

**ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020**  
**COMMITTEE STATEMENT (CORRECTED)**  
**LB1148**

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**Hearing Date:** Thursday February 06, 2020  
**Committee On:** Judiciary  
**Introducer:** Vargas  
**One Liner:** Change provisions relating to the Office of Juvenile Services and the placement of juveniles at youth rehabilitation and treatment centers

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

<b>Aye:</b>	7	Senators Slama, Morfeld, Brandt, Chambers, DeBoer, Lathrop, Pansing Brooks
<b>Nay:</b>		
<b>Absent:</b>	1	Senator Wayne
<b>Present Not Voting:</b>		

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**Oral Testimony:**

**Proponents:**

Senator Tony Vargas  
Juliet Summers  
Christine Henningsen  
Bri McLarty

**Representing:**

Introducer  
Voices for Children in Nebraska  
Self  
Nebraska County Attorneys Association

**Opponents:**

Dannette Smith

**Representing:**

Department of Health & Human Services

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB1148 would make several changes to the statutes governing the process of committing a juvenile to a YRTC.

Section 1 would amend Sec. 43-286 to make one substantive change. The bill would replace the juvenile court's authority to commit a youth generally to a YRTC with authority to commit a youth specifically to YRTC-Kearney or YRTC-Geneva. The remaining changes in Section 1 involve removing inoperative language related to the transition of juvenile justice system responsibilities in 2013.

Section 2 would amend Sec. 43-407 to require the Office of Juvenile Services to provide the treatment plan developed for each juvenile to the committing court and interested parties. The court would have the authority to set the matter for hearing to review the treatment plan. This section would also be amended to restrict the office's authority to change the juvenile's placement without court order. This section would restrict the office's existing authority to transition a youth placed at a YRTC to a subacute residential treatment facility to licensed treatment facilities only. A new section would also be added to require the office to notify the court and interested parties of a placement change seven days before the change. The court would have the authority to stay the placement change and set the matter for hearing.

Section 3 would amend Sec. 43-408 to remove inoperative language and make several substantive changes. This

section would also clarify the juvenile court's continuing jurisdiction to review the juvenile's treatment plan and progress while committed to a YRTC and enter orders making changes to the juvenile's placement. This section would also be amended to specifically prohibit a secure detention facility from being used as a YRTC or considered an inpatient or subacute residential treatment facility.

Section 4 would amend Sec. 83-108.04 to restrict the use by DHHS of private facilities for youth committed to its care to youth in delinquency and status offense cases. The department would not be allowed to use private facilities for youth committed to a YRTC.

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**Explanation of amendments:**

The committee vote to adopt Committee Amendment 2637

7 Yes - Senators Brandt, Chambers, DeBoer, Lathrop, Morfeld, Pansing Brooks & Slama

0 No

1 Absent - Senator Wayne

AM2637 to LB1148:

Sections 1 through 5 of AM2637 contain modified version of provisions originally contained in LB975 (Geist). As amended, the bill would allow the Department of Health and Human Services to share information received from reports of adult and child abuse within the department for the purpose of complying with other state or federal investigation or oversight responsibilities. Section 3 would expand the immunity provision for reporting or participating in an investigation of child abuse contained in Sec, 28-716 to include a person conducting medical evaluations or consultations.

LB 975 Testifiers heard on January 31, 2020

Proponents:

Senator Suzanne Geist, Introducer

Darrell Klein, Department of Health & Human Services

Opponents:

David Lostroh, Nebraska Christian Home Educators Association

Randi Scott, Nebraska Association of Trial Attorneys

Section 5 also contains a modified version of a provision originally contained in LB458 (Lathrop). This language would allow child advocacy centers to have access to DHHS records in connection with specific cases under review by child abuse and neglect investigation or treatment teams.

LB 458 Testifiers heard on March 15, 2019

Proponents:

Senator Steve Lathrop, Introducer

Ivy Svoboda, Nebraska Alliance of Child Advocacy Centers

Lynelle Homolka , Nebraska County Attorneys Association

Anne Boatright, Attorney General's Office

Aubrey Yost, Child Advocacy Center

Kim Hawekotte, Foster Care Review Office

Carrie Strovers, Project Harmony

Opponents:

Matthew Wallen, Department of Health & Human Services

Laurie Holman, Nebraska Crime Commission

Sections 6 and 7 contain an amended version of provisions originally contained in LB906 (DeBoer). Section 7 would clarify the responsibility of child advocacy centers to maintain the video recordings of forensic interviews conducted in their facilities. This section would also provide more specific restrictions on when and how the recordings can be shared

or distributed.

LB 906 Testifiers heard on January 23, 2020

Proponents:

Senator Wendy DeBoer, Introducer

Ivy Svoboda, Nebraska Alliance of Child Advocacy Centers

Opponents:

Spike Eickholt, Nebraska Criminal Defense Attorneys Association

Section 8 contains an amended version of LB969 (Wayne). This bill would explicitly provide that a defendant is entitled to a physical copy of a video recording in which they are described. The bill would also provide the process for defendants to distribute the video to a court reporter, transcriber, investigator, or expert. The court would enter a protective order to provide protection against unauthorized distribution of the video. The defendant would be required to certify that the video has been returned after completion of services by the third party.

LB 969 Testifiers heard on January 23, 2020

Proponents:

Senator Justin Wayne, Introducer

Justin Kalemkiarian, Nebraska Criminal Defense Attorneys Association

Opponents:

Philip Kleine, Nebraska County Attorneys Association

Ivy Svoboda, Nebraska Alliance of Child Advocacy Centers

Sections 9 through 13 contain an amended version of LB1148 (Vargas). The changes clarify who is entitled to receive notice of treatment plans at a YRTC. The bill also harmonizes language with other YRTC bills under consideration by the Legislature this session.

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Steve Lathrop, Chairperson