

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 60

Introduced by Cavanaugh, J., 9.

Read first time January 05, 2023

Committee:

1 A BILL FOR AN ACT relating to juvenile facilities; to amend section
2 83-4,134.01, Revised Statutes Cumulative Supplement, 2022; to change
3 provisions relating to room confinement of juveniles and required
4 reports; to harmonize provisions; and to repeal the original
5 section.

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

1 Section 1. Section 83-4,134.01, Revised Statutes Cumulative
2 Supplement, 2022, is amended to read:

3 83-4,134.01 (1) It is the intent of the Legislature to establish a
4 system of investigation and performance review in order to provide
5 increased accountability and oversight regarding the use of room
6 confinement for juveniles in a juvenile facility.

7 (2) The following shall apply regarding placement in room
8 confinement of a juvenile in a juvenile facility:

9 (a) Room confinement of a juvenile for any duration longer than one
10 hour during a twenty-four-hour period shall be documented and approved in
11 writing by a supervisor in the juvenile facility. Documentation of the
12 room confinement shall include the date of the occurrence; the race,
13 ethnicity, age, and gender of the juvenile; the reason for placement of
14 the juvenile in room confinement; an explanation of why less restrictive
15 means were unsuccessful; the ultimate duration of the placement in room
16 confinement in hours and minutes; facility staffing levels at the time of
17 confinement; and any incidents of self-harm or suicide committed by the
18 juvenile while he or she was isolated;

19 (b) Room confinement of a juvenile for longer than one hour during a
20 twenty-four-hour period shall be approved in writing by a supervisor in
21 the juvenile facility;

22 (c) ~~(b)~~ If any physical or mental health clinical evaluation was
23 performed during the time the juvenile was in room confinement for longer
24 than one hour, the results of such evaluation shall be considered in any
25 decision to place a juvenile in room confinement or to continue room
26 confinement;

27 (d) ~~(c)~~ The juvenile facility shall electronically submit a
28 quarterly report ~~quarterly~~ to the Legislature on the juveniles placed in
29 room confinement; the length of time, in hours and minutes, each juvenile
30 was in room confinement; the race, ethnicity, age, and gender of each
31 juvenile placed in room confinement; facility staffing levels at the time

1 of confinement; and the reason each juvenile was placed in room
2 confinement. The report shall specifically address each instance of room
3 confinement of a juvenile for more than four hours, including all reasons
4 why attempts to return the juvenile to the general population of the
5 juvenile facility were unsuccessful. The report shall also detail all
6 corrective measures taken in response to noncompliance with this section.
7 The report shall redact all personal identifying information but shall
8 provide individual, not aggregate, data. ~~The report shall be delivered~~
9 ~~electronically to the Legislature.~~ The ~~initial quarterly~~ report shall be
10 submitted within two weeks after the ~~end of each quarter ending on~~
11 ~~September 30, 2016.~~ Subsequent reports shall be submitted for the ensuing
12 ~~quarters within two weeks after the end of each quarter; and~~

13 (e) By September 15, 2023, and by each September 15 thereafter, the
14 juvenile facility shall electronically submit to the Legislature an
15 annual summary report for the immediately preceding fiscal year. The
16 summary report shall include the total number of available beds in the
17 facility; the total number of juveniles served in such fiscal year; the
18 total number of individual juveniles confined; the total number of
19 occurrences of juvenile room confinement by individual juvenile; the
20 total number of confinement hours for such fiscal year, in hours and
21 minutes; the total number of incidents of room confinement lasting less
22 than one hour; the total number of incidents lasting over four hours; and
23 the total number of incidents lasting over twenty-four hours. The report
24 shall redact all personal identifying information but shall, as required
25 by this subdivision, provide individual, not aggregate data; and

26 (f) (d) The Inspector General of Nebraska Child Welfare shall review
27 all data collected pursuant to this section. The Inspector General may
28 request that such data be provided to the Inspector General's office in a
29 format the Inspector General determines is necessary for its review. The
30 Inspector General shall review the data in order to assess the use of
31 room confinement for juveniles in each juvenile facility and prepare an

1 annual report of his or her findings, including, but not limited to,
2 identifying changes in policy and practice which may lead to decreased
3 use of such confinement as well as model evidence-based criteria to be
4 used to determine when a juvenile should be placed in room confinement.
5 The report shall be delivered electronically to the Legislature on an
6 annual basis.

7 ~~(3) The use of consecutive periods of room confinement to avoid the~~
8 ~~intent or purpose of this section is prohibited.~~

9 (3) ~~(4)~~ Any juvenile facility which is not a residential child-
10 caring agency which fails to comply with the requirements of this section
11 is subject to disciplinary action as provided in section 83-4,134. Any
12 juvenile facility which is a residential child-caring agency which fails
13 to comply with the requirements of this section is subject to
14 disciplinary action as provided in section 71-1940.

15 Sec. 2. Original section 83-4,134.01, Revised Statutes Cumulative
16 Supplement, 2022, is repealed.