

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1149

Introduced by Vargas, 7; Howard, 9; Lathrop, 12.

Read first time January 22, 2020

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Office of Juvenile Services; to amend
2 sections 43-401, 43-403, 43-404, 43-405, 43-406, 43-407, 43-408,
3 43-410, 43-417, 43-420, 43-425, 83-108.04, and 83-113, Reissue
4 Revised Statutes of Nebraska, and section 83-108, Revised Statutes
5 Cumulative Supplement, 2018; to change and eliminate definitions; to
6 eliminate obsolete provisions; to update a reference to federal law;
7 to change and provide duties for the Office of Juvenile Services and
8 the Department of Health and Human Services; to provide for
9 evidence-based policies, practices, procedures, and services; to
10 prohibit denial of in-person visitation and communication as a
11 sanction; to harmonize provisions; to repeal the original sections;
12 and to outright repeal sections 43-414, 43-415, 43-416, 43-418,
13 43-419, 43-421, 43-422, 43-423, 43-4002, and 83-101, Reissue Revised
14 Statutes of Nebraska.
15 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-401, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-401 Sections 43-401 to 43-425 and section 12 of this act ~~43-424~~
4 shall be known and may be cited as the Health and Human Services, Office
5 of Juvenile Services Act.

6 Sec. 2. Section 43-403, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 43-403 For purposes of the Health and Human Services, Office of
9 Juvenile Services Act:

10 (1) Aftercare means the control, supervision, and care exercised
11 over juveniles who have been discharged from commitment ~~paroled~~;

12 (2) Committed means an order by a court committing a juvenile to the
13 care and custody of the Office of Juvenile Services for treatment at a
14 youth rehabilitation and treatment center identified in the court;

15 (3) Community supervision means the control, supervision, and care
16 exercised over juveniles ~~committed to the Office of Juvenile Services~~
17 when a commitment to the level of treatment of a youth rehabilitation and
18 treatment center has not been ordered by the court;

19 (4) Evaluation means assessment of the juvenile's social, physical,
20 psychological, and educational development and needs, including a
21 recommendation as to an appropriate treatment plan; and

22 ~~(5) Parole means a conditional release of a juvenile from a youth~~
23 ~~rehabilitation and treatment center to aftercare or transferred to~~
24 ~~Nebraska for parole supervision by way of interstate compact;~~

25 ~~(6) Placed for evaluation means a placement with the Office of~~
26 ~~Juvenile Services or the Department of Health and Human Services for~~
27 ~~purposes of an evaluation of the juvenile; and~~

28 (5) ~~(7)~~ Treatment means type of supervision, care, ~~confinement~~, and
29 rehabilitative services provided for the juvenile at a youth
30 rehabilitation and treatment center operated by the Office of Juvenile
31 Services.

1 Sec. 3. Section 43-404, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-404 ~~(1) This subsection applies until July 1, 2014. There is~~
4 ~~created within the Department of Health and Human Services the Office of~~
5 ~~Juvenile Services. The office shall have oversight and control of state~~
6 ~~juvenile correctional facilities and programs other than the secure youth~~
7 ~~confinement facility which is under the control of the Department of~~
8 ~~Correctional Services. The Administrator of the Office of Juvenile~~
9 ~~Services shall be appointed by the chief executive officer of the~~
10 ~~department or his or her designee and shall be responsible for the~~
11 ~~administration of the facilities and programs of the office. The~~
12 ~~department may contract with a state agency or private provider to~~
13 ~~operate any facilities and programs of the Office of Juvenile Services.~~

14 ~~(2) This subsection applies beginning July 1, 2014. There is created~~
15 ~~within the Department of Health and Human Services the Office of Juvenile~~
16 ~~Services. The office shall have oversight and control of the Youth~~
17 ~~Rehabilitation and Treatment Center-Geneva and the Youth Rehabilitation~~
18 ~~and Treatment Center-Kearney youth rehabilitation and treatment centers.~~
19 The Administrator of the Office of Juvenile Services shall be appointed
20 by the chief executive officer of the department or his or her designee
21 and shall be responsible for the administration of the facilities and
22 programs of the office. The department may contract with a state agency
23 or private provider to operate any ~~facilities and~~ programs of the Office
24 of Juvenile Services.

