

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1188

FINAL READING

Introduced by Howard, 9; Murman, 38; Walz, 15.

Read first time January 23, 2020

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to juveniles; to amend sections 43-401,
2 43-403, 43-404, 43-405, 43-406, 43-407, 43-408, 43-410, 43-417,
3 43-420, 43-425, 83-108.04, and 83-113, Reissue Revised Statutes of
4 Nebraska, and sections 79-703, 83-107.01, and 83-108, Revised
5 Statutes Cumulative Supplement, 2018; to provide, change, and
6 eliminate definitions; to eliminate obsolete provisions; to provide
7 and change duties for the Office of Juvenile Services and the
8 Department of Health and Human Services; to change provisions
9 relating to treatment of juveniles; to prohibit denial of in-person
10 visitation and communication as a sanction; to create the position
11 of and provide duties for the superintendent of institutional
12 schools; to change provisions relating to accreditation standards;
13 to provide requirements for gender separation at youth
14 rehabilitation and treatment centers; to change provisions relating
15 to Department of Health and Human Services facilities; to harmonize
16 provisions; to repeal the original sections; and to outright repeal
17 sections 43-414, 43-415, 43-416, 43-418, 43-419, 43-421, 43-422,
18 43-423, 43-4002, and 83-101, Reissue Revised Statutes of Nebraska.
19 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 order;

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 the type of supervision, care, confinement,
29 and 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 centers. The Administrator of the Office of~~
18 ~~Juvenile Services shall be appointed by the chief executive officer of~~
19 ~~the department or his or her designee and shall be responsible for the~~
20 ~~administration of the facilities and programs of the office. The~~
21 ~~department may subcontract ~~contract~~ with a state agency or private~~
22 ~~provider to provide services related to the ~~operate any~~ facilities and~~
23 ~~programs of the Office of Juvenile Services.~~

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

26 43-405 The administrative duties of the Office of Juvenile Services
27 are to:

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

31 (2) Supervise employees of the office, including employees of the

1 facilities and programs operated by the office;

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

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

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

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

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

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

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

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

31 (9) ~~(11)~~ Exercise all powers and perform all duties necessary to

1 carry out its responsibilities under the Health and Human Services,
2 Office of Juvenile Services Act.

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

5 43-406 The Office of Juvenile Services shall utilize:

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

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

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

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

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

30 (4) ~~(6)~~ A management information system. The system shall be a
31 unified, interdepartmental client information system which supports the

1 management function as well as the service function.

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

4 ~~43-407 (1) This subsection applies to all juveniles committed to~~
5 ~~the Office of Juvenile Services for placement at a youth rehabilitation~~
6 ~~and treatment center prior to July 1, 2013. The Office of Juvenile~~
7 ~~Services shall design and make available programs and treatment services~~
8 ~~through the Youth Rehabilitation and Treatment Center-Kearney and Youth~~
9 ~~Rehabilitation and Treatment Center-Geneva. The programs and treatment~~
10 ~~services shall be based upon the individual or family evaluation process~~
11 ~~and treatment plan. The treatment plan shall be developed within fourteen~~
12 ~~days after admission. If a juvenile placed at the Youth Rehabilitation~~
13 ~~and Treatment Center-Kearney or Youth Rehabilitation and Treatment~~
14 ~~Center-Geneva is assessed as needing inpatient or subacute substance~~
15 ~~abuse or behavioral health residential treatment, the juvenile may be~~
16 ~~transferred to a program or facility if the treatment and security needs~~
17 ~~of the juvenile can be met. The assessment process shall include~~
18 ~~involvement of both private and public sector behavioral health~~
19 ~~providers. The selection of the treatment venue for each juvenile shall~~
20 ~~include individualized case planning and incorporate the goals of the~~
21 ~~juvenile justice system pursuant to section 43-402. Juveniles committed~~
22 ~~to the Youth Rehabilitation and Treatment Center-Kearney or Youth~~
23 ~~Rehabilitation and Treatment Center-Geneva who are transferred to~~
24 ~~alternative settings for treatment remain committed to the Department of~~
25 ~~Health and Human Services and the Office of Juvenile Services until~~
26 ~~discharged from such custody. Programs and treatment services shall~~
27 ~~address:~~

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

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

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

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

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

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

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

28 ~~(1) (2) This subsection applies to all juveniles committed to the~~
29 ~~Office of Juvenile Services for placement at a youth rehabilitation and~~
30 ~~treatment center on or after July 1, 2013. The Office of Juvenile~~
31 ~~Services shall design and make available programs and treatment services~~

