

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 247

Introduced by Larson, 40.

Read first time January 16, 2013

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Nebraska Juvenile Code; to amend section
2 43-290, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to costs of care and treatment and
4 reimbursement by parents; and to repeal the original
5 section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-290, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-290 It is the purpose of this section to promote
4 parental responsibility and to provide for the most equitable use and
5 availability of public money.

6 ~~Pursuant to the petition filed by the county attorney in~~
7 ~~accordance with section 43-274, whenever~~ Whenever the care or custody
8 of a juvenile is given by the court to someone other than his or her
9 parent, which shall include placement with a state agency, or when a
10 juvenile is given medical, psychological, or psychiatric study or
11 treatment under order of the court, the court ~~shall~~ may make a
12 determination of support to be paid by a parent for the juvenile at
13 the same proceeding at which placement, study, or treatment is
14 determined or at a separate proceeding. Such proceeding, which may
15 occur prior to, at the same time as, or subsequent to adjudication,
16 shall be in the nature of a disposition hearing.

17 At such proceeding, after summons to the parent of the
18 time and place of hearing served as provided in sections 43-262 to
19 43-267, the court may order and decree that the parent shall pay, in
20 such manner as the court may direct, a reasonable sum that will cover
21 in whole or part the support, study, and treatment of the juvenile,
22 which amount ordered paid shall be the extent of the liability of the
23 parent. The court in making such order shall give due regard to the
24 cost of the support, study, and treatment of the juvenile, the
25 ability of the parent to pay, and the availability of money for the

1 support of the juvenile from previous judicial decrees, social
2 security benefits, veterans benefits, or other sources. Support thus
3 received by the court shall be transmitted to the person, agency, or
4 institution having financial responsibility for such support, study,
5 or treatment and, if a state agency or institution, remitted by such
6 state agency or institution quarterly to the Director of
7 Administrative Services for credit to the proper fund.

8 Whenever medical, psychological, or psychiatric study or
9 treatment is ordered by the court, whether or not the juvenile is
10 placed with someone other than his or her parent, or if such study or
11 treatment is otherwise provided as determined necessary by the
12 custodian of the juvenile, the court shall inquire as to the
13 availability of insured or uninsured health care coverage or service
14 plans which include the juvenile. The court may order the parent to
15 pay over any plan benefit sums received on coverage for the juvenile.
16 The payment of any deductible under the health care benefit plan
17 covering the juvenile shall be the responsibility of the parent. If
18 the parent willfully fails or refuses to pay the sum ordered or to
19 pay over any health care plan benefit sums received, the court may
20 proceed against him or her as for contempt, either on the court's own
21 motion or on the motion of the county attorney or authorized attorney
22 as provided in section 43-512, or execution shall issue at the
23 request of any person, agency, or institution treating or maintaining
24 such juvenile. The court may afterwards, because of a change in the
25 circumstances of the parties, revise or alter the order of payment

1 for support, study, or treatment.

2 If the juvenile has been committed to the care and
3 custody of the Department of Health and Human Services, the
4 department shall pay the costs for the support, study, or treatment
5 of the juvenile which are not otherwise paid by the juvenile's
6 parent.

7 If no provision is otherwise made by law for the support
8 or payment for the study or treatment of the juvenile, compensation
9 for the support, study, or treatment shall be paid, when approved by
10 an order of the court, out of a fund which shall be appropriated by
11 the county in which the petition is filed.

12 The juvenile court shall retain jurisdiction over a
13 parent ordered to pay support for the purpose of enforcing such
14 support order for so long as such support remains unpaid but not to
15 exceed ten years from the nineteenth birthday of the youngest child
16 for whom support was ordered.

17 Sec. 2. Original section 43-290, Reissue Revised Statutes
18 of Nebraska, is repealed.