

LEGISLATIVE BILL 790

Approved by the Governor February 10, 1988

Introduced by Labeledz, 5, Chairperson, Executive Board

AN ACT relating to children; to amend sections 27-504, 29-1805.10, 29-2204, 33-126.02, 38-101, 38-1001 to 38-1010, 38-1101 to 38-1105, 43-105, 43-501, 43-504, 43-507, 43-522, 43-903, 43-904, 43-1202, 76-1494, 83-108.04, 83-170, 83-176, 83-383, and 83-388, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2260, 43-104, and 43-250, Revised Statutes Supplement, 1986; to correct references to statutes which were repealed when the Nebraska Juvenile Code was enacted; to transfer provisions relating to the age of minority and gifts and bequests to minors; to change references to crippled children to conform with Laws 1985, LB 249; to delete provisions erroneously inserted in the drafting of Laws 1985, LB 447, section 14; to eliminate a statute regarding guardians that is no longer needed; to eliminate penalties for cruelty to and neglect of children which are covered by other statutes; to harmonize provisions; and to repeal the original sections, and also sections 38-114 to 38-117 and 38-509, Reissue Revised Statutes of Nebraska, 1943.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 27-504, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

27-504. (1) As used in this rule:

(a) A patient is a person who consults or is examined or interviewed by a physician for purposes of diagnosis or treatment of his or her physical, mental, or emotional condition;

(b) A physician is (i) a person authorized to practice medicine in any state or nation, or is reasonably believed by the patient so to be, or (ii) a person licensed or certified as a psychologist under the laws of any state or nation, who devotes all or a part of his or her time to the practice of clinical psychology; and

(c) A communication is confidential if not intended to be disclosed to third persons other than those present to further the interest of the patient in the consultation, examination, or interview, or persons reasonably necessary for the transmission of the communication, or persons who are participating in the diagnosis and treatment under the direction of the physician, including members of the patient's family.

(2) A patient has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purposes of diagnosis or treatment of his or her physical, mental, or emotional condition, among himself or herself, his or her physician, or persons who are participating in the diagnosis or treatment under the direction of the physician, including members of the patient's family.

(3) The privilege may be claimed by the patient, by his or her guardian or conservator, or by the personal representative of a deceased patient. The person who was the physician may claim the privilege but only on behalf of the patient. His or her authority so to do is presumed in the absence of evidence to the contrary.

(4)(a) There is no privilege under this rule for communications relevant to an issue in proceedings to hospitalize the patient for physical, mental, or emotional illness, if the physician, in the course of diagnosis or treatment, has determined that the patient is in need of hospitalization.

(b) If the judge orders an examination of the physical, mental, or emotional condition of the patient, communications made in the course thereof are not privileged under this rule with respect to the particular purpose for which the examination is ordered unless the judge orders otherwise.

(c) There is no privilege under this rule as to communications relevant to an issue of the physical, mental, or emotional condition of the patient in any proceeding in which he or she relies upon the condition as an element of his or her claim or defense, or, after the patient's death, in any proceeding in which any party relies upon the condition as an element of his or her claim or defense.

(d) There is no privilege under this rule in any judicial proceedings under ~~sections 43-201 to 43-227~~, the Nebraska Juvenile Code regarding injuries to children, incompetents, or disabled persons or in any criminal prosecution involving injury to any such person or the willful failure to report any such injuries.

Sec. 2. That section 29-1805.10, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-1805.10. Nothing in sections 29-1805.01 to 29-1805.11 shall prevent a court from appointing counsel other than the public defender to represent indigent defendants or other persons by law entitled to legal representation, but appointments of counsel other than the public defender shall be limited to situations in which there are multiple defendants requiring separate representation; or ~~where~~ when other exigent circumstances are present which in the opinion of the court require appointment of other than the public defender. In all such cases of appointments of other than the public defender, the procedure shall be in accordance with the provisions of sections ~~43-205-06 and 43-205-07~~, 43-272 and 43-273 and the cost of such appointments shall be paid by the county, as ~~therein~~ provided in such sections.

Sec. 3. That section 29-2204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2204. (1) Except as provided in subsection (2) of this section, in all cases when any person ~~shall~~ be is convicted of any offense by this code declared criminal, and made punishable by imprisonment in the Department of Correctional Services adult correctional facility, the court shall declare in its sentence for what period of time, within the respective periods prescribed by law, such convict shall be imprisoned at hard labor in the Department of Correctional Services adult correctional facility, and shall ~~moreover~~ determine and declare in its sentence whether any such convict shall be kept in solitary confinement in the cells of the Department of Correctional Services adult correctional facility, without labor, and, if so, for what period of time.

(2) Whenever the defendant was under eighteen years of age at the time he or she committed the crime for which he or she was convicted, the court may in its discretion, instead of imposing the penalty provided for the crime, make such disposition of the defendant as the court deems proper under the provisions of Chapter 43, article 2, as to persons adjudicated in the juvenile courts Nebraska Juvenile Code.

Sec. 4. That section 29-2260, Revised Statutes Supplement, 1986, be amended to read as follows:

29-2260. (1) Whenever a person is adjudicated

delinquent or in need of special supervision as defined in section 43-201 to be as described in subdivision (1), (2), (3)(b), or (4) of section 43-247, his or her disposition shall be governed by the provisions of Chapter 43, article 2 Nebraska Juvenile Code.

(2) Whenever a court considers sentence for an offender convicted of either a misdemeanor or a felony for which mandatory or mandatory minimum imprisonment is not specifically required, the court may withhold sentence of imprisonment unless, having regard to the nature and circumstances of the crime and the history, character, and condition of the offender, the court finds that imprisonment of the offender is necessary for protection of the public because:

(a) The risk is substantial that during the period of probation the offender will engage in additional criminal conduct;

(b) The offender is in need of correctional treatment that can be provided most effectively by commitment to a correctional facility; or

(c) A lesser sentence will depreciate the seriousness of the offender's crime or promote disrespect for law.

