

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1051

FINAL READING

Introduced by DeBoer, 10.

Read first time January 08, 2024

Committee: Judiciary

1 A BILL FOR AN ACT relating to juveniles; to amend sections 29-2257,
2 29-2258, 43-246.01, 43-247, 43-254.01, 43-256, 43-258, 43-272.01,
3 and 43-284, Reissue Revised Statutes of Nebraska, and sections
4 29-1816, 43-247.02, 43-248, 43-250, 43-251.01, 43-253, 43-254, and
5 43-281, Revised Statutes Cumulative Supplement, 2022; to eliminate
6 obsolete provisions; to reorganize and harmonize provisions; to
7 provide duties for the Revisor of Statutes; to repeal the original
8 sections; and to outright repeal section 43-247.04, Revised Statutes
9 Cumulative Supplement, 2022.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-1816, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 29-1816 (1)(a) The accused may be arraigned in county court or
4 district court:

5 (i) If the accused was eighteen years of age or older when the
6 alleged offense was committed;

7 (ii) If the accused was younger than eighteen years of age and was
8 fourteen years of age or older when an alleged offense punishable as a
9 Class I, IA, IB, IC, ID, II, or IIA felony was committed; or

10 (iii) If the alleged offense is a traffic offense as defined in
11 section 43-245. ~~;~~ ~~or~~

12 ~~(iv) Until January 1, 2017, if the accused was seventeen years of~~
13 ~~age when an alleged offense described in subdivision (1) of section~~
14 ~~43-247 was committed.~~

15 (b) Arraignment in county court or district court shall be by
16 reading to the accused the complaint or information, unless the reading
17 is waived by the accused when the nature of the charge is made known to
18 him or her. The accused shall then be asked whether he or she is guilty
19 or not guilty of the offense charged. If the accused appears in person
20 and by counsel and goes to trial before a jury regularly impaneled and
21 sworn, he or she shall be deemed to have waived arraignment and a plea of
22 not guilty shall be deemed to have been made.

23 (2) At the time of the arraignment, the county court or district
24 court shall advise the accused, if the accused was younger than eighteen
25 years of age at the time the alleged offense was committed, that the
26 accused may move the county court or district court at any time not later
27 than thirty days after arraignment, unless otherwise permitted by the
28 court for good cause shown, to waive jurisdiction in such case to the
29 juvenile court for further proceedings under the Nebraska Juvenile Code.
30 This subsection does not apply if the case was transferred to county
31 court or district court from juvenile court.

1 (3) For motions to transfer a case from the county court or district
2 court to juvenile court:

3 (a) The county court or district court shall schedule a hearing on
4 such motion within fifteen days. The customary rules of evidence shall
5 not be followed at such hearing. The accused shall be represented by an
6 attorney. The criteria set forth in section 43-276 shall be considered at
7 such hearing. After considering all the evidence and reasons presented by
8 both parties, the case shall be transferred to juvenile court unless a
9 sound basis exists for retaining the case in county court or district
10 court; and

11 (b) The county court or district court shall make a decision on such
12 motion within thirty days after the hearing and shall set forth findings
13 for the reason for its decision. If the county court or district court
14 determines that the accused should be transferred to the juvenile court,
15 the complete file in the county court or district court shall be
16 transferred to the juvenile court and the complaint, indictment, or
17 information may be used in place of a petition therein. The county court
18 or district court making a transfer shall order the accused to be taken
19 forthwith to the juvenile court and designate where the juvenile shall be
20 kept pending determination by the juvenile court. The juvenile court
21 shall then proceed as provided in the Nebraska Juvenile Code.

22 (4) ~~(e)~~ An order granting or denying transfer of the case from
23 county or district court to juvenile court shall be considered a final
24 order for the purposes of appeal. Upon entry of an order, any party may
25 appeal to the Court of Appeals within ten days. Such review shall be
26 advanced on the court docket without an extension of time granted to any
27 party except upon a showing of exceptional cause. Appeals shall be
28 submitted, assigned, and scheduled for oral argument as soon as the
29 appellee's brief is due to be filed. The Court of Appeals shall conduct
30 its review in an expedited manner and shall render the judgment and
31 opinion, if any, as speedily as possible. During the pendency of an

1 appeal from an order transferring the case to juvenile court, the
2 juvenile court may enter temporary orders in the best interests of the
3 juvenile.

4 (5) (4) When the accused was younger than eighteen years of age when
5 an alleged offense was committed, the county attorney or city attorney
6 shall proceed under section 43-274.

7 Sec. 2. Section 29-2257, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 29-2257 The Nebraska Probation System is established which shall
10 consist of the probation administrator, chief probation officers,
11 probation officers, and support staff. The system shall be responsible
12 for juvenile intake services, for preadjudication juvenile supervision
13 services under section 43-254 ~~beginning October 1, 2013~~, for presentence
14 and other probation investigations, for the direct supervision of persons
15 placed on probation, and for non-probation-based programs and services
16 authorized by an interlocal agreement pursuant to subdivision (16) of
17 section 29-2252. The system shall be sufficient in size to assure that no
18 probation officer carries a caseload larger than is compatible with
19 adequate probation investigation or supervision. Probation officers shall
20 be compensated with salaries substantially equal to other state employees
21 who have similar responsibilities.

22 This provision for salary equalization shall apply only to probation
23 officers and support staff and shall not apply to chief probation
24 officers, the probation administrator, the chief deputy administrator,
25 the deputy probation administrator, or any other similarly established
26 management positions.

27 Sec. 3. Section 29-2258, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 29-2258 A district probation officer shall:

30 (1) Conduct juvenile intake interviews and investigations in
31 accordance with sections 43-253 and 43-260.01 and, ~~beginning October 1,~~

1 ~~2013,~~ supervise delivery of preadjudication juvenile services under
2 subdivision (1)(f) ~~(6)~~ of section 43-254;

3 (2) Make presentence and other investigations, as may be required by
4 law or directed by a court in which he or she is serving;

5 (3) Supervise probationers in accordance with the rules and
6 regulations of the office and the directions of the sentencing court;

7 (4) Advise the sentencing court, in accordance with the Nebraska
8 Probation Administration Act and such rules and regulations of the
9 office, of violations of the conditions of probation by individual
10 probationers;

11 (5) Advise the sentencing court, in accordance with the rules and
12 regulations of the office and the direction of the court, when the
13 situation of a probationer may require a modification of the conditions
14 of probation or when a probationer's adjustment is such as to warrant
15 termination of probation;

16 (6) Provide each probationer with a statement of the period and
17 conditions of his or her probation;

18 (7) Whenever necessary, exercise the power of arrest as provided in
19 sections 29-2266.01 and 29-2266.02 or exercise the power of temporary
20 custody as provided in section 43-286.01;

21 (8) Establish procedures for the direction and guidance of deputy
22 probation officers under his or her jurisdiction and advise such officers
23 in regard to the most effective performance of their duties;

24 (9) Supervise and evaluate deputy probation officers under his or
25 her jurisdiction;

26 (10) Delegate such duties and responsibilities to a deputy probation
27 officer as he or she deems appropriate;

28 (11) Make such reports as required by the administrator, the judges
29 of the probation district in which he or she serves, or the Supreme
30 Court;

31 (12) Keep accurate and complete accounts of all money or property

1 collected or received from probationers and give receipts therefor;

2 (13) Cooperate fully with and render all reasonable assistance to
3 other probation officers;

4 (14) In counties with a population of less than twenty-five thousand
5 people, participate in pretrial diversion programs established pursuant
6 to sections 29-3601 to 29-3604 and juvenile pretrial diversion programs
7 established pursuant to sections 43-260.02 to 43-260.07 as requested by
8 judges of the probation district in which he or she serves or as
9 requested by a county attorney and approved by the judges of the
10 probation district in which he or she serves, except that participation
11 in such programs shall not require appointment of additional personnel
12 and shall be consistent with the probation officer's current caseload;

13 (15) Participate, at the direction of the probation administrator
14 pursuant to an interlocal agreement which meets the requirements of
15 section 29-2255, in non-probation-based programs and services;

16 (16) Perform such other duties not inconsistent with the Nebraska
17 Probation Administration Act or the rules and regulations of the office
18 as a court may from time to time direct; and

19 (17) Exercise all powers and perform all duties necessary and proper
20 to carry out his or her responsibilities.

