section shall not apply after June 30, 2014.~~ The Office of

1 Juvenile Services shall have administrative authority over the
2 parole function for juveniles committed to a youth rehabilitation
3 and treatment center and may (1) determine the time of release
4 on parole of committed juveniles eligible for such release, (2)
5 fix the conditions of parole, revoke parole, issue or authorize
6 the issuance of detainers for the apprehension and detention of
7 parole violators, and impose other sanctions short of revocation
8 for violation of conditions of parole, and (3) determine the time
9 of discharge from parole. The office shall provide the committing
10 court with written notification of the juvenile's discharge from
11 parole within thirty days of a juvenile being discharged from the
12 supervision of the office.

13 Sec. 23. Section 43-425, Revised Statutes Supplement,
14 2013, is amended to read:

15 43-425 (1) The Community and Family Reentry Process
16 is hereby created. This process is created in order to reduce
17 recidivism and promote safe and effective reentry for the juvenile
18 and his or her family to the community from the juvenile justice
19 system. This process applies to all juveniles committed to the
20 Office of Juvenile Services for placement at a youth rehabilitation
21 and treatment center on or after July 1, 2013.

22 (2) While a juvenile is committed to a youth
23 rehabilitation and treatment center, family team meetings shall
24 be conducted in person or via videoconferencing at least once
25 per month with the juvenile's support system to discuss the
26 juvenile's transition back to the community. A juvenile's support
27 system should be made up of any of the following: The juvenile

1 himself or herself, any immediate family members or guardians,
2 informal and formal supports, the juvenile's guardian ad litem
3 appointed by the court, the juvenile's probation officer, Office
4 of Juvenile Services personnel employed by the facility, and any
5 additional personnel as appropriate. Once developed, individualized
6 reentry plans should be discussed at the family team meetings
7 with the juvenile and other members of the juvenile's support
8 system and shall include discussions on the juvenile's placement
9 after leaving the facility. The probation officer and the Office
10 of Juvenile Services personnel should discuss progress and needs
11 of the juvenile and should help the juvenile follow his or her
12 individual reentry plan to help with his or her transition back
13 to the community.

14 (3) Within sixty days prior to ~~discharge~~ release from a
15 youth rehabilitation and treatment center, or as soon as possible
16 if the juvenile's remaining time at the youth rehabilitation and
17 treatment center is less than sixty days, an evidence-based risk
18 screening and needs assessment should be conducted on the juvenile
19 in order to determine the juvenile's risk of reoffending and the
20 juvenile's individual needs upon reentering the community.

21 (4) Individualized reentry plans shall be developed
22 with input from the juvenile and his or her support system in
23 conjunction with a risk assessment process. Individualized reentry
24 plans shall be finalized thirty days prior to the juvenile leaving
25 the youth rehabilitation and treatment center or as soon as
26 possible if the juvenile's remaining time at the center is less
27 than thirty days. Individualized reentry plans should include

1 specifics about the juvenile's placement upon return to the
2 community, an education transition plan, a treatment plan with any
3 necessary appointments being set prior to the juvenile leaving the
4 center, and any other formal and informal supports for the juvenile
5 and his or her family. The district probation officer and Office of
6 Juvenile Services personnel shall review the individualized reentry
7 plan and the expected outcomes as a result of the plan with the
8 juvenile and his or her support system within thirty days prior to
9 the juvenile's discharge from the center.

10 (5) The probation officer shall have contact with the
11 juvenile and the juvenile's support system within forty-eight hours
12 after the juvenile returns to the community and continue to assist
13 the juvenile and the juvenile's support system in implementing
14 and following the individualized reentry plan and monitoring the
15 juvenile's risk through ongoing assessment updates.