(3) The following grounds, while not controlling the discretion of the court, shall be accorded weight in favor of withholding sentence of imprisonment:

(a) The crime neither caused nor threatened serious harm;

(b) The offender did not contemplate that his or her crime would cause or threaten serious harm;

(c) The offender acted under strong provocation;

(d) Substantial grounds were present tending to excuse or justify the crime, though failing to establish a defense;

(e) The victim of the crime induced or facilitated commission of the crime;

(f) The offender has compensated or will compensate the victim of his or her crime for the damage or injury the victim sustained;

(g) The offender has no history of prior delinquency or criminal activity and has led a law-abiding life for a substantial period of time before the commission of the crime;

(h) The crime was the result of circumstances unlikely to recur;

(i) The character and attitudes of the offender indicate that he or she is unlikely to commit

another crime;

(j) The offender is likely to respond affirmatively to probationary treatment; and

(k) Imprisonment of the offender would entail excessive hardship to his or her dependents.

(4) When an offender who has been convicted of a crime is not sentenced to imprisonment, the court may sentence him or her to probation.

Sec. 5. That section 33-126.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-126.02. In matters of guardianship and conservatorship, the county court shall be entitled to receive the following fees: Upon the filing of a petition for the appointment of a guardian, fifteen dollars; upon the filing of a petition for the appointment of a conservator, and when where the gross value of the conservatorship estate does not exceed twenty thousand dollars, fifteen dollars, and when , where the gross value thereof exceeds twenty thousand dollars, seventy-five dollars; for the appointment of a successor guardian or conservator, fifteen dollars; for the appointment of a temporary guardian, fifteen dollars; for proceedings for a protective order in the absence of a guardianship or conservatorship, fifteen dollars; and for closing guardianship or conservatorship estate as provided in sections 30-2614 and 30-2659, fifteen dollars. The above fees relating to conservatorships shall be based on the gross value of the conservatorship estate, including both real and personal property. The gross value shall mean the actual value of the estate less liens, and shall be determined as of the time of applying for a conservator. If the gross value of such estate, originally being twenty thousand dollars or less, should thereafter exceed the value of twenty thousand dollars while the conservatorship is pending, the county court shall be entitled to an additional fee of sixty dollars. While such guardianship or conservatorship is pending in said such court and reports are filed; or other matters relating thereto come before the court therein, the court shall receive for filing and recording each report, five dollars. Where When the appointment of a custodian as provided for in sections 38-1001 to 38-1010 the Nebraska Uniform Gifts to Minors Act is made, the county court shall be entitled to receive a fee of thirty dollars where when the assets of the custodian do not exceed twenty thousand dollars; and a fee of seventy-five dollars where when the assets of the

custodian exceed twenty thousand dollars.

Sec. 6. That section 38-101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~38-101-~~ All persons under nineteen years of age are declared to be minors, but in case any person marries under the age of nineteen years, his or her minority ends.

Sec. 7. That section 38-1001, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~38-1001-~~ In ~~sections 38-1001 to 38-1010~~ the Nebraska Uniform Gifts to Minors Act, unless the context otherwise requires:

(1) An adult is a person who has attained the age of nineteen years;

(2) A bank is a bank, trust company, national banking association, savings bank, industrial bank, building and loan association, or credit union;

(3) A broker is a person lawfully engaged in the business of effecting transactions in securities for the account of others. The term includes a bank which effects such transactions. The term also includes a person lawfully engaged in buying and selling securities for his or her own account, through a broker or otherwise, as a part of a regular business;

(4) Court means the county court;

(5) The custodial property includes: (a) All securities, life insurance policies, annuity contracts, and money under the supervision of the same custodian for the same minor as a consequence of a gift or gifts made to the minor in a manner prescribed in ~~sections 38-1001 to 38-1010~~ the act; (b) the income from the custodial property; and (c) the proceeds, immediate and remote, from the sale, exchange, conversion, investment, reinvestment, surrender, or other disposition of such securities, money, life insurance policies, annuity contracts, and income;

(6) A custodian is a person so designated in a manner prescribed in ~~sections 38-1001 to 38-1010~~, the act. The term includes a successor custodian;

(7) A financial institution is a bank, a federal savings and loan association, a savings institution chartered and supervised as a savings and loan or similar institution under federal law or the laws of a state, or a federal credit union or a credit union chartered and supervised under the laws of a state; a domestic financial institution is one chartered and supervised under the laws of this state or chartered

and supervised under federal law and having its principal office in this state; an insured financial institution is one, deposits (including a savings, share, certificate, or deposit account) in which are, in whole or in part, insured by the Federal Deposit Insurance Corporation, or by the Federal Savings and Loan Insurance Corporation, or by a deposit insurance fund approved by this state;

(8) A guardian of a minor means the general guardian, guardian, tutor, or curator of his or her property or estate appointed or qualified by a court of this state or another state;

(9) An issuer is a person who places or authorizes the placing of his or her name on a security (other than as a transfer agent) to evidence that it represents a share, participation, or other interest in his or her property or in an enterprise or to evidence his or her duty or undertaking to perform an obligation evidenced by the security, or who becomes responsible for or in place of any such person;

(10) A legal representative of a person is his or her ~~executor~~ personal representative or the administrator, general guardian, guardian, committee, conservator, tutor, or curator of his or her property or estate;

(11) A life insurance policy or annuity contract means a life insurance policy or annuity contract issued by an insurance company authorized to do business in this state on the life of a minor to whom a gift of the policy or contract is made in the manner prescribed in sections ~~38-1001 to 38-1004, 38-1006, and 38-1007~~ 7 to 10, 12, and 13 of this act or on the life of a member of the minor's family;

(12) A member of a minor's family means any of the minor's parents, grandparents, brothers, sisters, uncles, and aunts, whether of the whole blood or the half blood, or by or through legal adoption;

(13) A minor is a person who has not attained the age of nineteen years;

(14) A security includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in an oil, gas, or mining title or lease or in payments out of production under such a title or lease, any instrument evidencing membership in and ownership of an account in a building and loan association, collateral trust certificate, transferable share, voting trust certificate, or, in general, any interest or instrument commonly known as a security, or any certificate of

interest or participation in, any temporary or interim certificate, receipt, or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. The term does not include a security of which the donor is the issuer. A security is in registered form when it specifies a person entitled to it or to the rights it evidences and its transfer may be registered upon books maintained for that purpose by or on behalf of the issuer;

(15) A transfer agent is a person who acts as authenticating trustee, transfer agent, registrar, or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities or in the cancellation of surrendered securities; and

(16) A trust company is a bank authorized to exercise trust powers in the state.