21 Sec. 4. Section 43-246.01, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 43-246.01 ~~The juvenile court shall have:~~

24 (1) The juvenile court shall have exclusive ~~Exclusive~~ original
25 jurisdiction as to:

26 (a) Any juvenile described in subdivision (3) or (11) of section
27 43-247;

28 (b) Any juvenile who was under sixteen years of age at the time the
29 alleged offense was committed and the offense falls under subdivision (1)
30 of section 43-247;

31 (c) A party or proceeding described in subdivision (5) or (7) of

1 section 43-247; and

2 (d) Any juvenile who was under fourteen years of age at the time the
3 alleged offense was committed and the offense falls under subdivision (2)
4 of section 43-247. ~~;~~

5 (2)(a) The juvenile court shall also have exclusive ~~(2) Exclusive~~
6 original jurisdiction as to:

7 (i) Any ~~(a) Beginning January 1, 2015, any juvenile who is alleged~~
8 ~~to have committed an offense under subdivision (1) of section 43-247 and~~
9 ~~who was sixteen years of age at the time the alleged offense was~~
10 ~~committed, and beginning January 1, 2017, any juvenile who is alleged to~~
11 have committed an offense under subdivision (1) of section 43-247 and who
12 was sixteen years of age or seventeen years of age at the time the
13 alleged offense was committed; and

14 (ii) (b) Any juvenile who was fourteen years of age or older at the
15 time the alleged offense was committed and the offense falls under
16 subdivision (2) of section 43-247 except offenses enumerated in
17 subdivision (1)(a)(ii) of section 29-1816.

18 (b) Proceedings initiated under subsection this subdivision (2) of
19 this section may be transferred as provided in section 43-274. ~~;~~ ~~and~~

20 (3)(a) The juvenile court shall have concurrent ~~(3) Concurrent~~
21 original jurisdiction with the county court or district court as to:

22 (i) (a) Any juvenile described in subdivision (4) of section 43-247;

23 (ii) (b) Any proceeding under subdivision (6), (8), (9), or (10) of
24 section 43-247; and

25 (iii) (c) Any juvenile described in subdivision (1)(a)(ii) of
26 section 29-1816. ~~;~~ ~~and~~

27 ~~(d) Until January 1, 2017, any juvenile who is alleged to have~~
28 ~~committed an offense under subdivision (1) of section 43-247 and who was~~
29 ~~seventeen years of age at the time the alleged offense was committed.~~

30 (b) Proceedings initiated under subsection this subdivision (3) of
31 this section may be transferred as provided in section 43-274.

1 Sec. 5. Section 43-247, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-247 The juvenile court in each county shall have jurisdiction of:

4 (1) Any juvenile who has committed an act other than a traffic
5 offense which would constitute a misdemeanor or an infraction under the
6 laws of this state, or violation of a city or village ordinance, and who,
7 ~~beginning July 1, 2017,~~ was eleven years of age or older at the time the
8 act was committed;

9 (2) Any juvenile who has committed an act which would constitute a
10 felony under the laws of this state and who, ~~beginning July 1, 2017,~~ was
11 eleven years of age or older at the time the act was committed;

12 (3) Any juvenile:

13 (a) who ~~who~~ is homeless or destitute, or without proper support
14 through no fault of his or her parent, guardian, or custodian; who is
15 abandoned by his or her parent, guardian, or custodian; who lacks proper
16 parental care by reason of the fault or habits of his or her parent,
17 guardian, or custodian; whose parent, guardian, or custodian neglects or
18 refuses to provide proper or necessary subsistence, education, or other
19 care necessary for the health, morals, or well-being of such juvenile;
20 whose parent, guardian, or custodian is unable to provide or neglects or
21 refuses to provide special care made necessary by the mental condition of
22 the juvenile; who is in a situation or engages in an occupation,
23 including prostitution, dangerous to life or limb or injurious to the
24 health or morals of such juvenile; or who, ~~beginning July 1, 2017,~~ has
25 committed an act or engaged in behavior described in subdivision (1),
26 (2), (3)(b), or (4) of this section and who was under eleven years of age
27 at the time of such act or behavior; ~~(b)(i) who, until July 1, 2017, by~~
28 ~~reason of being wayward or habitually disobedient, is uncontrolled by his~~
29 ~~or her parent, guardian, or custodian; who deports himself or herself so~~
30 ~~as to injure or endanger seriously the morals or health of himself,~~
31 ~~herself, or others; or who is habitually truant from home or school or~~

1 ~~(ii) who, beginning July 1, 2017,~~

2 (b) Who is eleven years of age or older and, who (i) by reason of
3 being wayward or habitually disobedient, is uncontrolled by his or her
4 parent, guardian, or custodian; (ii) who deports himself or herself so as
5 to injure or endanger seriously the morals or health of himself, herself,
6 or others; or (iii) who is habitually truant from home or school; or

7 (c) Who ~~who~~ is mentally ill and dangerous as defined in section
8 71-908;

9 (4) Any juvenile who has committed an act which would constitute a
10 traffic offense as defined in section 43-245 and ~~who, beginning July 1,~~
11 ~~2017,~~ was eleven years of age or older at the time the act was committed;

12 (5) The parent, guardian, or custodian of any juvenile described in
13 this section;

14 (6) The proceedings for termination of parental rights;

15 (7) Any juvenile who has been voluntarily relinquished, pursuant to
16 section 43-106.01, to the Department of Health and Human Services or any
17 child placement agency licensed by the Department of Health and Human
18 Services;

19 (8) Any juvenile who was a ward of the juvenile court at the
20 inception of his or her guardianship and whose guardianship has been
21 disrupted or terminated;

22 (9) The adoption or guardianship proceedings for a child over which
23 the juvenile court already has jurisdiction under another provision of
24 the Nebraska Juvenile Code;

25 (10) The paternity or custody determination for a child over which
26 the juvenile court already has jurisdiction;

27 (11) The proceedings under the Young Adult Bridge to Independence
28 Act; and

29 (12) Except as provided in subdivision (11) of this section, any
30 individual adjudged to be within the provisions of this section until the
31 individual reaches the age of majority or the court otherwise discharges

1 the individual from its jurisdiction.

2 Notwithstanding the provisions of the Nebraska Juvenile Code, the
3 determination of jurisdiction over any Indian child as defined in section
4 43-1503 shall be subject to the Nebraska Indian Child Welfare Act; and
5 the district court shall have exclusive jurisdiction in proceedings
6 brought pursuant to section 71-510.

