

AMENDMENTS TO LB464

(Amendments to Final Reading copy)

Introduced by Krist

1           1. Strike sections 10, 23, and 33 and insert the  
2 following sections:

3           Sec. 10. Section 43-247.01, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           ~~43-247.01~~ (1) Pending the adjudication of any case,  
6 In any juvenile case, the court may provide the parties the  
7 opportunity to address issues involving the child's care and  
8 placement, services to the family, restorative justice, and  
9 other concerns through facilitated conferencing or mediation.  
10 Facilitated conferencing may include, but is not limited to,  
11 prehearing conferences, and family group conferences, expedited  
12 family group conferences, child welfare mediation, permanency  
13 prehearing conferences, termination of parental rights prehearing  
14 conferences, and juvenile victim-offender dialogue. Funding and  
15 management for such services will be part of the office of the  
16 State Court Administrator. All discussions taking place during  
17 such facilitated conferences, including plea negotiations, shall  
18 be considered confidential and privileged communications, except  
19 communications required by mandatory reporting under section 28-711  
20 for new allegations of child abuse or neglect which were not  
21 previously known or reported.

22           (2) For purposes of this section:

1           (a) Expedited family group conference means an expedited  
2 and limited-scope facilitated planning meeting which engages  
3 a child's or juvenile's parents, the child or juvenile when  
4 appropriate, other critical family members, services providers,  
5 and staff members from either the Department of Health and Human  
6 Services or the Office of Probation Administration to address  
7 immediate placement issues for the child or juvenile;

8           (b) Family group conference means a facilitated meeting  
9 involving a child's or juvenile's family, the child or juvenile  
10 when appropriate, available extended family members from across the  
11 United States, other significant and close persons to the family,  
12 service providers, and staff members from either the Department of  
13 Health and Human Services or the Office of Probation Administration  
14 to develop a family-centered plan for the best interests of the  
15 child and to address the essential issues of safety, permanency,  
16 and well-being of the child;

17           (c) Juvenile victim-offender dialogue means a  
18 court-connected process in which a facilitator meets with  
19 the juvenile offender and the victim in an effort to convene a  
20 dialogue in which the offender takes responsibility for his or  
21 her actions and the victim is able to address the offender and  
22 request an apology and restitution, with the goal of creating an  
23 agreed-upon written plan; and

24           ~~(a)~~ (d) Prehearing conference means a facilitated meeting  
25 prior to appearing in court and held to gain the cooperation  
26 of the parties, to offer services and treatment, and to develop  
27 a problem-solving atmosphere in the best interests of children

1 involved in the juvenile court system. A prehearing conference may  
2 be scheduled at any time during the child welfare or juvenile court  
3 process, from initial removal through permanency, termination of  
4 parental rights, and juvenile delinquency court processes. † and

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

9 Sec. 11. (1) It is the intent of the Legislature to  
10 transfer four hundred fifty thousand dollars in General Funds from  
11 the Department of Health and Human Services' 2014-15 budget to the  
12 office of the State Court Administrator's budget for the purpose  
13 of making the State Court Administrator directly responsible for  
14 contracting and paying for court-connected prehearing conferences,  
15 family group conferences, expedited family group conferences, child  
16 welfare mediation, permanency prehearing conferences, termination  
17 of parental rights prehearing conferences, juvenile victim-offender  
18 dialogue, and other related services. Such funds shall be  
19 transferred on or before October 15, 2014.

20 (2) The Department of Health and Human Services  
21 shall continue to be responsible for contracting with mediation  
22 centers approved by the Office of Dispute Resolution to provide  
23 family group conferences, mediation, and related services for  
24 non-court-involved and voluntary child welfare or juvenile cases  
25 through June 30, 2017, unless extended by the Legislature.

26 Sec. 33. 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.~~ 10 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~~ with mediation centers approved by the Office of  
16 Dispute Resolution to provide facilitated conferencing entities  
17 shall continue to be provided by the ~~Department of Health and~~  
18 ~~Human Services to at least the same extent as such funding and~~  
19 ~~contracting are being provided on April 12, 2012.~~ office of the  
20 State Court Administrator at an amount of no less than the General  
21 Fund transfer under subsection (1) of section 11 of this act.

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

1           (5) The commission shall coordinate and gather  
2 information about the progress and outcomes of the Nebraska  
3 Juvenile Service Delivery Project established pursuant to section  
4 43-4101.

5           2. On page 1, line 3, strike "43-295,"; and in line  
6 15 after the semicolon insert "to change provisions relating to  
7 juvenile facilitated conferencing and funding;".

8           3. On page 20, strike lines 19 through 21 and insert:

9           "(a) Beginning January 1, 2015, any juvenile who is  
10 alleged to have committed an offense under subdivision (1) of  
11 section 43-247 and who was sixteen years of age at the time  
12 the alleged offense was committed, and beginning January 1, 2017,  
13 any juvenile who is alleged to have committed an offense under  
14 subdivision (1) of section 43-247 and who was sixteen years of  
15 age or seventeen years of age at the time the alleged offense was  
16 committed;".

17           4. On page 44, lines 14 and 15, reinstate the stricken  
18 matter; in line 15 strike "court"; in lines 16 through 18 reinstate  
19 the stricken matter; and in lines 21, 23, and 24 strike all  
20 occurrences of "release" and insert "discharge".

21           5. On page 45, strike beginning with "discharge" in line  
22 14 through the comma in line 15; in line 19 after the comma insert  
23 "and"; and strike beginning with the comma in line 20 through  
24 "juvenile" in line 21.

25           6. On page 46, strike lines 4 through 6.

26           7. On page 49, strike beginning with "(1)" in line 18  
27 through line 21 and insert "(1) Payment of costs for juveniles

1 described in or alleged to be described in subdivision (1), (2),  
2 (3) (b), or (4) of section 43-247, except as ordered by the court  
3 pursuant to section 43-290, shall be paid by:".

4           8. On page 50, strike beginning with "the" in line 16  
5 through "court" in line 17 and insert "the juvenile is discharged  
6 by the Office of Juvenile Services".

7           9. On page 63, lines 19 through 23, strike the new matter  
8 and reinstate the stricken matter.

9           10. On page 69, line 2, strike the new matter and  
10 reinstate the stricken matter.

11           11. On page 83, line 7, after the underscored comma  
12 insert "or".

13           12. On page 86, line 24, after "attending" insert "a  
14 public".

15           13. On page 90, line 20, strike "43-295,".

16           14. Correct the operative date section so that the  
17 sections added by this amendment become operative three calendar  
18 months after the adjournment of this legislative session.

19           15. Renumber the remaining sections and correct the  
20 internal references and repealer accordingly.