Sec. 8. That section 38-1002, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~38-1002-~~ (1) An adult person may, during his or her lifetime, make a gift of a security, a life insurance policy, or an annuity contract or the proceeds from the life insurance policy or annuity contract or money to a person who is a minor on the date of the gift:

(a) If the subject of the gift is a security in registered form, by registering it in the name of the donor, another adult person, an adult member of the minor's family, a guardian of the minor, or a trust company, followed, in substance, by the words: as custodian for(name of minor)..... under the Nebraska Uniform Gifts to Minors Act;

(b) If the subject of the gift is a security not in registered form, by delivering it to an adult other than the donor, an adult member other than the donor of the minor's family, a guardian of the minor, or a trust company, accompanied by a statement of gift in the following form, in substance, signed by the donor and the person designated as custodian:

GIFT UNDER THE NEBRASKA UNIFORM GIFTS TO
MINORS ACT

I,(name of donor)....., hereby deliver to(name of custodian)..... as custodian for(name of minor)..... under the Nebraska Uniform Gifts to Minors Act, the following security (ies): (insert an appropriate description of the security or securities delivered sufficient to identify it or them)
.....(signature of donor).....

.....(name of custodian)..... hereby acknowledges receipt of the above described security (ies) as custodian for the above minor under the Nebraska Uniform Gifts to Minors Act.

Dated: (signature of custodian).....

(c) If the subject of the gift is money, by paying or delivering it to a broker or a financial institution for credit to an account in the name of the donor, another adult, an adult member of the minor's family, a guardian of the minor, or a trust company, followed, in substance, by the words: as custodian for(name of minor)..... under the Nebraska Uniform Gifts to Minors Act;

(d) If the subject of the gift is a life insurance policy or an annuity contract, by causing the ownership of the policy or contract to be registered with the issuing insurance company in the name of the donor, or another adult, adult member of the minor's family, a guardian of the minor, or a trust company, followed, in substance, by the words: as custodian for(name of minor)..... under the Nebraska Uniform Gifts to Minors Act; and

(e) If the subject of the gift is proceeds from a life insurance policy or an annuity contract, by making an otherwise effective designation of an adult member of the minor's family, a guardian of the minor, or a trust company, as beneficiary of the policy, followed, in substance, by the words: as custodian for(name of minor)..... under the Nebraska Uniform Gifts to Minors Act.

(2) Any gift made in a manner prescribed in subsection (1) of this section may be made to only one minor and only one person may be the custodian.

(3) A donor who makes a gift to a minor in a manner prescribed in subsection (1) of this section shall promptly do all things within his or her power to put the subject of the gift in the possession and control of the custodian, but neither the donor's failure to comply with this subsection, nor his or her designation of an ineligible person as custodian, nor renunciation by the person designated as custodian affects the consummation of the gift.

Sec. 9. That section 38-1003, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~38-1003-~~ (1) A gift made in a manner prescribed in ~~sections 38-1001 to 38-1010~~ the Nebraska Uniform Gifts to Minors Act is irrevocable and conveys

to the minor indefeasibly vested legal title to the security, life insurance policy, annuity contract, or money given, but no guardian of the minor has any right, power, duty, or authority with respect to the custodial property except as provided in ~~sections 38-1001 to 38-1010~~ the act.

(2) By making a gift in a manner prescribed in ~~sections 38-1001 to 38-1010~~ the act, the donor incorporates in his or her gift all the provisions of ~~sections 38-1001 to 38-1010~~ the act and grants to the custodian, and to any issuer, transfer agent, bank, financial institution, life insurance company, broker, or third person dealing with a person designated as custodian, the respective powers, rights, and immunities provided in ~~sections 38-1001 to 38-1010~~ the act.

Sec. 10. That section 38-1004, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~38-1004-~~ (1) The custodian shall collect, hold, manage, invest, and reinvest the custodial property.

(2) The custodian shall pay over to the minor for expenditure by him or her, or expend for the minor's benefit, so much of or all the custodial property as the custodian deems advisable for the support, maintenance, education, and benefit of the minor in the manner, at the time or times, and to the extent that the custodian in his or her discretion deems suitable and proper, with or without court order, with or without regard to the duty of himself or herself or of any other person to support the minor or his or her ability to do so, and with or without regard to any other income or property of the minor which may be applicable or available for any such purpose.

(3) The court, on the petition of a parent or guardian of the minor or of the minor, if he or she has attained the age of fourteen years, may order the custodian to pay over to the minor for expenditure by him or her or to expend so much of or all the custodial property as is necessary for the minor's support, maintenance, or education.

(4) To the extent that the custodial property is not so expended, the custodian shall deliver or pay it over to the minor on his or her attaining the age of nineteen years or, if the minor dies before attaining the age of nineteen years, he or she shall thereupon deliver or pay it over to the estate of the minor.

(5) The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and

reinvest the custodial property as would a prudent man or woman of discretion and intelligence who is seeking a reasonable income and the preservation of his or her capital, except that he or she may, in his or her discretion and without liability to the minor or his or her estate, retain a security given to the minor in a manner prescribed in ~~sections 38-1001 to 38-1010~~ the Nebraska Uniform Gifts to Minors Act or hold money so given in an account in the financial institution to which it was paid or delivered by the donor. Without limiting the generality of the foregoing powers with respect to investments, the custodian may invest the income or principal of the custodial property in life insurance policies or annuity contracts upon the life of the minor whose property he or she holds as custodian or on the life of a member of such minor's family.

