

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 17

Introduced by Briese, 41.

Read first time January 10, 2019

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to juveniles; to amend section 43-246, Reissue
- 2 Revised Statutes of Nebraska; to state a right relating to a
- 3 disabled parent; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-246, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-246 Acknowledging the responsibility of the juvenile court to act
4 to preserve the public peace and security, the Nebraska Juvenile Code
5 shall be construed to effectuate the following:

6 (1) To assure the rights of all juveniles to care and protection and
7 a safe and stable living environment and to development of their
8 capacities for a healthy personality, physical well-being, and useful
9 citizenship and to protect the public interest;

10 (2) To provide for the intervention of the juvenile court in the
11 interest of any juvenile who is within the provisions of the Nebraska
12 Juvenile Code, with due regard to parental rights and capacities and the
13 availability of nonjudicial resources;

14 (3) To remove juveniles who are within the Nebraska Juvenile Code
15 from the criminal justice system whenever possible and to reduce the
16 possibility of their committing future law violations through the
17 provision of social and rehabilitative services to such juveniles and
18 their families;

19 (4) To offer selected juveniles the opportunity to take direct
20 personal responsibility for their individual actions by reconciling with
21 the victims through juvenile offender and victim mediation and fulfilling
22 the terms of the resulting agreement which may require restitution and
23 community service;

24 (5) To achieve the purposes of subdivisions (1) through (3) of this
25 section in the juvenile's own home whenever possible, separating the
26 juvenile from his or her parent when necessary for his or her welfare,
27 the juvenile's health and safety being of paramount concern, or in the
28 interest of public safety and, when temporary separation is necessary, to
29 consider the developmental needs of the individual juvenile in all
30 placements, to consider relatives as a preferred potential placement
31 resource, and to make reasonable efforts to preserve and reunify the

1 family if required under section 43-283.01;

2 (6) To promote adoption, guardianship, or other permanent
3 arrangements for children in the custody of the Department of Health and
4 Human Services who are unable to return home;

5 (7) To provide a judicial procedure through which these purposes and
6 goals are accomplished and enforced in which the parties are assured a
7 fair hearing and their constitutional and other legal rights are
8 recognized and enforced;

9 (8) To assure compliance, in cases involving Indian children, with
10 the Nebraska Indian Child Welfare Act;~~and~~

11 (9) To make any temporary placement of a juvenile in the least
12 restrictive environment consistent with the best interests of the
13 juvenile and the safety of the community; and -

14 (10) To assure the right of each juvenile to be parented by her or
15 his parent, which shall not be abridged solely due to a disability of the
16 parent.

17 Sec. 2. Original section 43-246, Reissue Revised Statutes of
18 Nebraska, is repealed.