25 Sec. 4. Section 43-405, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 43-405 The administrative duties of the Office of Juvenile Services
28 are to:

29 (1) Manage, establish policies for, and administer the office,
30 including all facilities and programs operated by the office or provided
31 through the office by contract with a provider;

1 (2) Supervise employees of the office, including employees of the
2 facilities and programs operated by the office;

3 (3) Have separate budgeting procedures and develop and report budget
4 information separately from the Department of Health and Human Services;

5 (4) Adopt and promulgate rules and regulations for the levels of
6 treatment and for management, control, screening, treatment,
7 rehabilitation, transfer, discharge, and evaluation ~~until October 1,~~
8 ~~2013, and parole until July 1, 2014,~~ of juveniles placed with or
9 committed to the Office of Juvenile Services;

10 (5) Ensure that statistical information concerning juveniles placed
11 ~~with or~~ committed to facilities ~~or~~ programs of the office is collected,
12 developed, and maintained for purposes of research and the development of
13 treatment programs;

14 (6) Monitor commitments, placements, and evaluations at facilities
15 and programs operated by the office or through contracts with providers
16 and submit electronically an annual report of its findings to the
17 Legislature. ~~For 2012, 2013, and 2014, the office shall also provide an~~
18 ~~electronic copy of the report to the Health and Human Services Committee~~
19 ~~of the Legislature on or before September 15.~~ The report shall include an
20 assessment of the administrative costs of operating the facilities, the
21 cost of programming, and the savings realized through reductions in
22 commitments, placements, and evaluations, ~~and information regarding the~~
23 ~~collaboration required by section 83-101;~~

24 (7) Coordinate the programs and services of the juvenile justice
25 system with other governmental agencies and political subdivisions;

26 (8) Coordinate educational, vocational, and social counseling for
27 juveniles committed to the office; and

28 (9) ~~Until July 1, 2014, coordinate community-based services for~~
29 ~~juveniles and their families;~~

30 (10) ~~Until July 1, 2014, supervise and coordinate juvenile parole~~
31 ~~and aftercare services; and~~

1 (9) ~~(11)~~ Exercise all powers and perform all duties necessary to
2 carry out its responsibilities under the Health and Human Services,
3 Office of Juvenile Services Act.

4 Sec. 5. Section 43-406, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 43-406 The Office of Juvenile Services shall utilize:

7 (1) Evidence-based and validated risk ~~Risk~~ and needs assessment
8 instruments for use in determining the individualized level ~~of~~ treatment
9 plan for each the juvenile committed to the office;

10 (2) A case classification process to include levels of treatment
11 defined by rules and regulations and case management standards for each
12 level of treatment. ~~The process shall provide for a balance of~~
13 ~~accountability, public safety, and treatment~~;

14 (3) Case management for all juveniles committed to the office; and

15 (4) ~~Until July 1, 2014, a purchase-of-care system which will~~
16 ~~facilitate the development of a statewide community-based array of care~~
17 ~~with the involvement of the private sector and the local public sector.~~
18 ~~Care services may be purchased from private providers to provide a wider~~
19 ~~diversity of services. This system shall include accessing existing Title~~
20 ~~IV-E funds of the federal Social Security Act, as amended, medicaid~~
21 ~~funds, and other funding sources to support eligible community-based~~
22 ~~services. Such services developed and purchased shall include, but not be~~
23 ~~limited to, evaluation services. Services shall be offered and delivered~~
24 ~~on a regional basis~~;

25 (5) ~~Until October 1, 2013, community-based evaluation programs,~~
26 ~~supplemented by one or more residential evaluation programs. A~~
27 ~~residential evaluation program shall be provided in a county containing a~~
28 ~~city of the metropolitan class. Community-based evaluation services shall~~
29 ~~replace the residential evaluation services available at the Youth~~
30 ~~Diagnostic and Rehabilitation Center by December 31, 1999; and~~

31 (4) ~~(6)~~ A management information system. The system shall be a

1 unified, interdepartmental client information system which supports the
2 management function as well as the service function.