(6) The custodian may sell, exchange, convert, or otherwise dispose of custodial property in the manner, at the time or times, for the price or prices, and upon the terms he or she deems advisable. He or she may vote in person or by general or limited proxy a security which is custodial property. He or she may consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution, or liquidation of an issuer, a security of which is custodial property, and to the sale, lease, pledge, or mortgage of any property by or to such an issuer, and to any other action by such an issuer. He or she may execute and deliver any and all instruments in writing which he or she deems advisable to carry out any of his or her powers as custodian.

(7) The custodian shall register each security which is custodial property and in registered form in the name of the custodian, followed, in substance, by the words: as custodian for (name of minor)..... under the Nebraska Uniform Gifts to Minors Act. The custodian shall hold all money which is custodial property in an account with a broker or in an insured financial institution in the name of the custodian, followed, in substance, by the words: as custodian for(name of minor)..... under the Nebraska Uniform Gifts to Minors Act. The custodian shall keep all other custodial property separate and distinct from his or her own property in a manner to identify it clearly as custodial property.

(8) The custodian shall keep records of all transactions with respect to the custodial property and make them available for inspection at reasonable intervals by a parent or legal representative of the

minor or by the minor, if he or she has attained the age of fourteen years.

(9) A custodian has and holds as powers in trust, with respect to the custodial property, in addition to the rights and powers provided in ~~sections 38-1001 to 38-1010~~ the act, all the rights and powers which a guardian has with respect to property not held as custodial property.

(10) If the subject of the gift is a life insurance policy or annuity contract, the custodian:

(a) In his or her capacity as custodian, has all the incidents of ownership in the policy or contract to the same extent as if he or she were the owner, except that the designated beneficiary of any policy or contract on the life of the minor shall be (i) the minor's father, mother, brother, or sister, (ii) the minor, or (iii) the minor's estate and the designated beneficiary of any policy or contract on the life of a person other than the minor shall be the custodian as custodian for the minor for whom he or she is acting; and

(b) May pay premiums on the policy or contract out of the custodial property.

Sec. 11. That section 38-1005, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~38-1005-~~ (1) A custodian is entitled to reimbursement from the custodial property for his or her reasonable expenses incurred in the performance of his or her duties.

(2) A custodian may act without compensation for his or her services.

(3) Unless he or she is a donor, a custodian may receive from the custodial property reasonable compensation for his or her services determined by: (a) A direction by the donor when the gift is made; or (b) an order of the court.

(4) Except as otherwise provided in ~~sections 38-1001 to 38-1010~~ the Nebraska Uniform Gifts to Minors Act, a custodian shall not be required to give a bond for the performance of his or her duties.

(5) A custodian not compensated for his or her services is not liable for losses to the custodial property unless they result from his or her bad faith, from his or her intentional wrongdoing, from his or her gross negligence, or from his or her failure to maintain the standard of prudence in investing the custodial property provided in ~~sections 38-1001 to 38-1010~~ the act.

Sec. 12. That section 38-1006, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~38-1006-~~ No issuer, transfer agent, bank, life insurance company, broker, or other person or financial institution acting on the instructions of or otherwise dealing with any person purporting to act as a donor or in the capacity of a custodian is responsible for determining whether the person designated as custodian by the purported donor or by the custodian or purporting to act as a custodian has been duly designated or whether any purchase, sale, or transfer to or by or any other act of any person purporting to act in the capacity of custodian is in accordance with or authorized by ~~sections 38-1001 to 38-1010~~ the Nebraska Uniform Gifts to Minors Act, or is obliged to inquire into the validity or propriety under ~~sections 38-1001 to 38-1010~~, the act of any instrument or instructions executed or given by a person purporting to act as a donor or in the capacity of a custodian, or is bound to see to the application by any person purporting to act in the capacity of a custodian of any money or other property paid or delivered to him or her. No issuer, transfer agent, bank, life insurance company, broker, or other person or financial institution acting on any instrument of designation of a successor custodian, executed as provided in subsection (1) of section ~~38-1007~~ 13 of this act by a minor to whom a gift has been made in a manner prescribed in this section and sections 38-1001 to 38-1004, 38-1006, and 38-1007 7 to 10 and 13 of this act and who has attained the age of fourteen years, is responsible for determining whether the person designated by the minor as successor custodian has been duly designated, or is obliged to inquire into the validity or propriety under such sections 38-1001 to 38-1004, 38-1006, and 38-1007 of the instrument of designation.

Sec. 13. That section 38-1007, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~38-1007-~~ (1) Only an adult member of the minor's family, a guardian of the minor, or a trust company is eligible to become successor custodian. A custodian may designate his or her successor by executing and dating an instrument of designation before a subscribing witness other than the successor; the instrument of designation may but need not contain the resignation of the custodian. If the custodian does not so designate his or her successor before he or she dies

or becomes legally incapacitated, and the minor has attained the age of fourteen years, the minor may designate a successor custodian by executing an instrument of designation before a subscribing witness other than the successor. A successor custodian has all the rights, powers, duties, and immunities of a custodian designated in a manner prescribed by ~~sections 38-1001 to 38-1010~~ the Nebraska Uniform Gifts to Minors Act.

(2) The designation of a successor custodian as provided in subsection (1) of this section takes effect as to each item of the custodial property when the custodian resigns, dies, or becomes legally incapacitated and the custodian or his or her legal representative: (a) ~~causes~~ Causes the item, if it is a security in registered form or a life insurance policy or annuity contract, to be registered with the issuing insurance company in the case of a life insurance policy or an annuity contract, in the name of the successor custodian followed, in substance, by the words: as custodian for(name of minor)..... under the Nebraska Uniform Gifts to Minors Act; and (b) delivers or causes to be delivered to the successor custodian any other item of the custodial property, together with the instrument of designation of the successor custodian or a true copy thereof and any additional instruments required for the transfer thereof to the successor custodian.