7 Sec. 6. Section 43-247.02, Revised Statutes Cumulative Supplement,
8 2022, is amended to read:

9 43-247.02 (1) Notwithstanding any other provision of Nebraska law,
10 ~~on and after October 1, 2013,~~ a juvenile court shall not:

11 (a) Place any juvenile adjudicated or pending adjudication under
12 subdivision (1), (2), (3)(b), or (4) of section 43-247 with the
13 Department of Health and Human Services or the Office of Juvenile
14 Services, other than as allowed under subsection (2) ~~or (3)~~ of this
15 section;

16 (b) Commit any juvenile adjudicated or pending adjudication under
17 subdivision (1), (2), (3)(b), or (4) of section 43-247 to the care and
18 custody of the Department of Health and Human Services or the Office of
19 Juvenile Services, other than as allowed under subsection (2) ~~or (3)~~ of
20 this section;

21 (c) Require the Department of Health and Human Services or the
22 Office of Juvenile Services to supervise any juvenile adjudicated or
23 pending adjudication under subdivision (1), (2), (3)(b), or (4) of
24 section 43-247, other than as allowed under subsection (2) ~~or (3)~~ of this
25 section; or

26 (d) Require the Department of Health and Human Services or the
27 Office of Juvenile Services to provide, arrange for, or pay for any
28 services for any juvenile adjudicated or pending adjudication under
29 subdivision (1), (2), (3)(b), or (4) of section 43-247, or for any party
30 to cases under those subdivisions, other than as allowed under subsection
31 (2) ~~or (3)~~ of this section.

1 (2) Notwithstanding any other provision of Nebraska law, ~~on and~~
2 ~~after July 1, 2013,~~ a juvenile court shall not commit a juvenile to the
3 Office of Juvenile Services for placement at a youth rehabilitation and
4 treatment center except as part of an order of intensive supervised
5 probation under subsection (1) of section 43-286.

6 ~~(3) Nothing in this section shall be construed to limit the~~
7 ~~authority or duties of the Department of Health and Human Services in~~
8 ~~relation to juveniles adjudicated under subdivision (1), (2), (3)(b), or~~
9 ~~(4) of section 43-247 who were committed to the care and custody of the~~
10 ~~Department of Health and Human Services prior to October 1, 2013, to the~~
11 ~~Office of Juvenile Services for community-based services prior to October~~
12 ~~1, 2013, or to the Office of Juvenile Services for placement at a youth~~
13 ~~rehabilitation and treatment center prior to July 1, 2013. The care and~~
14 ~~custody of such juveniles with the Department of Health and Human~~
15 ~~Services or the Office of Juvenile Services shall continue in accordance~~
16 ~~with the Nebraska Juvenile Code and the Juvenile Services Act as such~~
17 ~~acts existed on January 1, 2013, until:~~

18 ~~(a) The juvenile reaches the age of majority;~~

19 ~~(b) The juvenile is no longer under the care and custody of the~~
20 ~~department pursuant to a court order or for any other reason, a guardian~~
21 ~~other than the department is appointed for the juvenile, or the juvenile~~
22 ~~is adopted;~~

23 ~~(c) The juvenile is discharged pursuant to section 43-412, as such~~
24 ~~section existed on January 1, 2013; or~~

25 ~~(d) A juvenile court terminates its jurisdiction of the juvenile.~~

26 Sec. 7. Section 43-248, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:

28 43-248 A peace officer may take a juvenile into temporary custody
29 without a warrant or order of the court and proceed as provided in
30 section 43-250 when:

31 (1) A juvenile has violated a state law or municipal ordinance and

1 such juvenile was eleven years of age or older at the time of the
2 violation, and the officer has reasonable grounds to believe such
3 juvenile committed such violation and was eleven years of age or older at
4 the time of the violation;

5 ~~(2) A juvenile is seriously endangered in his or her surroundings~~
6 ~~and immediate removal appears to be necessary for the juvenile's~~
7 ~~protection;~~

8 ~~(3) The officer believes the juvenile to be mentally ill and~~
9 ~~dangerous as defined in section 71-908 and that the harm described in~~
10 ~~that section is likely to occur before proceedings may be instituted~~
11 ~~before the juvenile court;~~

12 ~~(2) (4)~~ The officer has reasonable grounds to believe that the
13 juvenile has run away from his or her parent, guardian, or custodian;

14 ~~(3) (5)~~ A probation officer has reasonable cause to believe that a
15 juvenile is in violation of probation and that the juvenile will attempt
16 to leave the jurisdiction or place lives or property in danger;

17 ~~(4) (6)~~ The officer has reasonable grounds to believe the juvenile
18 is truant from school;

19 ~~(5) (7)~~ The officer has reasonable grounds to believe the juvenile
20 is immune from prosecution for prostitution under subsection (5) of
21 section 28-801; ~~or~~

22 ~~(6) A juvenile is seriously endangered in his or her surroundings~~
23 ~~and immediate removal appears to be necessary for the juvenile's~~
24 ~~protection;~~

25 ~~(7) (8)~~ A juvenile has committed an act or engaged in behavior
26 described in subdivision (1), (2), (3)(b), or (4) of section 43-247 and
27 such juvenile was under eleven years of age at the time of such act or
28 behavior, and the officer has reasonable cause to believe such juvenile
29 committed such act or engaged in such behavior and was under eleven years
30 of age at such time; or -

31 ~~(8) The officer believes the juvenile to be mentally ill and~~

1 dangerous as defined in section 71-908 and that the harm described in
2 that section is likely to occur before proceedings may be instituted
3 before the juvenile court.

4 Sec. 8. Section 43-250, Revised Statutes Cumulative Supplement,
5 2022, is amended to read:

6 43-250 (1) A peace officer who takes a juvenile into temporary
7 custody under section 29-401 or subdivision (1), ~~(2), (3), or (7) (4),~~
8 ~~(5), or (8)~~ of section 43-248 shall immediately take reasonable measures
9 to notify the juvenile's parent, guardian, custodian, or relative and
10 shall proceed as follows:

11 (a) The peace officer may release a juvenile taken into temporary
12 custody under section 29-401 or subdivision (1), (2), or (7) ~~(4), or (8)~~
13 of section 43-248;

14 (b) The peace officer may require a juvenile taken into temporary
15 custody under section 29-401 or subdivision (1) or (2) ~~(4)~~ of section
16 43-248 to appear before the court of the county in which such juvenile
17 was taken into custody at a time and place specified in the written
18 notice prepared in triplicate by the peace officer or at the call of the
19 court. The notice shall also contain a concise statement of the reasons
20 such juvenile was taken into custody. The peace officer shall deliver one
21 copy of the notice to such juvenile and require such juvenile or his or
22 her parent, guardian, other custodian, or relative, or both, to sign a
23 written promise that such signer will appear at the time and place
24 designated in the notice. Upon the execution of the promise to appear,
25 the peace officer shall immediately release such juvenile. The peace
26 officer shall, as soon as practicable, file one copy of the notice with
27 the county attorney or city attorney and, when required by the court,
28 also file a copy of the notice with the court or the officer appointed by
29 the court for such purpose; or

30 (c) The peace officer may retain temporary custody of a juvenile
31 taken into temporary custody under section 29-401 or subdivision (1),

