

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 367**

Introduced by Krist, 10.

Read first time January 13, 2017

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to juveniles; to amend section 43-290.01,
- 2 Reissue Revised Statutes of Nebraska; to change provisions relating
- 3 to payment of costs as prescribed; and to repeal the original
- 4 section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-290.01, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3 43-290.01 (1) Payment of costs for juveniles described in or alleged  
4 to be described in subdivision (1), (2), (3)(b), or (4) of section  
5 43-247, except as ordered by the court pursuant to section 43-290, shall  
6 be paid by:

7 (a) The county for the period of time prior to adjudication, except  
8 as provided in subdivision (1)(a)(ii) and (1)(b) of this section. Such  
9 costs paid for by the county include, but are not limited to, (i) the  
10 costs of detention, services, detention alternatives, treatment,  
11 voluntary services, and transportation and (ii) transportation costs  
12 resulting when a peace officer takes a juvenile into temporary custody  
13 pursuant to subdivision (1)(c) of section 43-250 and a probation officer  
14 determines the need for detention or an alternative placement, without  
15 regard to the juvenile's adjudication status;

16 (b) The Office of Probation Administration for:

17 (i) The period of time after adjudication until termination of court  
18 jurisdiction, including, but not limited to, the costs of evaluations,  
19 detention, services, placement that is not detention, detention  
20 alternatives, treatment, voluntary services, and transportation costs  
21 that are related to treatment or service provision, except (A)  
22 transportation paid pursuant to subdivisions (1)(a) and (c) of this  
23 section, (B) transportation costs that are included in contractually  
24 established per diems for detention or other placements, and (C)  
25 transportation costs that are required to be paid by another entity  
26 pursuant to state or federal law, rule, regulation, standard, or  
27 compact, ~~other than transportation paid under subdivision (1)(c) of this~~  
28 ~~section;~~

29 (ii) The time period prior to adjudication for a juvenile who is on  
30 probation and is alleged to have committed a new violation or is a  
31 juvenile who is subject to a motion to revoke probation, except as

1 provided in subdivision (1)(a)(ii) of this section; and

2 (iii) Preadjudication evaluations and preadjudication placements  
3 that are not detention; and

4 (c) The Office of Juvenile Services for any period of time from when  
5 the court commits the juvenile to the Office of Juvenile Services until  
6 the juvenile is discharged by the Office of Juvenile Services, including,  
7 but not limited to, the costs of evaluations, placement, services,  
8 detention including detention costs prior to placement, and  
9 transportation to and from the youth rehabilitation and treatment center.

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

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

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

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

29 (3) Payment of costs of medical expenses of juveniles under the  
30 Nebraska Juvenile Code shall be as provided in section 43-290.

31 Sec. 2. Original section 43-290.01, Reissue Revised Statutes of

1 Nebraska, is repealed.