(3) A custodian who executes an instrument of designation of his or her successor containing the custodian's resignation as provided in subsection (1) of this section shall promptly do all things within his or her power to put each item of the custodial property in the possession and control of the successor custodian named in the instrument. The legal representative of a custodian who dies or becomes legally incapacitated shall promptly do all things within his or her power to put each item of the custodial property in the possession and control of the successor custodian named in an instrument of designation executed as provided in subsection (1) of this section by the custodian or, if none, by the minor if he or she has no guardian and has attained the age of fourteen years, or in the possession and control of the guardian of the minor if he or she has a guardian. If the custodian has executed as provided in subsection (1) of this section more than one instrument of designation, his or her legal representative shall treat the instrument dated on an earlier date as having been revoked by the instrument

dated on a later date.

(4) If a person designated as custodian or as successor custodian as provided in subsection (1) of this section is not eligible, dies, or becomes legally incapacitated before the minor attains the age of nineteen years and if the minor has a guardian, the guardian of the minor shall be successor custodian. If the minor has no guardian and if no successor custodian who is eligible and has not died or become legally incapacitated has been designated as provided in subsection (1) of this section, a donor, his or her legal representative, the legal representative of the custodian, or an adult member of the minor's family may petition the court for the designation of a successor custodian.

(5) A donor, the legal representative of a donor, a successor custodian, an adult member of the minor's family, a guardian of the minor, or the minor, if he or she has attained the age of fourteen years, may petition the court that, for cause shown in the petition, the custodian be removed and a successor custodian be designated or, in the alternative, that the custodian be required to give bond for the performance of his or her duties.

(6) Upon the filing of a petition as provided in this section, the court shall grant an order, directed to the persons and returnable on such notice as the court may require, to show cause why the relief prayed for in the petition should not be granted and, in due course, grant such relief as the court finds to be in the best interests of the minor.

Sec. 14. That section 38-1008, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~38-1008-~~ (1) The minor, if he or she has attained the age of fourteen years, or the legal representative of the minor, an adult member of the minor's family, or a donor or his or her legal representative may petition the court for an accounting by the custodian or his or her legal representative.

(2) The court in a proceeding under ~~sections 38-1001 to 38-1010~~ the Nebraska Uniform Gifts to Minors Act or otherwise may require or permit the custodian or his or her legal representative to account and, if the custodian is removed, shall so require and order delivery of all custodial property to the successor custodian and the execution of all instruments required for the transfer thereof.

Sec. 15. That section 38-1009, Reissue

Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~38-1009-~~ (1) ~~Sections 38-1001 to 38-1010~~ The Nebraska Uniform Gifts to Minors Act shall be so construed as to effectuate ~~their its~~ general purpose to make uniform the law of those states which enact it.

(2) ~~Sections 38-1001 to 38-1010~~ The act shall not be construed as providing an exclusive method for making gifts to minors.

Sec. 16. That section 38-1010, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~38-1010-~~ Sections ~~38-1001 to 38-1010~~ 7 to 16 of this act shall be known and may be cited as the Nebraska Uniform Gifts to Minors Act.

Sec. 17. That section 38-1101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~38-1101-~~ It shall be lawful for any testator to bequeath to any minor securities or money under the same terms and conditions as those now provided for gifts inter vivos under the terms and provisions of the Nebraska Uniform Gifts to Minors Act. ~~7 sections 38-1001 to 38-1010-~~

Sec. 18. That section 38-1102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~38-1102-~~ If a testator ~~shall provide provides~~ in his or her will that a bequest made in such will shall be paid or delivered to a custodian subject to the Nebraska Uniform Gifts to Minors Act, then all of the provisions of such act, including all provisions as to respective powers, rights, and immunities therein contained, shall be applicable to such bequest, whether it be is a bequest of money or of securities or both money and securities.

Sec. 19. That section 38-1103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~38-1103-~~ If a testator ~~shall provide provides~~ for such bequest to be paid or delivered as provided in section ~~38-1102~~ 18 of this act, the ~~executor personal representative~~ of his or her estate shall make distribution by transferring the security or securities or by paying the cash bequest, as the circumstances may require, in the form and manner provided by section ~~38-1002~~ 8 of this act, and the receipt of the custodian therefor shall constitute a release and discharge of such bequest.

Sec. 20. That section 38-1104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~38-1104.~~ The testator may in his or her will designate the custodian of such bequest, within the limits of section ~~38-1002~~ 8 of this act, but if he ~~shall fail or she fails~~ to make such designation or if the custodian designated by him ~~shall be or her is~~ unable or unwilling to serve, then the ~~executor~~ personal representative shall designate the custodian with the approval of the court which ~~shall have~~ appointed him or her.

Sec. 21. That section 38-1105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~38-1105.~~ By making a bequest in the manner prescribed in sections ~~38-1101 to 38-1105~~ 17 to 20 of this act, the testator impliedly incorporates in such bequest all the provisions of ~~sections 38-1001 to 38-1010~~, the Nebraska Uniform Gifts to Minors Act and grants to the custodian, and to any issuer, transfer agent, bank, broker, or third person dealing with a person designated as custodian, the respective powers, rights, and immunities provided in ~~sections 38-1001 to 38-1010~~ such act.

Sec. 22. That section 43-104, Revised Statutes Supplement, 1986, be amended to read as follows:

43-104. Except as otherwise provided in the Nebraska Indian Child Welfare Act, no adoption shall be decreed unless the petition therefor is accompanied by written consents thereto executed by (1) the minor child, if over fourteen years of age, or the adult child of the adopting person's spouse, (2) any district court or separate juvenile court in the State of Nebraska having jurisdiction of the custody of a minor child by virtue of divorce proceedings had in any district court or separate juvenile court in the State of Nebraska, and (3) both parents, if living, ; the surviving parent of a child born in lawful wedlock, ; or, subject to sections 43-104.02 to 43-104.06, the mother of a child born out of wedlock, ; except that consent shall not be required of any parent who ~~shall~~ (a) has relinquished the child for adoption by a written instrument, ; (b) has abandoned the child for at least six months next preceding the filing of the adoption petition, ; (c) has been deprived of his or her parental rights to such child by the order of any court of competent jurisdiction, or prior to July 13, 1967, have been

deprived of the custody of such child by an order of any juvenile court of competent jurisdiction by reason of such child having been declared a dependent or neglected child, within the provisions of sections 43-201 to 43-227, or (d) be is incapable of consenting.