1 ~~(2), or (3) (4), or (5)~~ of section 43-248 and deliver the juvenile, if
2 necessary, to the probation officer and communicate all relevant
3 available information regarding such juvenile to the probation officer.
4 The probation officer shall determine the need for detention of the
5 juvenile as provided in section 43-260.01. Upon determining that the
6 juvenile should be placed in detention or an alternative to detention and
7 securing placement in such setting by the probation officer, the peace
8 officer shall implement the probation officer's decision to release or to
9 detain and place the juvenile. When secure detention of a juvenile is
10 necessary, such detention shall occur within a juvenile detention
11 facility except:

12 (i) When a juvenile described in subdivision (1) or (2) of section
13 43-247, except for a status offender, is taken into temporary custody
14 within a metropolitan statistical area and where no juvenile detention
15 facility is reasonably available, the juvenile may be delivered, for
16 temporary custody not to exceed six hours, to a secure area of a jail or
17 other facility intended or used for the detention of adults solely for
18 the purposes of identifying the juvenile and ascertaining his or her
19 health and well-being and for safekeeping while awaiting transport to an
20 appropriate juvenile placement or release to a responsible party;

21 (ii) When a juvenile described in subdivision (1) or (2) of section
22 43-247, except for a status offender, is taken into temporary custody
23 outside of a metropolitan statistical area and where no juvenile
24 detention facility is reasonably available, the juvenile may be
25 delivered, for temporary custody not to exceed twenty-four hours
26 excluding nonjudicial days and while awaiting an initial court
27 appearance, to a secure area of a jail or other facility intended or used
28 for the detention of adults solely for the purposes of identifying the
29 juvenile and ascertaining his or her health and well-being and for
30 safekeeping while awaiting transport to an appropriate juvenile placement
31 or release to a responsible party;

1 (iii) Whenever a juvenile is held in a secure area of any jail or
2 other facility intended or used for the detention of adults, there shall
3 be no verbal, visual, or physical contact between the juvenile and any
4 incarcerated adult and there shall be adequate staff to supervise and
5 monitor the juvenile's activities at all times. This subdivision shall
6 not apply to a juvenile charged with a felony as an adult in county or
7 district court if he or she is sixteen years of age or older;

8 (iv) If a juvenile is under sixteen years of age or is a juvenile as
9 described in subdivision (3) of section 43-247, he or she shall not be
10 placed within a secure area of a jail or other facility intended or used
11 for the detention of adults;

12 (v) If, within the time limits specified in subdivision (1)(c)(i) or
13 (1)(c)(ii) of this section, a felony charge is filed against the juvenile
14 as an adult in county or district court, he or she may be securely held
15 in a jail or other facility intended or used for the detention of adults
16 beyond the specified time limits;

17 (vi) A status offender or nonoffender taken into temporary custody
18 shall not be held in a secure area of a jail or other facility intended
19 or used for the detention of adults. ~~Until January 1, 2013, a status~~
20 ~~offender accused of violating a valid court order may be securely~~
21 ~~detained in a juvenile detention facility longer than twenty-four hours~~
22 ~~if he or she is afforded a detention hearing before a court within~~
23 ~~twenty-four hours, excluding nonjudicial days, and if, prior to a~~
24 ~~dispositional commitment to secure placement, a public agency, other than~~
25 ~~a court or law enforcement agency, is afforded an opportunity to review~~
26 ~~the juvenile's behavior and possible alternatives to secure placement and~~
27 ~~has submitted a written report to the court; and~~

28 (vii) A juvenile described in subdivision (1) or (2) of section
29 43-247, except for a status offender, may be held in a secure area of a
30 jail or other facility intended or used for the detention of adults for
31 up to six hours before and six hours after any court appearance.

1 (2) A juvenile taken into custody pursuant to a legal warrant of
2 arrest shall be delivered to a probation officer who shall determine the
3 need for detention of the juvenile as provided in section 43-260.01. If
4 detention is not required, the juvenile may be released without bond if
5 such release is in the best interests of the juvenile, the safety of the
6 community is not at risk, and the court that issued the warrant is
7 notified that the juvenile had been taken into custody and was released.

8 (3) In determining the appropriate temporary placement or
9 alternative to detention of a juvenile under this section, the peace
10 officer shall select the placement or alternative which is least
11 restrictive of the juvenile's freedom so long as such placement or
12 alternative is compatible with the best interests of the juvenile and the
13 safety of the community. Any alternative to detention shall cause the
14 least restriction of the juvenile's freedom of movement consistent with
15 the best interests of the juvenile and the safety of the community.

16 ~~(2) When a juvenile is taken into temporary custody pursuant to~~
17 ~~subdivision (2), (7), or (8) of section 43-248, and not released under~~
18 ~~subdivision (1)(a) of this section, the peace officer shall deliver the~~
19 ~~custody of such juvenile to the Department of Health and Human Services~~
20 ~~which shall make a temporary placement of the juvenile in the least~~
21 ~~restrictive environment consistent with the best interests of the~~
22 ~~juvenile as determined by the department. The department shall supervise~~
23 ~~such placement and, if necessary, consent to any necessary emergency~~
24 ~~medical, psychological, or psychiatric treatment for such juvenile. The~~
25 ~~department shall have no other authority with regard to such temporary~~
26 ~~custody until or unless there is an order by the court placing the~~
27 ~~juvenile in the custody of the department. If the peace officer delivers~~
28 ~~temporary custody of the juvenile pursuant to this subsection, the peace~~
29 ~~officer shall make a full written report to the county attorney within~~
30 ~~twenty-four hours of taking such juvenile into temporary custody. If a~~
31 ~~court order of temporary custody is not issued within forty-eight hours~~

1 ~~of taking the juvenile into custody, the temporary custody by the~~
2 ~~department shall terminate and the juvenile shall be returned to the~~
3 ~~custody of his or her parent, guardian, custodian, or relative.~~

4 ~~(3) If the peace officer takes the juvenile into temporary custody~~
5 ~~pursuant to subdivision (3) of section 43-248, the peace officer may~~
6 ~~place the juvenile at a mental health facility for evaluation and~~
7 ~~emergency treatment or may deliver the juvenile to the Department of~~
8 ~~Health and Human Services as provided in subsection (2) of this section.~~
9 ~~At the time of the admission or turning the juvenile over to the~~
10 ~~department, the peace officer responsible for taking the juvenile into~~
11 ~~custody pursuant to subdivision (3) of section 43-248 shall execute a~~
12 ~~written certificate as prescribed by the Department of Health and Human~~
13 ~~Services which will indicate that the peace officer believes the juvenile~~
14 ~~to be mentally ill and dangerous, a summary of the subject's behavior~~
15 ~~supporting such allegations, and that the harm described in section~~
16 ~~71-908 is likely to occur before proceedings before a juvenile court may~~
17 ~~be invoked to obtain custody of the juvenile. A copy of the certificate~~
18 ~~shall be forwarded to the county attorney. The peace officer shall notify~~
19 ~~the juvenile's parents, guardian, custodian, or relative of the~~
20 ~~juvenile's placement.~~

21 (4) When a juvenile is taken into temporary custody pursuant to
22 subdivision (4) ~~(6)~~ of section 43-248, the peace officer shall deliver
23 the juvenile to the enrolled school of such juvenile.

