

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 684

Introduced by Bostar, 29; Ballard, 21; Guereca, 7; Hallstrom, 1; Ibach, 44; Kauth, 31; Prokop, 27; Riepe, 12.

Read first time January 22, 2025

Committee:

1 A BILL FOR AN ACT relating to probation; to amend sections 25-2407,
2 29-2248, 29-2252.01, 29-2253, 29-2260.01, 29-2260.02, 29-2270,
3 29-2271, 29-2272, 29-2273, 43-260, 43-290.01, 43-297.01, 43-412,
4 43-1304, 43-1309, 43-1503, 43-4101, 43-4102, 43-4304, 43-4314,
5 43-4316, 43-4319, 43-4320, 43-4321, 43-4324, 43-4326, 50-1203,
6 68-1732, 79-303.01, 79-2121, 81-1401, 81-1427, and 83-1216, Reissue
7 Revised Statutes of Nebraska, and sections 28-726, 29-2246, 29-2257,
8 29-2258, 29-2292, 29-4803, 43-247.03, 43-250, 43-254, 43-258,
9 43-260.01, 43-281, 43-286, 43-286.01, 43-2,108, 43-2,108.05,
10 43-2,113, 43-425, 43-1302, 43-1303, 43-1311.03, 43-2404.01,
11 43-2404.02, 43-2411, 43-2412, 43-4203, 43-4206, 43-4318, 43-4327,
12 43-4328, 43-4331, and 43-4703, Revised Statutes Cumulative
13 Supplement, 2024; to adopt the Juvenile Probation Administration
14 Act; to transfer juvenile probation functions from the Office of
15 Probation Administration in the judicial branch to the Juvenile
16 Probation Agency in the executive branch; to eliminate the following
17 terminated entities: the Children and Juveniles Data Feasibility
18 Study Advisory Group, a child welfare practice model work group, and
19 a child welfare strategic leadership group; to harmonize provisions;
20 to provide operative dates; to repeal the original sections; and to
21 outright repeal sections 43-4307.01, Reissue Revised Statutes of
22 Nebraska, and sections 43-1306, 43-4411, 43-4412, 43-4413, 43-4414,

- 1 43-4415, and 43-4416, Revised Statutes Cumulative Supplement, 2024.
- 2 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Sections 1 to 27 of this act shall be known and may be
2 cited as the Juvenile Probation Administration Act.

3 **Sec. 2.** For purposes of the Juvenile Probation Administration Act:

4 (1) Administrator means the Juvenile Probation Administrator;

5 (2) Agency means the Juvenile Probation Agency;

6 (3) Chief juvenile probation officer means the juvenile probation
7 officer in charge of a juvenile probation district;

8 (4) Juvenile has the same meaning as in section 43-245;

9 (5) Juvenile court has the same meaning as in section 43-245;

10 (6) Juvenile intake probation officer means an employee of the
11 system who is called upon by a law enforcement officer in accordance with
12 section 43-250 to make a decision regarding the furtherance of a
13 juvenile's detention;

14 (7) Juvenile probation officer means a probation officer who
15 supervises probationers;

16 (8) Non-probation-based program or service has the same meaning as
17 in section 29-2246;

18 (9) Probation means the supervision of a juvenile by a probation
19 officer as ordered by a juvenile court under the Nebraska Juvenile Code;

20 (10) Probationer or juvenile probationer means a juvenile on
21 probation; and

22 (11) System means the Nebraska Juvenile Probation System.

23 **Sec. 3.** The Juvenile Probation Agency is hereby created within the
24 executive branch of government. The agency shall consist of the Juvenile
25 Probation Administrator, the Nebraska Juvenile Probation System, and such
26 other employees as may be necessary to carry out the functions of the
27 system. The employees of the office shall be covered by the State
28 Personnel System.

29 **Sec. 4.** The agency shall:

30 (1) Supervise and administer the system;

31 (2) Establish probation policies and standards for the system, in

1 consultation with the Supreme Court; and

2 (3) Supervise juveniles placed on probation.

3 **Sec. 5.** On or before July 1, 2026, the Governor shall appoint and
4 fix the salary of the Juvenile Probation Administrator subject to the
5 approval of a majority of the Legislature. The administrator shall be a
6 person with appropriate experience in the field of juvenile probation or
7 with training in relevant disciplines at a recognized college or
8 university. The administrator shall serve at the pleasure of the
9 Governor.