3 Sec. 6. Section 43-407, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 ~~43-407 (1) This subsection applies to all juveniles committed to~~
6 ~~the Office of Juvenile Services for placement at a youth rehabilitation~~
7 ~~and treatment center prior to July 1, 2013. The Office of Juvenile~~
8 ~~Services shall design and make available programs and treatment services~~
9 ~~through the Youth Rehabilitation and Treatment Center-Kearney and Youth~~
10 ~~Rehabilitation and Treatment Center-Geneva. The programs and treatment~~
11 ~~services shall be based upon the individual or family evaluation process~~
12 ~~and treatment plan. The treatment plan shall be developed within fourteen~~
13 ~~days after admission. If a juvenile placed at the Youth Rehabilitation~~
14 ~~and Treatment Center-Kearney or Youth Rehabilitation and Treatment~~
15 ~~Center-Geneva is assessed as needing inpatient or subacute substance~~
16 ~~abuse or behavioral health residential treatment, the juvenile may be~~
17 ~~transferred to a program or facility if the treatment and security needs~~
18 ~~of the juvenile can be met. The assessment process shall include~~
19 ~~involvement of both private and public sector behavioral health~~
20 ~~providers. The selection of the treatment venue for each juvenile shall~~
21 ~~include individualized case planning and incorporate the goals of the~~
22 ~~juvenile justice system pursuant to section 43-402. Juveniles committed~~
23 ~~to the Youth Rehabilitation and Treatment Center-Kearney or Youth~~
24 ~~Rehabilitation and Treatment Center-Geneva who are transferred to~~
25 ~~alternative settings for treatment remain committed to the Department of~~
26 ~~Health and Human Services and the Office of Juvenile Services until~~
27 ~~discharged from such custody. Programs and treatment services shall~~
28 ~~address:~~

29 ~~(a) Behavioral impairments, severe emotional disturbances, sex~~
30 ~~offender behaviors, and other mental health or psychiatric disorders;~~

31 ~~(b) Drug and alcohol addiction;~~

1 ~~(c) Health and medical needs;~~

2 ~~(d) Education, special education, and related services;~~

3 ~~(e) Individual, group, and family counseling services as appropriate~~
4 ~~with any treatment plan related to subdivisions (a) through (d) of this~~
5 ~~subsection. Services shall also be made available for juveniles who have~~
6 ~~been physically or sexually abused;~~

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

21 ~~(g) The design and delivery of treatment programs through the youth~~
22 ~~rehabilitation and treatment centers as well as any licensing or~~
23 ~~certification requirements, and the office shall follow the requirements~~
24 ~~as stated within Title XIX and Title IV-E of the federal Social Security~~
25 ~~Act, as such act existed on May 25, 2007, the Special Education Act, or~~
26 ~~other funding guidelines as appropriate. It is the intent of the~~
27 ~~Legislature that these funding sources shall be utilized to support~~
28 ~~service needs of eligible juveniles.~~

29 ~~(1) (2) This subsection applies to all juveniles committed to the~~
30 ~~Office of Juvenile Services for placement at a youth rehabilitation and~~
31 ~~treatment center on or after July 1, 2013. The Office of Juvenile~~

1 Services shall design and make available programs and treatment services
2 through the Youth Rehabilitation and Treatment Center-Kearney and Youth
3 Rehabilitation and Treatment Center-Geneva. The programs and treatment
4 services shall be evidence-based and based upon the individual or family
5 evaluation process using evidence-based, validated risk and needs
6 assessments to create an individualized and treatment plan. The treatment
7 plan shall be developed within fourteen days after admission. If a
8 juvenile placed at the Youth Rehabilitation and Treatment Center-Kearney
9 or Youth Rehabilitation and Treatment Center-Geneva is assessed as
10 needing inpatient or subacute substance abuse or behavioral health
11 residential treatment, the Office of Juvenile Services may arrange for
12 such treatment to be provided at the Hastings Regional Center or may
13 transition the juvenile to another inpatient or subacute residential
14 treatment facility licensed as a treatment facility in the State of
15 Nebraska. Except in a case requiring emergency admission to an inpatient
16 facility, the juvenile shall not be discharged by the Office of Juvenile
17 Services until the juvenile has been returned to the court for a review
18 of his or her conditions of probation and the juvenile has been
19 transitioned to the clinically appropriate level of care. Programs and
20 treatment services shall address:

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

23 (b) Drug and alcohol addiction;

24 (c) Health and medical needs;

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

26 (e) Individual, group, and family counseling services as appropriate
27 with any treatment plan related to subdivisions (a) through (d) of this
28 subsection. Services shall also be made available for juveniles who have
29 been physically or sexually abused;

30 (f) A case management and coordination process, designed to assure
31 appropriate reintegration of the juvenile to his or her family, school,

1 and community. This process shall follow individualized planning which
2 shall begin at intake and evaluation. Structured programming shall be
3 scheduled for all juveniles. This programming shall include a strong
4 academic program as well as classes in health education, living skills,
5 vocational training, behavior management and modification, money
6 management, family and parent responsibilities, substance abuse
7 awareness, physical education, job skills training, and job placement
8 assistance. Participation shall be required of all juveniles if such
9 programming is determined to be age and developmentally appropriate. The
10 goal of such structured programming shall be to provide the academic and
11 life skills necessary for a juvenile to successfully return to his or her
12 home and community upon release; and

13 (g) The design and delivery of treatment programs through the youth
14 rehabilitation and treatment centers as well as any licensing or
15 certification requirements, and the office shall follow the requirements
16 as stated within Title XIX and Title IV-E of the federal Social Security
17 Act, as such act existed on January 1, ~~2020~~ 2013, the Special Education
18 Act, or other funding guidelines as appropriate. It is the intent of the
19 Legislature that these funding sources shall be utilized to support
20 service needs of eligible juveniles.

21 ~~(2)(a) (3)(a)~~ The Office of Juvenile Services shall provide
22 evidence-based services and operate the youth rehabilitation and
23 treatment centers in accordance with evidence-based policies, practices,
24 and procedures ~~begin implementing evidence-based practices, policies, and~~
25 ~~procedures by January 15, 2016, as determined by the office. On~~
26 ~~Thereafter,~~ on November 1 of each year, the office shall electronically
27 submit to the Governor, the Legislature, and the Chief Justice of the
28 Supreme Court, a comprehensive report of the ~~on its efforts to implement~~
29 evidence-based services, policies, practices, and procedures by which
30 such centers operate, and efforts the office has taken to ensure fidelity
31 to evidence-based models. ~~The report to the Legislature shall be by~~

1 ~~electronic transmission.~~ The report may be attached to preexisting
2 reporting duties. The report shall include at a minimum:

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

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

8 (iii) Specification of supervision policies, procedures, programs,
9 and practices that were created, modified, or eliminated; and

10 (iv) Recommendations of the office for any additional collaboration
11 with other state, regional, or local public agencies, private entities,
12 or faith-based and community organizations.

13 (b) Each report and executive summary shall be available to the
14 general public on the web site of the office.

15 (c) The Executive Board of the Legislative Council may request the
16 Consortium for Crime and Justice Research and Juvenile Justice Institute
17 at the University of Nebraska at Omaha to review, study, and make policy
18 recommendations on the reports assigned by the executive board.

19 Sec. 7. Section 43-408, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 ~~43-408 (1)(a) This subsection applies to all juveniles committed to~~
22 ~~the Office of Juvenile Services for placement at a youth rehabilitation~~
23 ~~and treatment center prior to July 1, 2013, and to all juveniles~~
24 ~~committed to the Office of Juvenile Services for community supervision~~
25 ~~prior to October 1, 2013. Whenever any juvenile is committed to the~~
26 ~~Office of Juvenile Services, to any facility operated by the Office of~~
27 ~~Juvenile Services, or to the custody of the Administrator of the Office~~
28 ~~of Juvenile Services, a superintendent of a facility, or an administrator~~
29 ~~of a program, the juvenile is deemed committed to the Office of Juvenile~~
30 ~~Services. Juveniles committed to the Office of Juvenile Services shall~~
31 ~~also be considered committed to the care and custody of the Department of~~

1 ~~Health and Human Services for the purpose of obtaining health care and~~
2 ~~treatment services.~~