24 (5) When a juvenile is taken into temporary custody pursuant to
25 subdivision (5), (6), or (7) of section 43-248, and not released under
26 subdivision (1)(a) of this section, the peace officer shall deliver the
27 custody of such juvenile to the Department of Health and Human Services
28 which shall make a temporary placement of the juvenile in the least
29 restrictive environment consistent with the best interests of the
30 juvenile as determined by the department. The department shall supervise
31 such placement and, if necessary, consent to any necessary emergency

1 medical, psychological, or psychiatric treatment for such juvenile. The
2 department shall have no other authority with regard to such temporary
3 custody until or unless there is an order by the court placing the
4 juvenile in the custody of the department. If the peace officer delivers
5 temporary custody of the juvenile pursuant to this subsection, the peace
6 officer shall make a full written report to the county attorney within
7 twenty-four hours of taking such juvenile into temporary custody. If a
8 court order of temporary custody is not issued within forty-eight hours
9 of taking the juvenile into custody, the temporary custody by the
10 department shall terminate and the juvenile shall be returned to the
11 custody of his or her parent, guardian, custodian, or relative.

12 (6) If the peace officer takes the juvenile into temporary custody
13 pursuant to subdivision (8) of section 43-248, the peace officer may
14 place the juvenile at a mental health facility for evaluation and
15 emergency treatment or may deliver the juvenile to the Department of
16 Health and Human Services as provided in subsection (5) of this section.
17 At the time of the admission or turning the juvenile over to the
18 department, the peace officer responsible for taking the juvenile into
19 custody pursuant to subdivision (8) of section 43-248 shall execute a
20 written certificate as prescribed by the department which will indicate
21 that the peace officer believes the juvenile to be mentally ill and
22 dangerous, a summary of the subject's behavior supporting such
23 allegations, and that the harm described in section 71-908 is likely to
24 occur before proceedings before a juvenile court may be invoked to obtain
25 custody of the juvenile. A copy of the certificate shall be forwarded to
26 the county attorney. The peace officer shall notify the juvenile's
27 parents, guardian, custodian, or relative of the juvenile's placement.

28 ~~(5) A juvenile taken into custody pursuant to a legal warrant of~~
29 ~~arrest shall be delivered to a probation officer who shall determine the~~
30 ~~need for detention of the juvenile as provided in section 43-260.01. If~~
31 ~~detention is not required, the juvenile may be released without bond if~~

1 ~~such release is in the best interests of the juvenile, the safety of the~~
2 ~~community is not at risk, and the court that issued the warrant is~~
3 ~~notified that the juvenile had been taken into custody and was released.~~

4 ~~(6) In determining the appropriate temporary placement or~~
5 ~~alternative to detention of a juvenile under this section, the peace~~
6 ~~officer shall select the placement or alternative which is least~~
7 ~~restrictive of the juvenile's freedom so long as such placement or~~
8 ~~alternative is compatible with the best interests of the juvenile and the~~
9 ~~safety of the community. Any alternative to detention shall cause the~~
10 ~~least restriction of the juvenile's freedom of movement consistent with~~
11 ~~the best interest of the juvenile and the safety of the community.~~

12 Sec. 9. Section 43-251.01, Revised Statutes Cumulative Supplement,
13 2022, is amended to read:

14 43-251.01 All placements and commitments of juveniles for
15 evaluations or as temporary or final dispositions are subject to the
16 following:

17 (1) No juvenile shall be confined in an adult correctional facility
18 as a disposition of the court;

19 (2) A juvenile who is found to be a juvenile as described in
20 subdivision (3) of section 43-247 shall not be placed in an adult
21 correctional facility, the secure youth confinement facility operated by
22 the Department of Correctional Services, or a youth rehabilitation and
23 treatment center or committed to the Office of Juvenile Services;

24 (3) A juvenile who is found to be a juvenile as described in
25 subdivision (1), (2), or (4) of section 43-247 shall not be assigned or
26 transferred to an adult correctional facility or the secure youth
27 confinement facility operated by the Department of Correctional Services;

28 (4) A juvenile under the age of fourteen years shall not be placed
29 with or committed to a youth rehabilitation and treatment center;

30 ~~(5)(a) Before July 1, 2019, a juvenile shall not be detained in~~
31 ~~secure detention or placed at a youth rehabilitation and treatment center~~

1 ~~unless detention or placement of such juvenile is a matter of immediate~~
2 ~~and urgent necessity for the protection of such juvenile or the person or~~
3 ~~property of another or if it appears that such juvenile is likely to flee~~
4 ~~the jurisdiction of the court; and~~

5 ~~(b) On and after July 1, 2019:~~

6 (5)(a) (i) A juvenile shall not be detained unless the physical
7 safety of persons in the community would be seriously threatened or
8 detention is necessary to secure the presence of the juvenile at the next
9 hearing, as evidenced by a demonstrable record of willful failure to
10 appear at a scheduled court hearing within the last twelve months;

11 (b) (ii) A child twelve years of age or younger shall not be placed
12 in detention under any circumstances; and

13 (c) (iii) A juvenile shall not be placed into detention:

14 (i) (A) To allow a parent or guardian to avoid his or her legal
15 responsibility;

16 (ii) (B) To punish, treat, or rehabilitate such juvenile;

17 (iii) (C) To permit more convenient administrative access to such
18 juvenile;

19 (iv) (D) To facilitate further interrogation or investigation; or

20 (v) (E) Due to a lack of more appropriate facilities except in case
21 of an emergency as provided in section 43-430;

22 (6) A juvenile alleged to be a juvenile as described in subdivision
23 (3) of section 43-247 shall not be placed in a juvenile detention
24 facility, including a wing labeled as staff secure at such facility,
25 unless the designated staff secure portion of the facility fully complies
26 with subdivision (5) of section 83-4,125 and the ingress and egress to
27 the facility are restricted solely through staff supervision; and

28 (7) A juvenile alleged to be a juvenile as described in subdivision
29 (1), (2), (3)(b), or (4) of section 43-247 shall not be placed out of his
30 or her home as a dispositional order of the court unless:

31 (a) All available community-based resources have been exhausted to

1 assist the juvenile and his or her family; and

2 (b) Maintaining the juvenile in the home presents a significant risk
3 of harm to the juvenile or community.

4 Sec. 10. Section 43-253, Revised Statutes Cumulative Supplement,
5 2022, is amended to read:

6 43-253 (1) Upon delivery to the probation officer of a juvenile who
7 has been taken into temporary custody under section 29-401, 43-248, or
8 43-250, the probation officer shall immediately investigate the situation
9 of the juvenile and the nature and circumstances of the events
10 surrounding his or her being taken into custody. Such investigation may
11 be by informal means when appropriate.

12 (2) The probation officer's decision to release the juvenile from
13 custody or place the juvenile in detention or an alternative to detention
14 shall be based upon the results of the standardized juvenile detention
15 screening instrument described in section 43-260.01.

16 (3) No juvenile who has been taken into temporary custody under
17 subdivision (1)(c) of section 43-250 or subsection (6) of section
18 43-286.01 or pursuant to an alleged violation of an order for conditional
19 release shall be detained in any detention facility or be subject to an
20 alternative to detention infringing upon the juvenile's liberty interest
21 for longer than twenty-four hours, excluding nonjudicial days, after
22 having been taken into custody unless such juvenile has appeared
23 personally before a court of competent jurisdiction for a hearing to
24 determine if continued detention, services, or supervision is necessary.
25 The juvenile shall be represented by counsel at the hearing. Whether such
26 counsel shall be provided at the cost of the county shall be determined
27 as provided in subsection (1) of section 43-272. If continued secure
28 detention is ordered, such detention shall be in a juvenile detention
29 facility, except that a juvenile charged with a felony as an adult in
30 county or district court may be held in an adult jail as set forth in
31 subdivision (1)(c)(v) of section 43-250. A juvenile placed in an

1 alternative to detention, but not in detention, may waive this hearing
2 through counsel.