16 (6) The Office of Probation Administration shall
17 establish an evidence-based reentry process that utilizes risk
18 assessment to determine the juvenile's supervision level upon
19 return to the community. They shall establish supervision
20 strategies based on risk levels of the juvenile and supervise
21 accordingly, with ongoing reassessment to assist in determining
22 eligibility for release from probation. The Office of Probation
23 Administration shall develop a formal matrix of graduated sanctions
24 to be utilized prior to requesting the county attorney to file
25 for probation revocation. The Office of Probation Administration
26 shall provide training to its workers on risk-based supervision
27 strategies, motivational interviewing, family engagement,

1 community-based resources, and other evidence-based reentry
2 strategies.

3 Sec. 24. Section 43-2404.02, Revised Statutes Supplement,
4 2013, is amended to read:

5 43-2404.02 (1) There is created a separate and distinct
6 budgetary program within the commission to be known as the
7 Community-based Juvenile Services Aid Program. Funding acquired
8 from participation in the federal act, state General Funds, and
9 funding acquired from other sources which may be used for purposes
10 consistent with the Juvenile Services Act and the federal act
11 shall be used to aid in the establishment and provision of
12 community-based services for juveniles who come in contact with the
13 juvenile justice system.

14 (2) The annual General Fund appropriation to the
15 Community-based Juvenile Services Aid Program shall be apportioned
16 as aid in accordance with a formula established in rules and
17 regulations adopted and promulgated by the commission. The formula
18 shall be based on the total number of residents per county and
19 federally recognized or state-recognized Indian tribe who are
20 twelve years of age through eighteen years of age and other
21 relevant factors as determined by the commission. The commission
22 may require a local match of up to forty percent from the
23 county, multiple counties, federally recognized or state-recognized
24 Indian tribe or tribes, or any combination of the three which
25 is receiving aid under such program. Any local expenditures for
26 community-based programs for juveniles may be applied toward such
27 match requirement.

1 ~~(3)~~ Funds provided under the Community-based Juvenile
2 Services Aid Program shall be used exclusively to assist the
3 aid recipient in the implementation and operation of programs
4 or the provision of services identified in the aid recipient's
5 comprehensive juvenile services plan, including programs for local
6 planning and service coordination, screening, assessment, and
7 evaluation, diversion, alternatives to detention, family support
8 services, treatment services, reentry services, truancy prevention
9 and intervention programs, and other services that will positively
10 impact juveniles and families in the juvenile justice system.
11 In distributing funds provided under the Community-based Juvenile
12 Services Aid Program, aid recipients shall prioritize programs
13 and services that will divert juveniles from the juvenile justice
14 system, reduce the population of juveniles in juvenile detention
15 and secure confinement, and assist in transitioning juveniles
16 from out-of-home placements. No funds appropriated or distributed
17 under the Community-based Juvenile Services Aid Program shall
18 be used for construction of secure detention facilities, secure
19 youth treatment facilities, or secure youth confinement facilities.
20 Aid received under this section shall not be used for capital
21 construction or the lease or acquisition of facilities except
22 for additional probation offices associated with carrying out the
23 expanded probation duties in Laws 2013, LB561, and shall not be
24 used to replace existing funding for programs or services. Any
25 funds not distributed to counties under this subsection shall be
26 retained by the commission to be distributed on a competitive
27 basis under the Community-based Juvenile Services Aid Program for a

1 ~~county, multiple counties, federally recognized or state-recognized~~
2 ~~Indian tribes, or any combination of the three demonstrating~~
3 ~~additional need in the funding areas identified in this subsection.~~

4 (3) (a) In distributing funds provided under the
5 Community-based Juvenile Services Aid Program, aid recipients shall
6 prioritize programs and services that will divert juveniles from
7 the juvenile justice system, reduce the population of juveniles
8 in juvenile detention and secure confinement, and assist in
9 transitioning juveniles from out-of-home placements.

