

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1093

Introduced by Brasch, 16; Coash, 27.

Read first time January 22, 2014

Committee: Judiciary

A BILL

1 FOR AN ACT relating to juvenile conferencing; to amend section
2 43-247.01, Reissue Revised Statutes of Nebraska, and
3 section 43-4203, Revised Statutes Supplement, 2013; to
4 change provisions relating to facilitated conferencing
5 and funding; to state funding intent; and to repeal the
6 original sections.

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

1 Section 1. Section 43-247.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-247.01 (1) ~~Pending the adjudication of any case, In~~
4 any juvenile case, the court may provide the parties the opportunity
5 to address issues involving the child's care and placement, services
6 to the family, restorative justice, and other concerns through
7 facilitated conferencing or mediation. Facilitated conferencing may
8 include, but is not limited to, prehearing conferences, ~~and~~ family
9 group conferences, expedited family group conferences, child welfare
10 mediation, permanency prehearing conferences, termination of parental
11 rights prehearing conferences, and juvenile victim-offender dialogue.
12 Funding and management for such services will be part of the office
13 of the State Court Administrator. All discussions taking place during
14 such facilitated conferences, including plea negotiations, shall be
15 considered confidential and privileged communications, except
16 communications required by mandatory reporting under section 28-711
17 for new allegations of child abuse or neglect which were not
18 previously known or reported.

19 (2) For purposes of this section:

20 (a) Expedited family group conference means an expedited
21 and limited-scope family group conference specially created for use
22 in Nebraska cases at the initial removal stage of the juvenile court
23 process or at an immediate need for change in placement;

24 (b) Family group conference means a facilitated
25 collaborative process in which families work with extended family

1 members and others to make decisions and develop plans for the best
2 interests of children who are under the jurisdiction of the court;

3 (c) Juvenile victim-offender dialogue means a court-
4 connected process in which a facilitator meets with the juvenile
5 offender and the victim in an effort to convene a dialogue in which
6 the offender takes responsibility for his or her actions and the
7 victim is able to address the offender and request an apology and
8 restitution in the goal of creating an agreed-upon written plan; and

9 (a)-(d) Prehearing conference means a facilitated meeting
10 prior to appearing in court and held to gain the cooperation of the
11 parties, to offer services and treatment, and to develop a problem-
12 solving atmosphere in the best interests of children involved in the
13 juvenile court system. A prehearing conference may be scheduled at
14 any time during the child welfare or juvenile court process, from
15 initial removal through permanency, termination of parental rights,
16 and juvenile delinquency court processes. ; 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. 2. (1) It is the intent of the Legislature to
22 transfer from the Department of Health and Human Services budget to
23 the office of the State Court Administrator budget an amount of funds
24 no less than the amount of funds expended under fiscal year 2013-14
25 projections, both through direct and indirect grants and contracts,

1 for prehearing conferences, family group conferences, expedited
2 family group conferences, child welfare mediation, permanency
3 prehearing conferences, termination of parental rights prehearing
4 conferences, juvenile victim-offender dialogue, and other related
5 services.

6 (2) The Department of Health and Human Services shall
7 continue to be responsible for contracting with Office of Dispute
8 Resolution-approved mediation centers to provide family group
9 conferencing, mediation, and related services for non-court-involved
10 and voluntary child welfare or juvenile cases, and shall fund such
11 services at no less than the amount of funds expended for such
12 services in fiscal years 2012-13 and 2013-14, as projected, whichever
13 amount is higher as agreed to by the Department of Health and Human
14 Services and the office of the State Court Administrator.