3 (4) When the probation officer deems it to be in the best interests
4 of the juvenile, the probation officer shall immediately release such
5 juvenile to the custody of his or her parent. If the juvenile has both a
6 custodial and a noncustodial parent and the probation officer deems that
7 release of the juvenile to the custodial parent is not in the best
8 interests of the juvenile, the probation officer shall, if it is deemed
9 to be in the best interests of the juvenile, attempt to contact the
10 noncustodial parent, if any, of the juvenile and to release the juvenile
11 to such noncustodial parent. If such release is not possible or not
12 deemed to be in the best interests of the juvenile, the probation officer
13 may release the juvenile to the custody of a legal guardian, a
14 responsible relative, or another responsible person.

15 (5) The court may admit such juvenile to bail by bond in such amount
16 and on such conditions and security as the court, in its sole discretion,
17 shall determine, or the court may proceed as provided in section 43-254.
18 In no case shall the court or probation officer release such juvenile if
19 it appears that:

20 ~~(a) Before July 1, 2019, further detention or placement of such~~
21 ~~juvenile is a matter of immediate and urgent necessity for the protection~~
22 ~~of such juvenile or the person or property of another or if it appears~~
23 ~~that such juvenile is likely to flee the jurisdiction of the court; and~~

24 ~~(a) The~~ (b) ~~On or after July 1, 2019,~~ the physical safety of persons
25 in the community would be seriously threatened; or

26 (b) Detention ~~that detention~~ is necessary to secure the presence of
27 the juvenile at the next hearing, as evidenced by a demonstrable record
28 of willful failure to appear at a scheduled court hearing within the last
29 twelve months.

30 Sec. 11. Section 43-254, Revised Statutes Cumulative Supplement,
31 2022, is amended to read:

1 43-254 (1) Pending the adjudication of any case, and subject to
2 subdivision (5) of section 43-251.01, if it appears that the need for
3 placement or further detention exists, the juvenile may be:

4 (a) Placed ~~(1) placed~~ or detained a reasonable period of time on
5 order of the court in the temporary custody of either the person having
6 charge of the juvenile or some other suitable person; τ

7 (b) Kept ~~(2) kept~~ in some suitable place provided by the city or
8 county authorities; τ

9 (c) Placed ~~(3) placed~~ in any proper and accredited charitable
10 institution; τ

11 (d) Placed ~~(4) placed~~ in a state institution, except any adult
12 correctional facility, when proper facilities are available and the only
13 local facility is a city or county jail, at the expense of the committing
14 county on a per diem basis as determined from time to time by the head of
15 the particular institution; τ

16 (e) Placed ~~(5) placed~~ in the temporary care and custody of the
17 Department of Health and Human Services when it does not appear that
18 there is any need for secure detention, except that ~~beginning October 1,~~
19 ~~2013,~~ no juvenile alleged to be a juvenile described in subdivision (1),
20 (2), (3)(b), or (4) of section 43-247 shall be placed in the care and
21 custody or under the supervision of the department ~~Department of Health~~
22 ~~and Human Services~~ ; τ or

23 (f) Offered ~~(6) beginning October 1, 2013,~~ offered supervision
24 options as determined pursuant to section 43-260.01, through the Office
25 of Probation Administration as ordered by the court and agreed to in
26 writing by the parties, if the juvenile is alleged to be a juvenile
27 described in subdivision (1), (2), (3)(b), or (4) of section 43-247 and
28 it does not appear that there is any need for secure detention.

29 (2) The court may assess the cost of such placement or detention in
30 whole or in part to the parent of the juvenile as provided in section
31 43-290.

1 (3) If a juvenile has been removed from his or her parent, guardian,
2 or custodian pursuant to subdivision (6) ~~(2)~~ of section 43-248, the court
3 may enter an order continuing detention or placement upon a written
4 determination that continuation of the juvenile in his or her home would
5 be contrary to the health, safety, or welfare of such juvenile and that
6 reasonable efforts were made to preserve and reunify the family if
7 required under section 43-283.01.

8 Sec. 12. Section 43-254.01, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 43-254.01 (1) Any time a juvenile is temporarily placed at a mental
11 health facility pursuant to subsection (6) ~~(3)~~ of section 43-250 or by a
12 court as a juvenile who is mentally ill and dangerous, a mental health
13 professional as defined in section 71-906 shall evaluate the mental
14 condition of the juvenile as soon as reasonably possible but not later
15 than thirty-six hours after the juvenile's admission, unless the juvenile
16 was evaluated by a mental health professional immediately prior to the
17 juvenile being placed in temporary custody and the temporary custody is
18 based upon the conclusions of that evaluation. The mental health
19 professional who performed the evaluation prior to the temporary custody
20 or immediately after the temporary custody shall, without delay, convey
21 the results of his or her evaluation to the county attorney.

22 (2) If it is the judgment of the mental health professional that the
23 juvenile is not mentally ill and dangerous or that the harm described in
24 section 71-908 is not likely to occur before the matter may be heard by a
25 juvenile court, the mental health professional shall immediately notify
26 the county attorney of that conclusion and the county attorney shall
27 either proceed to hearing before the court within twenty-four hours or
28 order the immediate release of the juvenile from temporary custody. Such
29 release shall not prevent the county attorney from proceeding on the
30 petition if he or she so chooses.

31 (3) A juvenile taken into temporary protective custody under

1 subsection (6) ~~(3)~~ of section 43-250 shall have the opportunity to
2 proceed to adjudication hearing within seven days unless the matter is
3 continued. Continuances shall be liberally granted at the request of the
4 juvenile, his or her guardian ad litem, attorney, parents, or guardian.
5 Continuances may be granted to permit the juvenile an opportunity to
6 obtain voluntary treatment.

7 Sec. 13. Section 43-256, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 43-256 (1) When the court enters an order continuing placement,
10 detention, or an alternative to detention infringing upon the juvenile's
11 liberty interest pursuant to section 43-253, upon request of the
12 juvenile, or his or her parent, guardian, or attorney, the court shall
13 hold a hearing within forty-eight hours. At such ~~at which~~ hearing the
14 state shall have the burden of proof ~~shall be upon the state~~ to show
15 probable cause that such juvenile is within the jurisdiction of the
16 court. Strict rules of evidence shall not apply at the probable cause
17 hearing. The juvenile shall be released if probable cause is not shown.
18 At the option of the court, it may hold the adjudication hearing provided
19 in section 43-279 as soon as possible instead of the probable cause
20 hearing if held within a reasonable period of time.

21 (2) This section and section 43-255 shall not apply to a juvenile
22 (a) ~~(1)~~ who has escaped from a commitment or (b) ~~(2)~~ who has been taken
23 into custody for his or her own protection as provided in subdivision (6)
24 ~~(2)~~ of section 43-248 in which case the juvenile shall be held on order
25 of the court with jurisdiction for a reasonable period of time.

26 Sec. 14. Section 43-258, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 43-258 (1) Pending the adjudication of any case under the Nebraska
29 Juvenile Code, the court may order the juvenile examined by a physician,
30 surgeon, psychiatrist, duly authorized community mental health service
31 program, or psychologist to aid the court in determining (a) a material

1 allegation in the petition relating to the juvenile's physical or mental
2 condition, (b) the juvenile's competence to participate in the
3 proceedings, (c) the juvenile's responsibility for his or her acts, or
4 (d) whether or not to provide emergency medical treatment.