Sec. 23. That section 43-105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-105. If consent is not required of both parents, if living, or the surviving parent of a child born in lawful wedlock or the mother of a child born out of wedlock, because of the provisions of subdivision (3) of section 43-104, substitute consents shall be filed as follows: (1) Consent to the adoption of a minor child, who has been committed to the Nebraska Center for Children and Youth or the Department of Social Services, may be given by the Department of Social Services or its duly authorized agent in accordance with section 43-906; (2) where when a parent has relinquished a minor child for adoption to any child placement agency licensed or approved by the Department of Social Services of the State of Nebraska or its duly authorized agent, consent to the adoption of such child may be given by said such agency; and (3) in all other cases where when consent cannot be given as provided in subsection (3) of section 43-104, consent must shall be given by the guardian of such minor child appointed in accordance with sections ~~38-101 to 38-120~~ 30-2605 to 30-2616, 43-111.01, or ~~43-201 to 43-227~~ 43-272 to 43-273 or any similar prior law, which consent shall be authorized by the court having jurisdiction of such guardianship.

Sec. 24. That section 43-250, Revised Statutes Supplement, 1986, be amended to read as follows:

43-250. An officer who takes a juvenile into temporary custody under section 43-248 shall immediately take reasonable measures to notify the juvenile's parent, guardian, custodian, or relative and shall proceed as follows:

- (1) The officer shall release such juvenile;
- (2) The officer shall prepare in triplicate a written notice requiring the juvenile to appear before the juvenile court or probation officer of the county in which such juvenile was taken into custody at a time and place specified in the notice or at the call of the court. The notice shall also contain a concise statement of the reasons such juvenile was taken into custody. The officer shall deliver one copy of the notice to such juvenile and require such juvenile or his

or her parent, guardian, other custodian, or relative, or both, to sign a written promise that such signer will appear at the time and place designated in the notice. Upon the execution of the promise to appear, the officer shall immediately release such juvenile. The officer shall, as soon as practicable, file one copy of the notice with the county attorney and, when required by the juvenile court, also file a copy of the notice with the juvenile court, the officer appointed by the court for such purpose, or the probation officer;

(3) When a juvenile is taken into temporary custody pursuant to subsection (3) of section 43-248, the officer may ~~shall~~ take such juvenile without unnecessary delay before the juvenile court or probation officer of the county in which such juvenile was taken into custody and deliver the custody of such juvenile to the juvenile court or probation officer; or

(4) When a juvenile is taken into temporary custody pursuant to subsection (3) of section 43-248, the officer may deliver the custody of such juvenile to the Department of Social Services which shall make a temporary placement of the juvenile in the least restrictive environment consistent with the best interests of the juvenile as determined by the department. The department shall supervise such placement and, if necessary, consent to any necessary emergency medical, psychological, or psychiatric treatment for such juvenile. The department shall have no other authority with regard to such temporary custody until or unless there is an order by the court placing the juvenile in the custody of the department. If the officer makes disposition of the juvenile pursuant to this subdivision, the officer shall make a full written report to the county attorney within twenty-four hours of taking such juvenile into temporary custody. If a court order of temporary custody is not issued within forty-eight hours of taking the juvenile into custody, the temporary custody by the department shall terminate and the child shall be returned to the custody of his or her parent, guardian, custodian, or relative.

In determining which disposition of the juvenile he or she will make, the officer shall prefer the alternative which least restricts the juvenile's freedom of movement if such alternative is compatible with the best interests of the juvenile and the community.

Sec. 25. That section 43-501, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-501. Sections 43-501 to 43-526 shall be construed to be new, supplemental, and independent legislation upon the subjects of assistance and services for delinquent, dependent, and crippled medically handicapped children, and all provisions of law in regard thereto shall be and remain in full force and effect.

Sec. 26. That section 43-504, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-504. (1) The term dependent child shall mean a child under the age of eighteen years, or under the age of nineteen if he or she is a full-time student in a secondary school, or in the equivalent level of vocational or technical training, and if, before he or she attains age nineteen, he or she may reasonably be expected to complete the program of such secondary school or such training, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, or partial or total unemployment of the supporting parent, and who is living with his or her father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his, her, or their own home, or who has been removed from the home of such relative as a result of judicial determination to the effect that continuation therein would be contrary to the welfare of such child with placement of such child in a foster family home or child care institution as a result of such determination when the state, any court having jurisdiction of such child, or the county welfare agency is responsible for the care and placement of such child and one of the following conditions exists: (a) Such child received aid from the state in or for the month in which court proceedings leading to such determination were initiated; (b) such child would have received assistance in or for such month if application had been made therefor; or (c) such child had been living with such a relative specified above at any time within six months prior to the month in which such proceedings were initiated and would have received such aid in or for the month that such proceedings were initiated if in such month the child had been living with, and removed from the home of, such a relative and application had been made therefor.

(2) In awarding aid to dependent children payments, the term dependent child shall include unborn

children. As soon as it is medically determined that pregnancy exists, application may be made for initial eligibility or for an increase in an existing unit budget. Payments which do not meet applicable criteria established by federal law for pregnant women and unborn children shall be made from state funds. Only for the purpose of meeting federal requirements, a pregnant woman may be eligible but only (a) if it has been medically verified that the child is expected to be born in the month such payments are made or expected to be born within the three-month period following such month of payment; and (b) if such child had been born and was living with her in the month of payment, she would be eligible for aid to families with dependent children. As soon as it is medically determined that pregnancy exists, a pregnant woman who meets the other requirements for aid to dependent children shall be eligible for medical assistance.

(3) A physically or medically handicapped or crippled child shall mean a child who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury, or disease, is or may be expected to be totally or partially incapacitated for education or for remunerative occupation.