3 ~~(b) The committing court shall order the initial level of treatment~~
4 ~~for a juvenile committed to the Office of Juvenile Services. Prior to~~
5 ~~determining the initial level of treatment for a juvenile, the court may~~
6 ~~solicit a recommendation regarding the initial level of treatment from~~
7 ~~the Office of Juvenile Services. Under this subsection, the committing~~
8 ~~court shall not order a specific placement for a juvenile. The court~~
9 ~~shall continue to maintain jurisdiction over any juvenile committed to~~
10 ~~the Office of Juvenile Services until such time that the juvenile is~~
11 ~~discharged from the Office of Juvenile Services. The court shall conduct~~
12 ~~review hearings every six months, or at the request of the juvenile, for~~
13 ~~any juvenile committed to the Office of Juvenile Services who is placed~~
14 ~~outside his or her home, except for a juvenile residing at a youth~~
15 ~~rehabilitation and treatment center. The court shall determine whether an~~
16 ~~out-of-home placement made by the Office of Juvenile Services is in the~~
17 ~~best interests of the juvenile, with due consideration being given by the~~
18 ~~court to public safety. If the court determines that the out-of-home~~
19 ~~placement is not in the best interests of the juvenile, the court may~~
20 ~~order other treatment services for the juvenile.~~

21 ~~(c) After the initial level of treatment is ordered by the~~
22 ~~committing court, the Office of Juvenile Services shall provide treatment~~
23 ~~services which conform to the court's level of treatment determination.~~
24 ~~Within thirty days after making an actual placement, the Office of~~
25 ~~Juvenile Services shall provide the committing court with written~~
26 ~~notification of where the juvenile has been placed. At least once every~~
27 ~~six months thereafter, until the juvenile is discharged from the care and~~
28 ~~custody of the Office of Juvenile Services, the office shall provide the~~
29 ~~committing court with written notification of the juvenile's actual~~
30 ~~placement and the level of treatment that the juvenile is receiving.~~

31 ~~(d) For transfer hearings, the burden of proof to justify the~~

1 ~~transfer is on the Office of Juvenile Services, the standard of proof is~~
2 ~~clear and convincing evidence, and the strict rules of evidence do not~~
3 ~~apply. Transfers of juveniles from one place of treatment to another are~~
4 ~~subject to section 43-251.01 and to the following:~~

5 ~~(i) Except as provided in subdivision (d)(ii) of this subsection, if~~
6 ~~the Office of Juvenile Services proposes to transfer the juvenile from a~~
7 ~~less restrictive to a more restrictive place of treatment, a plan~~
8 ~~outlining the proposed change and the reasons for the proposed change~~
9 ~~shall be presented to the court which committed the juvenile. Such change~~
10 ~~shall occur only after a hearing and a finding by the committing court~~
11 ~~that the change is in the best interests of the juvenile, with due~~
12 ~~consideration being given by the court to public safety. At the hearing,~~
13 ~~the juvenile has the right to be represented by counsel;~~

14 ~~(ii) The Office of Juvenile Services may make an immediate temporary~~
15 ~~change without prior approval by the committing court only if the~~
16 ~~juvenile is in a harmful or dangerous situation, is suffering a medical~~
17 ~~emergency, is exhibiting behavior which warrants temporary removal, or~~
18 ~~has been placed in a non-state-owned facility and such facility has~~
19 ~~requested that the juvenile be removed. Approval of the committing court~~
20 ~~shall be sought within fifteen days of making an immediate temporary~~
21 ~~change, at which time a hearing shall occur before the court. The court~~
22 ~~shall determine whether it is in the best interests of the juvenile to~~
23 ~~remain in the new place of treatment, with due consideration being given~~
24 ~~by the court to public safety. At the hearing, the juvenile has the right~~
25 ~~to be represented by counsel; and~~

26 ~~(iii) If the proposed change seeks to transfer the juvenile from a~~
27 ~~more restrictive to a less restrictive place of treatment or to transfer~~
28 ~~the juvenile from the juvenile's current place of treatment to another~~
29 ~~which has the same level of restriction as the current place of~~
30 ~~treatment, the Office of Juvenile Services shall notify the juvenile, the~~
31 ~~juvenile's parents, custodian, or legal guardian, the committing court,~~