5 (2)(a) Pending the adjudication of any case under the Nebraska
6 Juvenile Code and after a showing of probable cause that the juvenile is
7 within the court's jurisdiction, for the purposes of subsection (1) of
8 this section, the court may order such juvenile to be placed with the
9 Department of Health and Human Services for evaluation, except that ~~on~~
10 ~~and after October 1, 2013,~~ no juvenile alleged to be a juvenile as
11 described in subdivision (1), (2), (3)(b), or (4) of section 43-247 shall
12 be placed with the department ~~Department of Health and Human Services~~. If
13 a juvenile is placed with the department ~~Department of Health and Human~~
14 ~~Services~~ under this subdivision, the department shall make arrangements
15 for an appropriate evaluation. The department shall determine whether the
16 evaluation will be made on a residential or nonresidential basis.
17 Placement with the department for the purposes of this section shall be
18 for a period not to exceed thirty days. If necessary to complete the
19 evaluation, the court may order an extension not to exceed an additional
20 thirty days. Any temporary placement of a juvenile made under this
21 section shall be in the least restrictive environment consistent with the
22 best interests of the juvenile and the safety of the community.

23 (b) ~~Pending Beginning October 1, 2013,~~ pending the adjudication of
24 any case in which a juvenile is alleged to be a juvenile as described in
25 subdivision (1), (2), (3)(b), or (4) of section 43-247 and after a
26 showing of probable cause that the juvenile is within the court's
27 jurisdiction, for the purposes of subsection (1) of this section, the
28 court may order an evaluation to be arranged by the Office of Probation
29 Administration. Any temporary placement of a juvenile made under this
30 section shall be in the least restrictive environment consistent with the
31 best interests of the juvenile and the safety of the community.

1 (3) Upon completion of the evaluation, the juvenile shall be
2 returned to the court together with a written or electronic report of the
3 results of the evaluation. Such report shall include an assessment of the
4 basic needs of the juvenile and recommendations for continuous and long-
5 term care and shall be made to effectuate the purposes in subdivision (1)
6 of section 43-246. The juvenile shall appear before the court for a
7 hearing on the report of the evaluation results within ten days after the
8 court receives the evaluation.

9 (4) During any period of detention or evaluation prior to
10 adjudication, costs incurred on behalf of a juvenile shall be paid as
11 provided in section 43-290.01.

12 (5) The court shall provide copies of the evaluation report and any
13 evaluations of the juvenile to the juvenile's attorney and the county
14 attorney or city attorney prior to any hearing in which the report or
15 evaluation will be relied upon.

16 Sec. 15. Section 43-272.01, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 43-272.01 (1) A guardian ad litem as provided for in subsections (2)
19 and (3) of section 43-272 shall be appointed when a child is removed from
20 his or her surroundings pursuant to subdivision (6) or (8) ~~(2) or (3)~~ of
21 section 43-248, subsection (5) ~~(2)~~ of section 43-250, or section 43-251.
22 If a county has a guardian ad litem division created under section
23 23-3901, the court shall appoint the guardian ad litem division unless a
24 conflict of interest exists or the court determines that an appointment
25 outside of the guardian ad litem division would be more appropriate to
26 serve the child's best interests. If removal has not occurred, a guardian
27 ad litem shall be appointed at the commencement of all cases brought
28 under subdivision (3)(a) or (7) of section 43-247 and section 28-707.

29 (2) In the course of discharging duties as guardian ad litem, the
30 person so appointed shall consider, but not be limited to, the criteria
31 provided in this subsection. The guardian ad litem:

1 (a) Is appointed to stand in lieu of a parent for a protected
2 juvenile who is the subject of a juvenile court petition, shall be
3 present at all hearings before the court in such matter unless expressly
4 excused by the court, and may enter into such stipulations and agreements
5 concerning adjudication and disposition deemed by him or her to be in the
6 juvenile's best interests;

7 (b) Is not appointed to defend the parents or other custodian of the
8 protected juvenile but shall defend the legal and social interests of
9 such juvenile. Social interests shall be defined generally as the usual
10 and reasonable expectations of society for the appropriate parental
11 custody and protection and quality of life for juveniles without regard
12 to the socioeconomic status of the parents or other custodians of the
13 juvenile;

14 (c) May at any time after the filing of the petition move the court
15 of jurisdiction to provide medical or psychological treatment or
16 evaluation as set out in section 43-258. The guardian ad litem shall have
17 access to all reports resulting from any examination ordered under
18 section 43-258, and such reports shall be used for evaluating the status
19 of the protected juvenile;

20 (d) Shall make every reasonable effort to become familiar with the
21 needs of the protected juvenile which (i) shall include consultation with
22 the juvenile in his or her respective placement within two weeks after
23 the appointment and once every six months thereafter, unless the court
24 approves other methods of consultation as provided in subsection (6) of
25 this section, and inquiry of the most current caseworker, foster parent,
26 or other custodian and (ii) may include inquiry of others directly
27 involved with the juvenile or who may have information or knowledge about
28 the circumstances which brought the juvenile court action or related
29 cases and the development of the juvenile, including biological parents,
30 physicians, psychologists, teachers, and clergy members;

31 (e) May present evidence and witnesses and cross-examine witnesses

1 at all evidentiary hearings. In any proceeding under this section
2 relating to a child of school age, certified copies of school records
3 relating to attendance and academic progress of such child are admissible
4 in evidence;

5 (f) Shall be responsible for making written reports and
6 recommendations to the court at every dispositional, review, or
7 permanency planning hearing regarding (i) the temporary and permanent
8 placement of the protected juvenile, (ii) the type and number of contacts
9 with the juvenile, (iii) the type and number of contacts with other
10 individuals described in subdivision (d) of this subsection, (iv)
11 compliance with the Nebraska Strengthening Families Act, and (v) any
12 further relevant information on a form prepared by the Supreme Court. As
13 an alternative to the written reports and recommendations, the court may
14 provide the guardian ad litem with a checklist that shall be completed
15 and presented to the court at every dispositional or review hearing. A
16 copy of the written reports and recommendations to the court or a copy of
17 the checklist presented to the court shall also be submitted to the
18 Foster Care Review Office for any juvenile in foster care placement as
19 defined in section 43-1301;

20 (g) Shall consider such other information as is warranted by the
21 nature and circumstances of a particular case; and

22 (h) May file a petition in the juvenile court on behalf of the
23 juvenile, including a supplemental petition as provided in section
24 43-291.

25 (3) Nothing in this section shall operate to limit the discretion of
26 the juvenile court in protecting the best interests of a juvenile who is
27 the subject of a juvenile court petition.

28 (4) For purposes of subdivision (2)(d) of this section, the court
29 may order the expense of such consultation, if any, to be paid by the
30 county in which the juvenile court action is brought or the court may,
31 after notice and hearing, assess the cost of such consultation, if any,

1 in whole or in part to the parents of the juvenile. The ability of the
2 parents to pay and the amount of the payment shall be determined by the
3 court by appropriate examination.