15 Sec. 3. Section 43-4203, Revised Statutes Supplement,
16 2013, is amended to read:

17 43-4203 (1) The Nebraska Children's Commission shall work
18 with administrators from each of the service areas designated
19 pursuant to section 81-3116, the teams created pursuant to section
20 28-728, local foster care review boards, child advocacy centers, the
21 teams created pursuant to the Supreme Court's Through the Eyes of the
22 Child Initiative, community stakeholders, and advocates for child
23 welfare programs and services to establish networks in each of such
24 service areas. Such networks shall permit collaboration to strengthen
25 the continuum of services available to child welfare agencies and to

1 provide resources for children and juveniles outside the child
2 protection system. Each service area shall develop its own unique
3 strategies to be included in the statewide strategic plan. The
4 Department of Health and Human Services shall assist in identifying
5 the needs of each service area.

6 (2)(a) The commission shall create a committee to examine
7 state policy regarding the prescription of psychotropic drugs for
8 children who are wards of the state and the administration of such
9 drugs to such children. Such committee shall review the policy and
10 procedures for prescribing and administering such drugs and make
11 recommendations to the commission for changes in such policy and
12 procedures.

13 (b) The commission shall create a committee to examine
14 the structure and responsibilities of the Office of Juvenile Services
15 as they exist on April 12, 2012. Such committee shall review the role
16 and effectiveness of the youth rehabilitation and treatment centers
17 in the juvenile justice system and make recommendations to the
18 commission on the future role of the youth rehabilitation and
19 treatment centers in the juvenile justice continuum of care,
20 including what populations they should serve and what treatment
21 services should be provided at the centers in order to appropriately
22 serve those populations. Such committee shall also review how mental
23 and behavioral health services are provided to juveniles in secure
24 residential placements and the need for such services throughout
25 Nebraska and make recommendations to the commission relating to those

1 systems of care in the juvenile justice system. The committee shall
2 collaborate with the University of Nebraska at Omaha, Juvenile
3 Justice Institute, the University of Nebraska Medical Center, Center
4 for Health Policy, the behavioral health regions as established in
5 section 71-807, and state and national juvenile justice experts to
6 develop recommendations. If the committee's recommendations include
7 maintaining the Youth Rehabilitation and Treatment Center-Kearney,
8 the recommendation shall include a plan to implement a rehabilitation
9 and treatment model by upgrading the center's physical structure,
10 staff, and staff training and the incorporation of evidence-based
11 treatments and programs. The recommendations shall be delivered to
12 the commission and electronically to the Judiciary Committee of the
13 Legislature by December 1, 2013.

14 (c) The commission may organize committees as it deems
15 necessary. Members of the committees may be members of the commission
16 or may be appointed, with the approval of the majority of the
17 commission, from individuals with knowledge of the committee's
18 subject matter, professional expertise to assist the committee in
19 completing its assigned responsibilities, and the ability to
20 collaborate within the committee and with the commission to carry out
21 the powers and duties of the commission.

22 (d) The Title IV-E Demonstration Project Committee
23 created pursuant to section 43-4208 and the Foster Care Reimbursement
24 Rate Committee created pursuant to section 43-4212 are under the
25 jurisdiction of the commission.

1 (3) The commission shall work with the office of the
2 State Court Administrator, as appropriate, and entities which
3 coordinate facilitated conferencing as described in section
4 43-247.01. Facilitated conferencing shall be included in statewide
5 strategic plan discussions by the commission. Facilitated
6 conferencing shall continue to be utilized and maximized, as
7 determined by the court of jurisdiction, during the development of
8 the statewide strategic plan. Funding and contracting ~~of~~ with Office
9 of Dispute Resolution-approved mediation centers to provide
10 facilitated conferencing ~~entities~~ shall continue to be provided by
11 the ~~Department of Health and Human Services to at least the same~~
12 ~~extent as such funding and contracting are being provided on April~~
13 ~~12, 2012.~~ office of the State Court Administrator at an amount of no
14 less than the General Fund appropriation under subsection (1) of
15 section 2 of this act.

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

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

25 Sec. 4. Original section 43-247.01, Reissue Revised

1 Statutes of Nebraska, and section 43-4203, Revised Statutes
2 Supplement, 2013, are repealed.