10 (b) Funds received under the Community-based Juvenile
11 Services Aid Program shall be used exclusively to assist the
12 aid recipient in the implementation and operation of programs
13 or the provision of services identified in the aid recipient's
14 comprehensive juvenile services plan, including programs for local
15 planning and service coordination; screening, assessment, and
16 evaluation; diversion; alternatives to detention; family support
17 services; treatment services; truancy prevention and intervention
18 programs; pilot projects approved by the Legislature; payment
19 of transportation costs to and from placements, evaluations,
20 or services; personnel when the personnel are aligned with
21 evidence-based treatment principles, programs, or practices;
22 contracting with other state agencies or private organizations that
23 provide evidence-based treatment or programs; and other services
24 that will positively impact juveniles and families in the juvenile
25 justice system.

26 (c) Funds received under the Community-based Juvenile
27 Services Aid Program shall not be used for the following:

1 Construction of secure detention facilities, secure youth treatment
2 facilities, or secure youth confinement facilities; capital
3 construction or the lease or acquisition of facilities; to replace
4 existing funding for programs or services; for programs, services,
5 treatments, evaluations, or other preadjudication services that are
6 not based on or grounded in evidence-based practices, principles,
7 and research, except that the commission may approve pilot projects
8 that authorize the use such aid; or office equipment, office
9 supplies, or office space.

10 (d) Any aid not distributed to counties under this
11 subsection shall be retained by the commission to be distributed on
12 a competitive basis under the Community-based Juvenile Services Aid
13 Program for a county, multiple counties, federally recognized or
14 state-recognized Indian tribe or tribes, or any combination of the
15 three demonstrating additional need in the funding areas identified
16 in this subsection.

17 (e) If a county, multiple counties, or a federally
18 recognized or state-recognized Indian tribe or tribes is denied
19 aid under this section or receives no aid under this section, the
20 entity may request a review pursuant to the review process in rules
21 and regulations adopted and promulgated by the commission.

22 (f) The coalition shall review all applications for
23 county aid grants and recommend approval, denial, or reduction
24 of the requested amount. If the coalition denies or reduces the
25 requested amount, the applicant may appeal the recommendation and
26 have an informal hearing before the commission. The commission
27 shall establish appeal and hearing procedures by December 15, 2014.

1 The commission shall make appeal and hearing procedures available
2 on their web site.

3 (4) Any recipient of ~~funding~~ aid under the
4 Community-based Juvenile Services Aid Program shall file an
5 annual report as required by rules and regulations adopted and
6 promulgated by the commission. The report shall include, but not
7 be limited to, the type of juvenile service, how the service met
8 the goals of the comprehensive juvenile services plan, demographic
9 information on the total number of juveniles served, program
10 success rates, the total number of juveniles sent to secure
11 juvenile detention or residential treatment and secure confinement,
12 and a listing of the expenditures for detention, residential
13 treatment, and nonresidential treatment.

14 (5) The commission shall report annually to the Governor
15 and the Legislature on the distribution and use of funds for
16 aid appropriated under the Community-based Juvenile Services Aid
17 Program. The report shall include, but not be limited to, an
18 aggregate report of the use of the Community-based Juvenile
19 Services Aid Program funds, including the types of juvenile
20 services and programs that were funded, demographic information
21 on the total number of juveniles served, program success rates,
22 the total number of juveniles sent to secure juvenile detention
23 or residential treatment and secure confinement, and a listing
24 of the expenditures of all counties and federally recognized
25 or state-recognized Indian tribes for detention, residential
26 treatment, and secure confinement. The report submitted to the
27 Legislature shall be submitted electronically.

1 (6) The commission shall adopt and promulgate rules and
2 regulations for the Community-based Juvenile Services Aid Program
3 in consultation with the Director of the Community-based Juvenile
4 Services Aid Program, the Director of Juvenile Diversion Programs,
5 the Office of Probation Administration, the Nebraska Association of
6 County Officials, and the University of Nebraska at Omaha, Juvenile
7 Justice Institute. The rules and regulations shall include, but not
8 be limited to:

9 (a) The required elements of a comprehensive juvenile
10 services plan and planning process;

11 (b) The Community-based Juvenile Services Aid Program
12 formula, review process, match requirements, and fund distribution.
13 The distribution process shall ensure a conflict of interest
14 policy;

15 (c) A distribution process for funds retained under
16 subsection (3) of this section;

17 (d) A plan for evaluating the effectiveness of plans and
18 programs receiving funding;

19 (e) A reporting process for aid recipients; and

20 (f) A reporting process for the commission to the
21 Governor and Legislature. The report shall be made electronically
22 to the Governor and the Legislature.