10 **Sec. 6.** The administrator shall:

11 (1) Supervise and administer the agency;

12 (2) Establish and maintain policies, standards, and procedures for
13 the system, in consultation with the Supreme Court;

14 (3) Prescribe and furnish such forms for records and reports for the
15 system as shall be deemed necessary for uniformity, efficiency, and
16 statistical accuracy;

17 (4) Establish minimum qualifications for employment as a juvenile
18 probation officer in this state and establish and maintain such
19 additional qualifications as the administrator deems appropriate for
20 appointment to the system. Such qualifications shall be established in
21 accordance with subsection (4) of section 8 of this act;

22 (5) Establish and maintain advanced periodic inservice training
23 requirements for the system;

24 (6) Organize and conduct training programs for juvenile probation
25 officers. Training shall include the proper use of a risk and needs
26 assessment, risk-based supervision strategies, relationship skills,
27 cognitive behavioral interventions, community-based resources, risk
28 factors, and targeting risk factors to reduce recidivism and the proper
29 use of the graduated response matrix of incentives provided for in
30 section 43-286.01. All juvenile probation officers shall complete the
31 training requirements set forth in this subdivision;

1 (7) Collect, develop, and maintain statistical information
2 concerning probationers, probation practices, and the operation of the
3 system;

4 (8) Interpret the probation program to the public with a view toward
5 developing a broad base of public support;

6 (9) Conduct research for the purpose of evaluating and improving the
7 effectiveness of the system. Subject to the availability of funding, the
8 administrator shall contract with an independent contractor or academic
9 institution for evaluation of existing facilities and programs operated
10 by the agency;

11 (10) Adopt and promulgate such rules and regulations as may be
12 necessary or proper for the operation of the agency or system. The
13 administrator shall adopt and promulgate rules and regulations for
14 transitioning juvenile probationers across levels of supervision and
15 discharging them from supervision consistent with evidence-based
16 practices. The rules and regulations shall ensure supervision resources
17 are prioritized for individuals who are high risk to cause danger to
18 themselves or the public, require transitioning individuals down levels
19 of supervision intensity based on assessed risk and months of supervision
20 without a reported major violation, and establish incentives for earning
21 discharge from supervision based on compliance;

22 (11) Transmit a report during each even-numbered year to the Supreme
23 Court, the Legislature, and the Governor on the operation of the agency
24 for the preceding two calendar years which shall include a historical
25 analysis of juvenile probation officer workload, including participation
26 in non-probation-based programs and services. The report submitted to the
27 Clerk of the Legislature shall be submitted electronically. The
28 administrator shall provide any member of the Legislature with an
29 electronic copy of such report upon request;

30 (12) Administer the payment by the state of all salaries, travel,
31 and expenses authorized under section 29-2259 incident to the conduct and

1 maintenance of the agency;

2 (13) Participate in the development, implementation, and evaluation
3 of non-probation-based programs and services for juveniles;

4 (14) Ensure that any risk or needs assessment instrument utilized by
5 the system be periodically validated, including the standardized juvenile
6 detention screening instrument provided for in section 43-260.01;

7 (15) Have the authority to enter into interlocal agreements in which
8 probation resources or probation personnel may be utilized in conjunction
9 with or as part of non-probation-based programs and services. Any such
10 interlocal agreement shall comply with section 9 of this act;

11 (16) Adopt and promulgate necessary rules and regulations; and

12 (17) Exercise all powers and perform all duties necessary and proper
13 to carry out the administrator's responsibilities.

14 **Sec. 7.** On January 15 and July 15 of each fiscal year, the
15 administrator shall electronically submit a report to the budget division
16 of the Department of Administrative Services, the Legislative Fiscal
17 Analyst, and the Supreme Court which shall include, but not be limited
18 to:

19 (1) The total number of juvenile cases supervised by the agency in
20 the previous six months; and

21 (2) The total number of juvenile intake screening interviews
22 conducted and detentions authorized by the agency in the previous six
23 months, using the detention screening instrument described in section
24 43-260.01.

25 **Sec. 8.** (1) The administrator, in consultation with the Supreme
26 Court, shall divide the state into juvenile probation districts and may
27 from time to time alter the boundaries of such districts in order to
28 maintain the most economical, efficient, and effective utilization of the
29 system.

30 (2) The administrator shall appoint temporary and permanent juvenile
31 probation officers and employees for each juvenile probation district as

1 may be required to provide adequate probation services.

2 (3) The administrator shall appoint a chief juvenile probation
3 officer with the concurrence of the majority of all juvenile court judges
4 within a probation district.