1 through youth rehabilitation and treatment centers ~~the Youth~~
2 ~~Rehabilitation and Treatment Center Kearney and Youth Rehabilitation and~~
3 ~~Treatment Center Geneva~~. The programs and treatment services shall be
4 evidence-based and based upon the individual or family evaluation process
5 using evidence-based, validated risk and needs assessments to create an
6 individualized ~~and~~ treatment plan. The treatment plan shall be developed
7 within fourteen days after admission. If a juvenile placed at a youth
8 rehabilitation and treatment center ~~the Youth Rehabilitation and~~
9 ~~Treatment Center Kearney or Youth Rehabilitation and Treatment Center-~~
10 ~~Geneva~~ is assessed as needing inpatient or subacute substance abuse or
11 behavioral health residential treatment, the Office of Juvenile Services
12 may arrange for such treatment to be provided at the Hastings Regional
13 Center or may transition the juvenile to another inpatient or subacute
14 residential treatment facility licensed as a treatment facility in the
15 State of Nebraska. Except in a case requiring emergency admission to an
16 inpatient facility, the juvenile shall not be discharged by the Office of
17 Juvenile Services until the juvenile has been returned to the court for a
18 review 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 December~~
26 ~~15~~ Thereafter, ~~on November 1~~ of each year, the office shall
27 electronically submit to the Governor, the Legislature, and the Chief
28 Justice of the Supreme Court, a comprehensive report of the ~~on its~~
29 ~~efforts to implement~~ evidence-based services, policies, practices, and
30 procedures by which such centers operate, and efforts the office has
31 taken to ensure fidelity to evidence-based models. ~~The report to the~~

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

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

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

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

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

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

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

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

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

1 also be considered committed to the care and custody of the Department of
2 Health and Human Services for the purpose of obtaining health care and
3 treatment services.

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

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

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

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

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

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

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

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

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

22 (1) (2)(a) This subsection applies to all juveniles committed to the
23 Office of Juvenile Services for placement at a youth rehabilitation and
24 treatment center on or after July 1, 2013. Whenever any juvenile is
25 committed to the Office of Juvenile Services, the juvenile shall also be
26 considered committed to the care and custody of the Department of Health
27 and Human Services for the purpose of obtaining health care and treatment
28 services.

29 (2) (b) The committing court shall order placement at a youth
30 rehabilitation and treatment center for a juvenile committed to the
31 Office of Juvenile Services. The court shall continue to maintain

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

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

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

12 43-410 ~~(1) This subsection applies until July 1, 2014. Any peace~~
13 ~~officer, juvenile parole officer, or direct care staff member of the~~
14 ~~Office of Juvenile Services has the authority to apprehend and detain a~~
15 ~~juvenile who has absconded or is attempting to abscond from a placement~~
16 ~~for evaluation or commitment to the Office of Juvenile Services and shall~~
17 ~~cause the juvenile to be returned to the facility or program or an~~
18 ~~appropriate juvenile detention facility or staff secure juvenile~~
19 ~~facility. For purposes of this subsection, direct care staff member means~~
20 ~~any staff member charged with the day-to-day care and supervision of~~
21 ~~juveniles housed at a facility or program operated directly by the office~~
22 ~~or security staff who has received training in apprehension techniques~~
23 ~~and procedures.~~

24 (1) ~~(2)(a) This subsection applies beginning July 1, 2014. Any peace~~
25 ~~officer or direct care staff member of the Office of Juvenile Services~~
26 ~~has the authority to apprehend and detain a juvenile who has absconded or~~
27 ~~is attempting to abscond from commitment to the Office of Juvenile~~
28 ~~Services and shall cause the juvenile to be returned to the youth~~
29 ~~rehabilitation and treatment center or an appropriate juvenile detention~~
30 ~~facility or staff secure juvenile facility.~~

31 (2) (b) For purposes of this section subsection, direct care staff

1 member means any staff member charged with the day-to-day care and
2 supervision of juveniles at a youth rehabilitation and treatment center
3 or security staff who has received training in apprehension techniques
4 and procedures.