23 Sec. 25. It is the intent of the Legislature to
24 appropriate five million dollars to the Community-based Juvenile
25 Services Aid Program.

26 Sec. 26. Section 43-4203, Revised Statutes Supplement,
27 2013, is amended to read:

1 43-4203 (1) The Nebraska Children's Commission shall work
2 with administrators from each of the service areas designated
3 pursuant to section 81-3116, the teams created pursuant to section
4 28-728, local foster care review boards, child advocacy centers,
5 the teams created pursuant to the Supreme Court's Through the Eyes
6 of the Child Initiative, community stakeholders, and advocates for
7 child welfare programs and services to establish networks in each
8 of such service areas. Such networks shall permit collaboration
9 to strengthen the continuum of services available to child welfare
10 agencies and to provide resources for children and juveniles
11 outside the child protection system. Each service area shall
12 develop its own unique strategies to be included in the statewide
13 strategic plan. The Department of Health and Human Services shall
14 assist in identifying the needs of each service area.

15 (2) (a) The commission shall create a committee to examine
16 state policy regarding the prescription of psychotropic drugs for
17 children who are wards of the state and the administration of such
18 drugs to such children. Such committee shall review the policy and
19 procedures for prescribing and administering such drugs and make
20 recommendations to the commission for changes in such policy and
21 procedures.

22 (b) The commission shall create a committee to examine
23 the structure and responsibilities of the Office of Juvenile
24 Services as they exist on April 12, 2012. Such committee shall
25 review the role and effectiveness of the youth rehabilitation
26 and treatment centers in the juvenile justice system and make
27 recommendations to the commission on the future role of the

1 youth rehabilitation and treatment centers in the juvenile justice
2 continuum of care, including what populations they should serve
3 and what treatment services should be provided at the centers
4 in order to appropriately serve those populations. Such committee
5 shall also review how mental and behavioral health services are
6 provided to juveniles in secure residential placements and the need
7 for such services throughout Nebraska and make recommendations to
8 the commission relating to those systems of care in the juvenile
9 justice system. The committee shall collaborate with the University
10 of Nebraska at Omaha, Juvenile Justice Institute, the University of
11 Nebraska Medical Center, Center for Health Policy, the behavioral
12 health regions as established in section 71-807, and state and
13 national juvenile justice experts to develop recommendations.
14 If the committee's recommendations include maintaining the Youth
15 Rehabilitation and Treatment Center-Kearney, the recommendation
16 shall include a plan to implement a rehabilitation and treatment
17 model by upgrading the center's physical structure, staff, and
18 staff training and the incorporation of evidence-based treatments
19 and programs. The recommendations shall be delivered to the
20 commission and electronically to the Judiciary Committee of the
21 Legislature by December 1, 2013.

22 (c) The commission may organize committees as it
23 deems necessary. Members of the committees may be members of
24 the commission or may be appointed, with the approval of the
25 majority of the commission, from individuals with knowledge of
26 the committee's subject matter, professional expertise to assist
27 the committee in completing its assigned responsibilities, and the

1 ability to collaborate within the committee and with the commission
2 to carry out the powers and duties of the commission.

3 (d) The Title IV-E Demonstration Project Committee
4 created pursuant to section 43-4208 and the Foster Care
5 Reimbursement Rate Committee created pursuant to section 43-4212
6 are under the jurisdiction of the commission.