Sec. 27. That section 43-507, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-507. The Director of Social Services, in behalf of mentally and physically handicapped children, shall (1) obtain admission to state and other suitable schools, hospitals, or other institutions, or care in their own homes or in family, free, or boarding homes for such children in accordance with the provisions of the existing law; (2) maintain medical supervision over such mentally handicapped or physically handicapped children; and (3) provide necessary medical or surgical care in a suitable hospital, sanitarium, preventorium, or other institution or in its the child's own home or a home for any crippled medically handicapped child needing such care, and pay for such care from public funds, if necessary.

Sec. 28. That section 43-522, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-522. The Department of Social Services through the Director of Social Services shall expend state assistance funds allocated for crippled medically handicapped children, to supplement other state, county, and municipal, benevolent, fraternal, and charitable

expenditures, to extend and improve, (especially in rural areas and in areas suffering from severe economic distress,) services for locating physically and medically handicapped and crippled children; and for providing medical, surgical, correction, and other services and care, and facilities for diagnosis, hospitalization, and aftercare, for children who are physically or medically handicapped or crippled, or who are suffering from conditions which lead to crippling medical handicaps. Expenditures and services shall be uniformly distributed so far as possible or practicable under conditions and circumstances which may be found to exist.

Sec. 29. That section 43-903, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-903. Any court, acting under sections 43-201 to 43-227, pursuant to the Nebraska Juvenile Code shall commit to the care of the Department of Social Services, or any regularly organized and incorporated society or institution, for the purpose of caring for and placing in good family homes, all children, except those already committed to the care of responsible persons or institutions, who have been decreed to be dependent or neglected children, as described in subdivision (3)(a) of section 43-247 and who for that reason must be removed from the care of their parents or legal guardians.

Sec. 30. That section 43-904, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-904. The Nebraska Center for Children and Youth may receive the dependent or neglected children that described in subdivision (3)(a) of section 43-247 who are under eighteen years of age and have been committed to the Department of Social Services by a juvenile court of this state. At the discretion of the Department of Social Services, the center may receive for temporary care children under eighteen years of age that have not been committed to the center. In such cases, the department shall require the parents or guardians of the children to pay the cost of their care and maintenance. If the parent or guardian of the child is unable to pay such costs, the child shall not be received until the cost, or such portion thereof as the parent or guardian cannot pay, has been provided for by the county board of the county where the child resides. Children of any age that who are residents of another state institution and are not capable of being helped by

medical or surgical treatment shall be transferred to the Nebraska Center for Children and Youth at the discretion of the department. Children may be accepted for care at the Nebraska Center for Children and Youth when voluntarily relinquished by their parents or by the mother in the case of a child born out of wedlock.

Sec. 31. That section 43-1202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-1202. As used in sections 43-1201 to 43-1225 the Nebraska Child Custody Jurisdiction Act:

(1) Contestant shall mean a person, including a parent, who claims a right to custody or visitation rights with respect to a child;

(2) Custody determination shall mean a court decision and court orders and instructions providing for the custody of a child, including visitation rights, but shall; ~~it does~~ not include a decision relating to child support or any other monetary obligation of any person;

(3) Custody proceeding shall mean:

(a) Proceedings in which a custody determination is one of several issues such as an action for dissolution, separation, or annulment of a marriage; or an action involving a doubtful marriage;

(b) Proceedings in a juvenile court in which a person under the age of eighteen years is alleged to be a child as described in subdivision (1), (2), or (4) (3) of section 43-202 ~~43-247~~;

(c) Proceedings to establish the rights of the father of a child born out of wedlock as such rights are allowed by sections 43-104.05 and 43-104.06; and

(d) Proceedings to determine custody as provided by section 43-111.01; after a court has denied a petition for adoption;

(4) Custody decree shall mean a custody determination contained in a judicial decree or order made in a custody proceeding; and ~~includes~~ shall include an initial decree and a modification decree;

(5) Home state shall mean the state in which the child immediately preceding the time involved lived with his or her parents, a parent, or a person acting as parent, for at least six consecutive months, and in the case of a child less than six months old the state in which the child lived from birth with any of the persons mentioned. Periods of temporary absence of any of the named persons are shall be counted as part of the six-month or other period;

(6) Initial decree shall mean the first custody decree concerning a particular child;

(7) Modification decree shall mean a custody decree which modifies or replaces a prior decree, whether made by the court which rendered the prior decree or by another court;

(8) Physical custody shall mean actual possession and control of a child;

(9) Person acting as parent shall mean a person, other than a parent, who has physical custody of a child and who has either been awarded custody by a court or claims a right to custody; and

(10) State shall mean any state, territory, or possession of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

Sec. 32. That section 76-1494, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-1494. A landlord may adopt rules or regulations, however described, concerning the tenant's use and occupancy of the mobile home park. The rules and regulations shall be enforceable against the tenant only if they are written and if:

(1) Their purpose is to promote the convenience, safety, or welfare of the tenants in the mobile home park, preserve the landlord's property from abuse, make a fair distribution of services and facilities held out for the tenants generally, or facilitate reasonable mobile home park management;

(2) They are reasonably related to the purpose for which adopted;

(3) They apply to all tenants in the mobile home park in a fair manner;

(4) They are sufficiently explicit in prohibition, direction, or limitation of the tenant's conduct to fairly inform him or her of what must or must not be done to comply;

(5) They are not for the purpose of evading the obligations of the landlord; and

(6) The prospective tenant is given a copy of any existing rules and regulations before entering into the rental agreement.

Notice of all additions, changes, deletions, or amendments to the rules and regulations shall be given to all mobile home tenants sixty days' before they become effective. The landlord may change, add, delete, or amend the rules and regulations without sixty days notice only with the written consent of at least one adult resident from a minimum of sixty percent of the households in the mobile home park. Adult resident shall mean a resident who has achieved the age of

majority as defined in section ~~38-101~~ 6 of this act. Any rule or condition of occupancy which does not conform to the requirements of the Mobile Home Landlord and Tenant Act shall be unenforceable. A rule or regulation adopted after the tenant enters into the rental agreement shall be enforceable against the tenant only if it does not conflict with or contradict the tenant's rental agreement. Nothing in this section shall prohibit a landlord from adopting rules and regulations applicable to new tenants only and not to persons who are tenants prior to the effective date of the rules and regulations.