1 ~~the county attorney, the counsel for the juvenile, and the guardian ad~~
2 ~~litem of the proposed change. The juvenile has fifteen days after the~~
3 ~~date of the notice to request an administrative hearing with the Office~~
4 ~~of Juvenile Services, at which time the Office of Juvenile Services shall~~
5 ~~determine whether it is in the best interests of the juvenile for the~~
6 ~~proposed change to occur, with due consideration being given by the~~
7 ~~office to public safety. The juvenile may be represented by counsel at~~
8 ~~the juvenile's own expense. If the juvenile is aggrieved by the~~
9 ~~administrative decision of the Office of Juvenile Services, the juvenile~~
10 ~~may appeal that decision to the committing court within fifteen days~~
11 ~~after the Office of Juvenile Services' decision. At the hearing before~~
12 ~~the committing court, the juvenile has the right to be represented by~~
13 ~~counsel.~~

14 ~~(e) If a juvenile is placed in detention after the initial level of~~
15 ~~treatment is determined by the committing court, the committing court~~
16 ~~shall hold a hearing every fourteen days to review the status of the~~
17 ~~juvenile. Placement of a juvenile in detention shall not be considered as~~
18 ~~a treatment service.~~

19 ~~(f) The committing court's review of a change of place of treatment~~
20 ~~pursuant to this subsection does not apply to parole revocation hearings.~~

21 ~~(1) (2)(a) This subsection applies to all juveniles committed to the~~
22 ~~Office of Juvenile Services for placement at a youth rehabilitation and~~
23 ~~treatment center on or after July 1, 2013. Whenever any juvenile is~~
24 ~~committed to the Office of Juvenile Services, the juvenile shall also be~~
25 ~~considered committed to the care and custody of the Department of Health~~
26 ~~and Human Services pursuant to section 43-285 for the purpose of~~
27 ~~obtaining health care, and treatment, and aftercare services, including~~
28 ~~applicable programs and services available through federal Title IV-E~~
29 ~~funding and the medical assistance program.~~

30 ~~(2) (b) The committing court shall order placement at a youth~~
31 ~~rehabilitation and treatment center for a juvenile committed to the~~

1 Office of Juvenile Services. The court shall continue to maintain
2 jurisdiction over any juvenile committed to the Office of Juvenile
3 Services for the purpose of reviewing the juvenile's probation upon
4 discharge from the care and custody of the Office of Juvenile Services.

5 (3) ~~(e)~~ If a juvenile is placed in detention while awaiting
6 placement at a youth rehabilitation and treatment center and the
7 placement has not occurred within fourteen days, the committing court
8 shall hold a hearing every fourteen days to review the status of the
9 juvenile. Placement of a juvenile in detention shall not be considered a
10 treatment service.

11 Sec. 8. Section 43-410, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 ~~43-410 (1) This subsection applies until July 1, 2014. Any peace~~
14 ~~officer, juvenile parole officer, or direct care staff member of the~~
15 ~~Office of Juvenile Services has the authority to apprehend and detain a~~
16 ~~juvenile who has absconded or is attempting to abscond from a placement~~
17 ~~for evaluation or commitment to the Office of Juvenile Services and shall~~
18 ~~cause the juvenile to be returned to the facility or program or an~~
19 ~~appropriate juvenile detention facility or staff secure juvenile~~
20 ~~facility. For purposes of this subsection, direct care staff member means~~
21 ~~any staff member charged with the day-to-day care and supervision of~~
22 ~~juveniles housed at a facility or program operated directly by the office~~
23 ~~or security staff who has received training in apprehension techniques~~
24 ~~and procedures.~~

25 (1) ~~(2)(a)~~ This subsection applies beginning July 1, 2014. Any peace
26 officer or direct care staff member of the Office of Juvenile Services
27 has the authority to apprehend and detain a juvenile who has absconded or
28 is attempting to abscond from commitment to the Office of Juvenile
29 Services and shall cause the juvenile to be returned to the youth
30 rehabilitation and treatment center or an appropriate juvenile detention
31 facility or staff secure juvenile facility.