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

7 ~~43-417 (1) This subsection applies to all juveniles committed to~~
8 ~~the Office of Juvenile Services for placement at a youth rehabilitation~~
9 ~~and treatment center prior to July 1, 2013. In administering juvenile~~
10 ~~parole, the Office of Juvenile Services shall consider whether (a) the~~
11 ~~juvenile has completed the goals of his or her individual treatment plan~~
12 ~~or received maximum benefit from institutional treatment, (b) the~~
13 ~~juvenile would benefit from continued services under community~~
14 ~~supervision, (c) the juvenile can function in a community setting, (d)~~
15 ~~there is reason to believe that the juvenile will not commit further~~
16 ~~violations of law, and (e) there is reason to believe that the juvenile~~
17 ~~will comply with the conditions of parole.~~

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

30 Sec. 10. Section 43-420, Reissue Revised Statutes of Nebraska, is
31 amended to read:

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

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

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

22 43-425 (1) The Community and Family Reentry Process is hereby
23 created. This process is created in order to reduce recidivism and
24 promote safe and effective reentry for the juvenile and his or her family
25 to the community from the juvenile justice system. ~~This process applies~~
26 ~~to all juveniles committed to the Office of Juvenile Services for~~
27 ~~placement at a youth rehabilitation and treatment center on or after July~~
28 ~~1, 2013.~~

29 (2) While a juvenile is committed to a youth rehabilitation and
30 treatment center, family team meetings shall be conducted in person or
31 via videoconferencing at least once per month with the juvenile's support

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

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

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

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

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

12 (6) The Office of Probation Administration shall:

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

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

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

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

27 Sec. 12. In-person visitation and other forms of communication,
28 including telephone calls and electronic communication, with a 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. The Department of Health and Human Services shall have the
2 authority to direct all daily maintenance, minor repairs, custodial
3 duties, and operations of a public building under the administration of
4 the Department of Health and Human Services where a juvenile resides who
5 is committed to the Office of Juvenile Services for placement at a youth
6 rehabilitation and treatment center.

7 Sec. 14. (1) On or before December 1, 2020, the Department of
8 Health and Human Services shall establish the position of superintendent
9 of institutional schools to administer the education programs in state
10 institutions under the supervision of the department that house juveniles
11 and shall hire an individual meeting the qualifications required under
12 section 79-801 to fill such position.

13 (2) The superintendent of institutional schools shall report
14 directly to the chief executive officer of the Department of Health and
15 Human Services.

16 (3) The superintendent of institutional schools shall report
17 annually to the State Board of Education as a requirement for
18 accreditation pursuant to section 79-703 of the education programs in
19 state institutions under the supervision of the Department of Health and
20 Human Services that house juveniles.

21 (4) Whenever a vacancy arises in the position of superintendent of
22 institutional schools, the Department of Health and Human Services shall
23 expediently hire another individual meeting the qualifications required
24 under section 79-801 to fill such position.

25 Sec. 15. Section 79-703, Revised Statutes Cumulative Supplement,
26 2018, is amended to read:

27 79-703 (1) To ensure both equality of opportunity and quality of
28 programs offered, all public schools in the state shall be required to
29 meet quality and performance-based approval or accreditation standards as
30 prescribed by the State Board of Education. The board shall establish a
31 core curriculum standard, which shall include multicultural education and

1 vocational education courses, for all public schools in the state.
2 Accreditation and approval standards shall be designed to assure
3 effective schooling and quality of instructional programs regardless of
4 school size, wealth, or geographic location. Accreditation standards for
5 school districts that are members of a learning community shall include
6 participation in the community achievement plan for the learning
7 community as approved by the board. Accreditation standards for education
8 programs in state institutions under the supervision of the Department of
9 Health and Human Services that house juveniles shall include an annual
10 report to the State Board of Education by the superintendent of
11 institutional schools. The board shall recognize and encourage the
12 maximum use of cooperative programs and may provide for approval or
13 accreditation of programs on a cooperative basis, including the sharing
14 of administrative and instructional staff, between school districts for
15 the purpose of meeting the approval and accreditation requirements
16 established pursuant to this section and section 79-318.

17 (2) The Commissioner of Education shall appoint an accreditation
18 committee which shall be representative of the educational institutions
19 and agencies of the state and shall include as a member the director of
20 admissions of the University of Nebraska.

21 (3) The accreditation committee shall be responsible for: (a)
22 Recommending appropriate standards and policies with respect to the
23 accreditation and classification of schools; and (b) making
24 recommendations annually to the commissioner relative to the
25 accreditation and classification of individual schools. No school shall
26 be considered for accreditation status which has not first fulfilled all
27 requirements for an approved school.