7 (3) The commission shall work with the office of the
8 State Court Administrator, as appropriate, and entities which
9 coordinate facilitated conferencing as described in section
10 ~~43-247.01.~~ 6 of this act. Facilitated conferencing shall be
11 included in statewide strategic plan discussions by the commission.
12 Facilitated conferencing shall continue to be utilized and
13 maximized, as determined by the court of jurisdiction, during
14 the development of the statewide strategic plan. Funding and
15 contracting of facilitated conferencing entities shall continue to
16 be provided by the Department of Health and Human Services to at
17 least the same extent as such funding and contracting are being
18 provided on April 12, 2012.

19 (4) The commission shall gather information and
20 communicate with juvenile justice specialists of the Office of
21 Probation Administration and county officials with respect to any
22 county-operated practice model participating in the Crossover Youth
23 Program of the Center for Juvenile Justice Reform at Georgetown
24 University.

25 (5) The commission shall coordinate and gather
26 information about the progress and outcomes of the Nebraska
27 Juvenile Service Delivery Project established pursuant to section

1 43-4101.

2 Sec. 27. Section 79-209, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 79-209 (1) In all school districts in this state, any
5 superintendent, principal, teacher, or member of the school board
6 who knows of any violation of section 79-201 on the part of any
7 child of school age, his or her parent, the person in actual or
8 legal control of such child, or any other person shall within
9 three days report such violation to the attendance officer of
10 the school, who shall investigate the case. When of his or her
11 personal knowledge, by report or complaint from any resident of the
12 district, or by report or complaint as provided in this section,
13 the attendance officer believes that any child is unlawfully absent
14 from school, the attendance officer shall immediately investigate.

15 (2) All school districts shall have a written policy on
16 excessive absenteeism developed in collaboration with the county
17 attorney of the county in which the principal office of the
18 school district is located. The policy shall include a provision
19 indicating how the school district and the county attorney will
20 handle cases in which excessive absences are due to documented
21 illness that makes attendance impossible or impracticable, and
22 the policy shall state the number of absences or the hourly
23 equivalent upon the occurrence of which the school shall render
24 all services in its power to compel such child to attend some
25 public, private, denominational, or parochial school, which the
26 person having control of the child shall designate, in an attempt
27 to address the problem of excessive absenteeism. The number of

1 absences in the policy shall not exceed five days per quarter or
2 the hourly equivalent. School districts ~~may~~ shall use ~~excused and~~
3 unexcused absences for purposes of the policy. Such services shall
4 include, but need not be limited to:

5 (a) One or more meetings between a school attendance
6 officer, school social worker or the school principal or a
7 member of the school administrative staff designated by the school
8 administration if such school does not have a school social worker,
9 the child's parent or guardian, and the child, if necessary,
10 to report and to attempt to solve the problem of excessive
11 absenteeism;

12 (b) Educational counseling to determine whether
13 curriculum changes, including, but not limited to, enrolling the
14 child in an alternative education program that meets the specific
15 educational and behavioral needs of the child, would help solve the
16 problem of excessive absenteeism;

17 (c) Educational evaluation, which may include a
18 psychological evaluation, to assist in determining the specific
19 condition, if any, contributing to the problem of excessive
20 absenteeism, supplemented by specific efforts by the school to help
21 remedy any condition diagnosed; and

22 (d) Investigation of the problem of excessive absenteeism
23 by the school social worker, or if such school does not have
24 a school social worker, by the school principal or a member
25 of the school administrative staff designated by the school
26 administration, to identify conditions which may be contributing to
27 the problem. If services for the child and his or her family are

1 determined to be needed, the school social worker or the school
2 principal or a member of the school administrative staff performing
3 the investigation shall meet with the parent or guardian and the
4 child to discuss any referral to appropriate community agencies
5 for economic services, family or individual counseling, or other
6 services required to remedy the conditions that are contributing to
7 the problem of excessive absenteeism.