Sec. 33. That section 83-108.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-108.04. (1) In addition to the institutions established by law, the Department of Correctional Services may maintain or use the following facilities for the care of children in its legal custody who have been adjudged ~~delinquent or in need of special supervision to be as described in subdivision (1), (2), (3)(b), or (4) of section 43-247~~: (a) Receiving homes to be used for the temporary care of children; (b) foster homes; (c) group homes; and (d) other facilities and services, including forestry or conservation camps for the training and treatment of children.

(2) The Department of Public Institutions or the Department of Correctional Services also may use other public facilities or contract for the use of private facilities for the care and treatment of children in its legal custody. Placement of children in private or public facilities not under its jurisdiction shall not terminate the legal custody of the department. No state funds may be paid for care of a child in the home of a parent.

Sec. 34. That section 83-170, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-170. As used in ~~this act~~ the Nebraska Treatment and Corrections Act, unless the context otherwise requires:

- (1) Board shall mean the Board of Parole;
- (2) Committed offender shall mean any person who, under any provision of law, is sentenced or committed to a facility operated by the Department of Correctional Services or is sentenced or committed to the department, other than a person adjudged ~~delinquent or in need of special supervision to be as described in subdivision (1), (2), (3)(b), or (4) of section 43-247~~

by a juvenile court;

(3) Facility shall mean any prison, reformatory, training school, reception center, community guidance center, group home, or other institution operated by the Department of Correctional Services;

(4) Maximum term shall mean the maximum sentence provided by law or the maximum sentence imposed by a court, whichever is shorter;

(5) Minimum term shall mean the minimum sentence provided by law or the minimum sentence imposed by a court, whichever is longer;

(6) Pardon authority shall mean the power to remit fines and forfeitures and to grant respites, reprieves, pardons, or commutations;

(7) Parole term shall mean the time from release on parole to the completion of the maximum term, reduced by parole time granted pursuant to section 83-1,108 and good behavior good time granted under ~~the provisions of~~ sections 83-1,107 and 83-1,107.01;

(8) Person committed to the department shall mean any person sentenced or committed to a facility within the department;

(9) Department shall mean the Department of Correctional Services;

(10) Director shall mean the Director of Correctional Services; and

(11) Good time shall mean any reduction of sentence granted pursuant to sections 83-1,107, 83-1,107.01, and 83-1,108.

Sec. 35. That section 83-176, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-176. (1) Whenever any person is sentenced or committed under any provision of law to a specific facility within the Department of Correctional Services or to the custody of the warden or superintendent of such facility, he or she shall be deemed to be sentenced or committed to the department.

(2) The Director of Correctional Services may designate as a place of confinement of a person committed to the department any available, suitable, and appropriate residence facility or institution, whether or not operated by the state, and may at any time transfer such person from one place of confinement to another subject to the following:

(a) A minor declared ~~neglected, dependent, or in need of special supervision pursuant to the provisions of Chapter 43, article 2, to be as described~~

in subdivision (3) of section 43-247 shall not be assigned or transferred to the Department of Correctional Services adult correctional facility, the Nebraska Center for Women, or any other facility designed primarily for the imprisonment of adult offenders.

(b) A minor declared delinquent pursuant to the provisions of Chapter 43, article 2, to be as described in subdivision (1), (2), or (4) of section 43-247 shall not be assigned or transferred to the Department of Correctional Services adult correctional facility, the Nebraska Center for Women, or any other facility designed primarily for the imprisonment of adult offenders, unless he or she is sixteen years of age, or older, and he is a serious threat to the safety of persons in other facilities. The determination as to whether the minor is a serious threat to safety shall be made only after a juvenile court hearing in the court of original disposition, at which the minor shall have the right to be represented by counsel.

Sec. 36. That section 83-383, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-383. (1) An application for admission shall be made in writing by one of the following persons:

(a) If the person applying for admission has a court-appointed guardian, the application shall be made by the guardian; and

(b) If the person applying for admission does not have a court-appointed guardian and has not reached the age of majority, as established by section ~~38-101~~ 6 of this act, as such section may from time to time be amended, the application shall be made by both parents if they are living together or by the parent having custody of such person if both parents are not then living or are not then living together.

(2) The county court of the county of residence of any person with mental retardation or the county court of the county in which a state residential facility is located shall have authority to appoint a guardian for any person with mental retardation upon the petition of the husband, wife, parent, person standing in loco parentis to such person, a county attorney, or any official of the Department of Public Institutions authorized by the director. If the guardianship proceedings are initiated by an official of the Department of Public Institutions, the costs thereof may be taxed to and paid by the Department of Public

Institutions if the person with mental retardation is without means to pay the costs. The Department of Public Institutions shall pay such costs upon presentation of a proper claim by the judge of the county court in which the proceedings were initiated. The costs of such proceedings shall include court costs, attorneys' fees, sheriffs' fees, psychiatric fees, and other necessary expenses of the guardianship.

Sec. 37. That section 83-388, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-388. No person admitted to a residential facility upon the application of his or her parent or parents shall be detained in a residential facility after attaining the age of majority as established by section ~~38-101~~ 6 of this act, as such section may from time to time be amended, unless a guardian for such person makes an application for continued residence for such person in the facility under section 83-383 or such person is committed as provided by law for involuntary commitments.

Sec. 38. That original sections 27-504, 29-1805.10, 29-2204, 33-126.02, 38-101, 38-1001 to 38-1010, 38-1101 to 38-1105, 43-105, 43-501, 43-504, 43-507, 43-522, 43-903, 43-904, 43-1202, 76-1494, 83-108.04, 83-170, 83-176, 83-383, and 83-388, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2260, 43-104, and 43-250, Revised Statutes Supplement, 1986, and also sections 38-114 to 38-117 and 38-509, Reissue Revised Statutes of Nebraska, 1943, are repealed.