28 (4) All ~~By school year 1993-94~~ all public schools in the state,
29 including, but not limited to, schools operated by school districts and
30 education programs in state institutions under the supervision of the
31 Department of Health and Human Services that house juveniles, shall be

1 accredited.

2 (5) It is the intent of the Legislature that all public school
3 students shall have access to all educational services required of
4 accredited schools. Such services may be provided through cooperative
5 programs or alternative methods of delivery.

6 Sec. 16. Section 83-107.01, Revised Statutes Cumulative Supplement,
7 2018, is amended to read:

8 83-107.01 (1) The official names of the state institutions under
9 the supervision of the Department of Health and Human Services shall be
10 as follows: (a) ~~(1)~~ Beatrice State Developmental Center, (b) ~~(2)~~ Lincoln
11 Regional Center, (c) ~~(3)~~ Norfolk Regional Center, (d) ~~(4)~~ Hastings
12 Regional Center, (e) ~~(5)~~ Youth Rehabilitation and Treatment Center-
13 Kearney, and (f) ~~(6)~~ Youth Rehabilitation and Treatment Center-Geneva.

14 (2)(a) This subsection applies beginning July 1, 2021.

15 (b) Except as provided in subdivision (2)(e) of this section, so
16 long as the department operates the Youth Rehabilitation and Treatment
17 Center-Kearney, such institution shall be used for the treatment of boys
18 only.

19 (c) Except as provided in subdivision (2)(e) of this section, so
20 long as the department operates the Youth Rehabilitation and Treatment
21 Center-Geneva, such institution shall be used for the treatment of girls
22 only.

23 (d) For any other facility operated and utilized as a youth
24 rehabilitation and treatment center in compliance with state law, the
25 department shall ensure safe and appropriate gender separation.

26 (e) In the event of an emergency, the department may use either the
27 Youth Rehabilitation and Treatment Center-Kearney or the Youth
28 Rehabilitation and Treatment Center-Geneva for the treatment of juveniles
29 of both genders for up to seven days. During any such use the department
30 shall ensure safe and appropriate gender separation.

31 (f) For purposes of this section, emergency means a public health

1 emergency or a situation including fire, flood, tornado, natural
2 disaster, or damage to the institution that renders an institution
3 uninhabitable. Emergency does not include inadequate staffing.

4 Sec. 17. Section 83-108, Revised Statutes Cumulative Supplement,
5 2018, is amended to read:

6 83-108 The Department of Health and Human Services shall have
7 oversight and general control of the Beatrice State Developmental Center,
8 the hospitals for the mentally ill, such skilled nursing care and
9 intermediate care facilities as may be established by the department, any
10 facility operated and utilized as a youth rehabilitation and treatment
11 center in compliance with state law facilities and programs operated by
12 the Office of Juvenile Services, and all charitable institutions.

13 Sec. 18. Section 83-108.04, Reissue Revised Statutes of Nebraska, is
14 amended to read:

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

24 ~~(2)~~The Department of Health and Human Services also may use other
25 public facilities or contract for the use of private facilities for the
26 care and treatment of children in its legal custody. Placement of
27 children in private or public facilities not under its jurisdiction shall
28 not terminate the legal custody of the department. No state funds may be
29 paid for care of a child in the home of a parent.

30 Sec. 19. Section 83-113, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 83-113 The Department of Health and Human Services may examine any
2 of the officers, attendants, guards, and other employees and make such
3 inquiries as will determine their fitness for their respective duties and
4 shall investigate and report to the Governor any abuses or wrongs alleged
5 to exist in the institution. The department shall also electronically
6 submit any such report to the Health and Human Services Committee of the
7 Legislature.

8 Sec. 20. Original sections 43-401, 43-403, 43-404, 43-405, 43-406,
9 43-407, 43-408, 43-410, 43-417, 43-420, 43-425, 83-108.04, and 83-113,
10 Reissue Revised Statutes of Nebraska, and sections 79-703, 83-107.01, and
11 83-108, Revised Statutes Cumulative Supplement, 2018, are repealed.

12 Sec. 21. The following sections are outright repealed: Sections
13 43-414, 43-415, 43-416, 43-418, 43-419, 43-421, 43-422, 43-423, 43-4002,
14 and 83-101, Reissue Revised Statutes of Nebraska.