8 (3) If the child is absent more than twenty days per
9 year or the hourly equivalent and all of the absences are
10 due to documented illness that makes attendance impossible or
11 impracticable or are otherwise excused by school authorities,
12 the attendance officer may report such information to the county
13 attorney of the county in which the person resides. If the child
14 is absent more than twenty days per year or the hourly equivalent
15 and ~~any~~ all of such absences are not excused, the attendance
16 officer shall file a report with the county attorney of the
17 county in which the person resides on a form which includes
18 the following two statements, one of which must be designated
19 by the school representative signing the report: (a) The school
20 representative requests additional time to work with the student
21 prior to intervention by the county attorney; and (b) the school
22 representative believes that the school has used all reasonable
23 efforts to resolve the student's excessive absenteeism without
24 success and recommends county attorney intervention. If further
25 action is necessary to address the child's attendance, the initial
26 meeting between the parent or guardian of the child, the school,
27 and the county attorney or his or her designee shall be at a

1 location determined by the school.

2 (4) Nothing in this section shall preclude a county
3 attorney from being involved at any stage in the process to address
4 excessive absenteeism.

5 Sec. 28. Section 81-1427, Revised Statutes Supplement,
6 2013, is amended to read:

7 81-1427 (1) There is established within the Nebraska
8 Commission on Law Enforcement and Criminal Justice the position
9 of Director of Juvenile Diversion Programs to be appointed by the
10 executive director of the commission.

11 (2) The Director of Juvenile Diversion Programs shall be
12 supervised by the executive director of the Nebraska Commission
13 on Law Enforcement and Criminal Justice. The director shall be
14 responsible for fostering, promoting, researching, and assessing
15 juvenile pretrial diversion programs and developing new programs
16 in collaboration with cities and counties pursuant to sections
17 43-260.02 to 43-260.07. The director shall:

18 (a) Provide technical assistance and guidance to juvenile
19 pretrial diversion programs for implementing evidence-based
20 strategies or standardized, replicable practices that have been
21 researched and have demonstrated positive outcomes;

22 (b) Develop a core juvenile pretrial diversion program
23 packet for utilization by counties without a juvenile pretrial
24 diversion program or counties without a district probation officer
25 acting under section 29-2258;

26 (c) Establish baseline program guidelines for juvenile
27 pretrial diversion programs ~~grounded in best-practice~~ based on

1 evidence-based practices, principles, programs, and research,
2 develop data collection and evaluation protocols, oversee statewide
3 data collection, and generate an annual report on juvenile pretrial
4 diversion programs;

5 (d) Develop relationships and collaborate with juvenile
6 justice stakeholders involved in juvenile pretrial diversion
7 programs, provide education and training as necessary, and serve on
8 boards and committees when approved by the commission;

9 (e) Facilitate consistent communication and
10 information-sharing among juvenile pretrial diversion program
11 directors;

12 (f) Assist juvenile pretrial diversion program directors,
13 county attorneys, district probation officers acting under section
14 29-2258, and county boards in developing policies and practices
15 that achieve the goals of quality juvenile pretrial diversion
16 programs;

17 (g) Assist in comprehensive community planning efforts as
18 they relate to development of juvenile pretrial diversion programs;

19 (h) Develop and coordinate a statewide working group
20 as a subcommittee of the Nebraska Coalition for Juvenile Justice
21 to assist in regular strategic planning related to supporting,
22 funding, monitoring, and evaluating the effectiveness of plans and
23 programs receiving funds from the Community-based Juvenile Services
24 Aid Program; and

25 (i) Assist the Director of the Community-based Juvenile
26 Services Aid Program created under section 43-2404.01 in the review
27 of Community-based Juvenile Services Aid Program applications as

1 provided in section 43-2404.02.

2 Sec. 29. Original sections 43-247.01, 43-255, 43-264,
3 43-274, 43-290, and 43-2,106.03, Reissue Revised Statutes of
4 Nebraska, sections 29-1816, 29-2269, 43-276, and 79-209, Revised
5 Statutes Cumulative Supplement, 2012, and sections 43-247, 43-258,
6 43-281, 43-285, 43-286, 43-2,129, 43-407, 43-413, 43-416, 43-425,
7 43-2404.02, 43-4203, and 81-1427, Revised Statutes Supplement,
8 2013, are repealed.