1 (2) (b) For purposes of this subsection, direct care staff member
2 means any staff member charged with the day-to-day care and supervision
3 of juveniles at a youth rehabilitation and treatment center or security
4 staff who has received training in apprehension techniques and
5 procedures.

6 Sec. 9. Section 43-417, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 43-417 ~~(1) This subsection applies to all juveniles committed to~~
9 ~~the Office of Juvenile Services for placement at a youth rehabilitation~~
10 ~~and treatment center prior to July 1, 2013. In administering juvenile~~
11 ~~parole, the Office of Juvenile Services shall consider whether (a) the~~
12 ~~juvenile has completed the goals of his or her individual treatment plan~~
13 ~~or received maximum benefit from institutional treatment, (b) the~~
14 ~~juvenile would benefit from continued services under community~~
15 ~~supervision, (c) the juvenile can function in a community setting, (d)~~
16 ~~there is reason to believe that the juvenile will not commit further~~
17 ~~violations of law, and (e) there is reason to believe that the juvenile~~
18 ~~will comply with the conditions of parole.~~

19 (2) This subsection applies to all juveniles committed to the Office
20 of Juvenile Services for placement at a youth rehabilitation and
21 treatment center on or after July 1, 2013. In determining whether to
22 discharge a juvenile from a youth rehabilitation and treatment center,
23 the Office of Juvenile Services shall consider whether (1) (a) the
24 juvenile has completed the goals of his or her individual treatment plan
25 or received maximum benefit from institutional treatment, (2) (b) the
26 juvenile would benefit from continued services under community
27 supervision, (3) (c) the juvenile can function in a community setting,
28 (4) (d) there is reason to believe that the juvenile will not commit
29 further violations of law, and (5) (e) there is reason to believe that
30 the juvenile will comply with the conditions of probation.

31 Sec. 10. Section 43-420, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 43-420 ~~(1) This subsection applies until July 1, 2013. Any hearing~~
3 ~~required or permitted for juveniles in the custody of the Office of~~
4 ~~Juvenile Services, except a preliminary parole revocation hearing, shall~~
5 ~~be conducted by a hearing officer who is an attorney licensed to practice~~
6 ~~law in the State of Nebraska and may be an employee of the Department of~~
7 ~~Health and Human Services or an attorney who is an independent~~
8 ~~contractor. If the hearing officer is an employee of the department, he~~
9 ~~or she shall not be assigned to any duties requiring him or her to give~~
10 ~~ongoing legal advice to any person employed by or who is a contractor~~
11 ~~with the office.~~

12 (2) ~~This subsection applies beginning July 1, 2013. Any hearing~~
13 ~~required or permitted for juveniles in the custody of the Office of~~
14 ~~Juvenile Services shall be conducted by a hearing officer who is an~~
15 ~~attorney licensed to practice law in the State of Nebraska and may be an~~
16 ~~employee of the Department of Health and Human Services or an attorney~~
17 ~~who is an independent contractor. If the hearing officer is an employee~~
18 ~~of the department, he or she shall not be assigned to any duties~~
19 ~~requiring him or her to give ongoing legal advice to any person employed~~
20 ~~by or who is a contractor with the office.~~

21 Sec. 11. Section 43-425, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 43-425 (1) The Community and Family Reentry Process is hereby
24 created. This process is created in order to reduce recidivism and
25 promote safe and effective reentry for the juvenile and his or her family
26 to the community from the juvenile justice system. ~~This process applies~~
27 ~~to all juveniles committed to the Office of Juvenile Services for~~
28 ~~placement at a youth rehabilitation and treatment center on or after July~~
29 ~~1, 2013.~~

30 (2) While a juvenile is committed to a youth rehabilitation and
31 treatment center, family team meetings shall be conducted in person or

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

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

23 (4) Individualized reentry plans shall be developed with input from
24 the juvenile and his or her support system in conjunction with a risk
25 assessment process. Individualized reentry plans shall be finalized
26 thirty days prior to the juvenile leaving the youth rehabilitation and
27 treatment center or as soon as possible if the juvenile's remaining time
28 at the center is less than thirty days. Individualized reentry plans
29 should include specifics about the juvenile's placement upon return to
30 the community, an education transition plan, a treatment plan with any
31 necessary appointments being set prior to the juvenile leaving the

1 center, and any other formal and informal supports for the juvenile and
2 his or her family. The district probation officer and Office of Juvenile
3 Services personnel shall review the individualized reentry plan and the
4 expected outcomes as a result of the plan with the juvenile and his or
5 her support system within thirty days prior to the juvenile's discharge
6 from the center.