4 (5) The guardian ad litem may be compensated on a per-case
5 appointment system or pursuant to a system of multi-case contracts or may
6 be employed by a guardian ad litem division created pursuant to section
7 23-3901. If a county creates a guardian ad litem division, guardian ad
8 litem appointments shall be made first from the guardian ad litem
9 division unless a conflict exists or the court determines that an
10 appointment outside of the guardian ad litem division would be more
11 appropriate to serve the child's best interests. Regardless of the method
12 of compensation, billing hours and expenses for court-appointed guardian
13 ad litem services shall be submitted to the court for approval and shall
14 be recorded on a written, itemized billing statement signed by the
15 attorney responsible for the case. Billing hours and expenses for
16 guardian ad litem services rendered under a contract for such services
17 shall be submitted to the entity with whom the guardian ad litem
18 contracts in the form and manner prescribed by such entity for approval.
19 Case time for guardian ad litem services shall be scrupulously accounted
20 for by the attorney responsible for the case. Additionally, in the case
21 of a multi-lawyer firm or organization retained for guardian ad litem
22 services, the name of the attorney or attorneys assigned to each guardian
23 ad litem case shall be recorded.

24 (6) The guardian ad litem shall meet in person with the juvenile for
25 purposes of the consultation required by subdivision (2)(d) of this
26 section unless prohibited or made impracticable by exceptional
27 circumstances, including, but not limited to, situations in which an
28 unreasonable geographical distance is involved between the location of
29 the guardian ad litem and the juvenile. When such exceptional
30 circumstances exist, the guardian ad litem shall attempt such
31 consultation by other reasonable means, including, but not limited to, by

1 telephone or suitable electronic means, if the juvenile is of sufficient
2 age and capacity to participate in such means of communication and there
3 are no other barriers preventing such means of communication. If
4 consultation by telephone or suitable electronic means is not feasible,
5 the guardian ad litem shall seek direction from the court as to any other
6 acceptable method by which to accomplish consultation required by
7 subdivision (2)(d) of this section.

8 Sec. 16. Section 43-281, Revised Statutes Cumulative Supplement,
9 2022, is amended to read:

10 43-281 (1) Following an adjudication of jurisdiction and prior to
11 final disposition, the court may provide for evaluation of a juvenile as
12 provided in this section.

13 (2) If the adjudication of jurisdiction is not under subdivision
14 (1), (2), (3)(b), or (4) of section 43-247, the court may place the
15 juvenile with the Office of Juvenile Services or the Department of Health
16 and Human Services for evaluation. ~~, except that on and after October 1,~~
17 ~~2013, no juvenile adjudicated under subdivision (1), (2), (3)(b), or (4)~~
18 ~~of section 43-247 shall be placed with the office or the department. The~~
19 office or department shall arrange and pay for an appropriate evaluation
20 if the office or department determines that there are no parental funds
21 or private or public insurance available to pay for such evaluation. ~~,~~
22 ~~except that on and after October 1, 2013, the office and the department~~
23 ~~shall not be responsible for such evaluations of any juvenile adjudicated~~
24 ~~under subdivision (1), (2), (3)(b), or (4) of section 43-247.~~

25 (3)(a) If the (2) On and after October 1, 2013, following an
26 adjudication of jurisdiction is under subdivision (1), (2), (3)(b), or
27 (4) of section 43-247 ~~and prior to final disposition~~, the court may order
28 an evaluation to be arranged by the Office of Probation Administration.

29 (b) For a juvenile in detention, the court shall order that such
30 evaluation be completed and the juvenile returned to the court within
31 twenty-one days after the evaluation.

1 (c) For a juvenile who is not in detention, the evaluation shall be
2 completed and the juvenile returned to the court within thirty days.

3 (d) The physician, psychologist, licensed mental health
4 practitioner, professional counselor holding a privilege to practice in
5 Nebraska under the Licensed Professional Counselors Interstate Compact,
6 licensed drug and alcohol counselor, or other provider responsible for
7 completing the evaluation shall have up to ten days to complete the
8 evaluation after receiving the referral authorizing the evaluation.

9 (4) ~~(3)~~ A juvenile pending evaluation ordered under ~~subsection (1)~~
10 ~~or (2)~~ of this section shall not reside in a detention facility at the
11 time of the evaluation or while waiting for the completed evaluation to
12 be returned to the court unless detention of such juvenile is a matter of
13 immediate and urgent necessity for the protection of such juvenile or the
14 person or property of another or if it appears that such juvenile is
15 likely to flee the jurisdiction of the court.

16 (5) ~~(4)~~ The court shall provide copies of predisposition reports and
17 evaluations of the juvenile to the juvenile's attorney and the county
18 attorney or city attorney prior to any hearing in which the report or
19 evaluation will be relied upon.

20 Sec. 17. Section 43-284, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 43-284 (1) When any juvenile is adjudged to be under subdivision
23 (3), (4), or (8) of section 43-247, the court may permit such juvenile to
24 remain in his or her own home subject to supervision or may make an order
25 committing the juvenile to:

26 (a) ~~The (1) the care of some suitable institution;~~ τ

27 (b) Inpatient ~~(2) inpatient~~ or outpatient treatment at a mental
28 health facility or mental health program; τ

29 (c) ~~The (3) the care of some reputable citizen of good moral~~
30 character; τ

31 (d) ~~The (4) the care of some association willing to receive the~~

1 juvenile embracing in its objects the purpose of caring for or obtaining
2 homes for such juveniles, which association shall have been accredited as
3 provided in section 43-296; ~~τ~~

4 ~~(e) The (5) the care of a suitable family; τ or~~

5 ~~(f) The (6) the care and custody of the Department of Health and~~
6 Human Services, except that a juvenile who is adjudicated to be a
7 juvenile described in subdivision (3)(b) or (4) of section 43-247 shall
8 not be committed to the care and custody or supervision of the department
9 ~~on or after October 1, 2013.~~

10 ~~(2)(a) Under subdivision (1)(a), (b), (c), (d), or (e) (1), (2),~~
11 ~~(3), (4), or (5) of this section, upon a determination by the court that~~
12 there are no parental, private, or other public funds available for the
13 care, custody, education, and maintenance of a juvenile, the court may
14 order a reasonable sum for the care, custody, education, and maintenance
15 of the juvenile to be paid out of a fund which shall be appropriated
16 annually by the county where the petition is filed until suitable
17 provisions may be made for the juvenile without such payment.

18 ~~(b) The amount to be paid by a county for education pursuant to this~~
19 section shall not exceed the average cost for education of a public
20 school student in the county in which the juvenile is placed and shall be
21 paid only for education in kindergarten through grade twelve.

22 ~~(3) The court may enter a dispositional order removing a juvenile~~
23 from his or her home upon a written determination that continuation in
24 the home would be contrary to the health, safety, or welfare of such
25 juvenile and that reasonable efforts to preserve and reunify the family
26 have been made if required under section 43-283.01.

27 Sec. 18. On or before October 1, 2024, the Revisor of Statutes
28 shall prepare and publish a simplified index to the Nebraska Juvenile
29 Code. The index shall be arranged alphabetically by common topics faced
30 by children and families involved in proceedings under the code. The
31 index shall be made available to the public on the Legislature's website.

1 The Revisor shall update the index annually to reflect changes in the
2 law.

3 Sec. 19. Original sections 29-2257, 29-2258, 43-246.01, 43-247,
4 43-254.01, 43-256, 43-258, 43-272.01, and 43-284, Reissue Revised
5 Statutes of Nebraska, and sections 29-1816, 43-247.02, 43-248, 43-250,
6 43-251.01, 43-253, 43-254, and 43-281, Revised Statutes Cumulative
7 Supplement, 2022, are repealed.

8 Sec. 20. The following section is outright repealed: Section
9 43-247.04, Revised Statutes Cumulative Supplement, 2022.