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

13 (6) The Office of Probation Administration shall:

14 (a) Establish ~~establish~~ an evidence-based reentry process that
15 utilizes risk assessment to determine the juvenile's supervision level
16 upon return to the community;

17 (b) Establish ~~They shall establish~~ supervision strategies based on
18 risk levels of the juvenile and supervise accordingly, with ongoing
19 reassessment to assist in determining eligibility for release from
20 probation;

21 (c) Develop ~~The Office of Probation Administration shall develop~~ a
22 formal matrix of graduated sanctions to be utilized prior to requesting
23 the county attorney to file for probation revocation; and

24 (d) Provide ~~The Office of Probation Administration shall provide~~
25 training to its workers on risk-based supervision strategies,
26 motivational interviewing, family engagement, community-based resources,
27 and other evidence-based reentry strategies.

28 Sec. 12. In-person visitation and communication with the juvenile's
29 relatives, including, but not limited to, parents, guardians,
30 grandparents, siblings, and children, shall not be limited or prohibited
31 as a consequence or sanction.

1 Sec. 13. Section 83-108, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 83-108 The Department of Health and Human Services shall have
4 oversight and general control of the Beatrice State Developmental Center,
5 the hospitals for the mentally ill, such skilled nursing care and
6 intermediate care facilities as may be established by the department, the
7 Youth Rehabilitation and Treatment Center-Geneva and the Youth
8 Rehabilitation and Treatment Center-Kearney facilities and programs
9 operated by the Office of Juvenile Services, and all charitable
10 institutions.

11 Sec. 14. Section 83-108.04, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 83-108.04 ~~(1) In addition to the institutions established by law,~~
14 ~~the Department of Health and Human Services may maintain or use the~~
15 ~~following facilities for the care of children in its legal custody who~~
16 ~~have been adjudged to be as described in subdivision (1), (2), (3)(b), or~~
17 ~~(4) of section 43-247: (a) Receiving homes to be used for the temporary~~
18 ~~care of children; (b) foster homes; (c) residential child-caring agencies~~
19 ~~as defined in section 71-1926; and (d) other facilities and services,~~
20 ~~including forestry or conservation camps for the training and treatment~~
21 ~~of children.~~

22 ~~(2)~~The Department of Health and Human Services also may use other
23 public facilities or contract for the use of private facilities for the
24 care and treatment of children in its legal custody who have been
25 adjudged to be as described in subdivision (3)(a) of section 43-247.
26 Placement of children in private or public facilities not under its
27 jurisdiction shall not terminate the legal custody of the department. No
28 state funds may be paid for care of a child in the home of a parent. This
29 section shall not apply to juveniles committed to the Office of Juvenile
30 Services for placement at a youth rehabilitation and treatment center.

31 Sec. 15. Section 83-113, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 83-113 The Department of Health and Human Services may examine any
3 of the officers, attendants, guards, and other employees and make such
4 inquiries as will determine their fitness for their respective duties and
5 shall investigate and report to the Governor any abuses or wrongs alleged
6 to exist in the institution. The department shall also electronically
7 submit any such report to the Health and Human Services Committee of the
8 Legislature.

9 Sec. 16. Original sections 43-401, 43-403, 43-404, 43-405, 43-406,
10 43-407, 43-408, 43-410, 43-417, 43-420, 43-425, 83-108.04, and 83-113,
11 Reissue Revised Statutes of Nebraska, and section 83-108, Revised
12 Statutes Cumulative Supplement, 2018, are repealed.

13 Sec. 17. The following sections are outright repealed: Sections
14 43-414, 43-415, 43-416, 43-418, 43-419, 43-421, 43-422, 43-423, 43-4002,
15 and 83-101, Reissue Revised Statutes of Nebraska.