5 (4) The administrator shall, with the concurrence of all of the
6 separate juvenile court judges within each separate juvenile court, (a)
7 appoint for each separate juvenile court a chief juvenile probation
8 officer, any deputy juvenile probation officers required, and such other
9 employees as may be required to provide adequate probation services for
10 such court and (b) set the salaries of such officers and employees. The
11 chief and deputy juvenile probation officers shall be selected with
12 reference to experience and understanding of problems of family life and
13 child welfare, juvenile delinquency, community organizations, and
14 training in the recognition and treatment of behavior disorders.

15 (5) An ex-offender released from a penal complex or a county jail
16 may be appointed to a position of deputy juvenile probation officer. Such
17 ex-offender shall maintain a record free of arrests, except for minor
18 traffic violations, for one year immediately preceding appointment.

19 (6) The administrator may direct a juvenile probation officer of one
20 juvenile probation district to temporarily act as juvenile probation
21 officer for a court in another district, and such probation officer while
22 so serving shall have all the powers and responsibilities as if such
23 officer were serving in the district to which he or she was originally
24 appointed.

25 (7) The administrator, in consultation with the Supreme Court, shall
26 designate the location of the principal office of the system within each
27 juvenile probation district.

28 **Sec. 9.** Any interlocal agreement authorized by subdivision (15) of
29 section 6 of this act shall require the political subdivision party to
30 the agreement to provide sufficient resources to cover a portion of the
31 costs associated with the participation of juvenile probation personnel

1 or use of probation resources.

2 **Sec. 10.** Nothing in the Nebraska Juvenile Probation Administration
3 Act shall be construed to prohibit any court or the agency from utilizing
4 volunteers from the community for juvenile probation supervision. The
5 volunteer program shall be supervised by a full-time juvenile probation
6 officer who meets the minimum qualifications established by the agency.

7 **Sec. 11.** (1) The Nebraska Juvenile Probation System is established
8 which shall consist of the administrator, chief juvenile probation
9 officers, juvenile probation officers, and support staff.

10 (2) The system shall be responsible for:

11 (a) Juvenile intake services;

12 (b) Preadjudication juvenile supervision services under section
13 43-254;

14 (c) Direct supervision of juvenile probationers; and

15 (d) Implementation of non-probation-based programs and services
16 authorized by an interlocal agreement pursuant to subdivision (15) of
17 section 6 of this act.

18 (3) The system shall be sufficient in size to assure that no
19 juvenile probation officer carries a caseload larger than is compatible
20 with adequate probation investigation or supervision. Juvenile probation
21 officers shall be compensated with salaries substantially equal to other
22 state employees who have similar responsibilities. This provision for
23 salary equalization shall apply only to juvenile probation officers and
24 support staff and shall not apply to chief juvenile probation officers,
25 the administrator, any deputy administrators, or any other similar
26 management positions.

27 **Sec. 12.** A district juvenile probation officer shall:

28 (1) Conduct juvenile intake interviews and investigations in
29 accordance with sections 43-253 and 43-260.01 and supervise delivery of
30 preadjudication juvenile services under subdivision (1)(f) of section
31 43-254;

1 (2) Make other investigations, as may be required by law or directed
2 by a juvenile court in which the officer is serving;

3 (3) Supervise juvenile probationers in accordance with the rules and
4 regulations of the agency and the directions of the juvenile court;

5 (4) Advise the juvenile court, in accordance with the Nebraska
6 Juvenile Probation Administration Act and such rules and regulations of
7 the agency, of violations of the conditions of probation by individual
8 juvenile probationers;

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

14 (6) Provide each juvenile probationer with a statement of the period
15 and conditions of his or her probation;

16 (7) Whenever necessary, exercise the power of temporary custody as
17 provided in section 43-286.01;

18 (8) Establish procedures for the direction and guidance of deputy
19 juvenile probation officers under the district juvenile probation
20 officer's jurisdiction and advise such officers in regard to the most
21 effective performance of their duties;

22 (9) Supervise and evaluate deputy probation officers under the
23 district juvenile probation officer's jurisdiction;

24 (10) Delegate such duties and responsibilities to a deputy juvenile
25 probation officer as the district juvenile probation officer deems
26 appropriate;

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

30 (12) Keep accurate and complete accounts of all money or property
31 collected or received from juvenile probationers and give receipts

1 therefor;

2 (13) Cooperate fully with and render all reasonable assistance to
3 other juvenile 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 juvenile probation district in which he or she serves or as
9 requested by a county attorney and approved by such judges, except that
10 participation in such programs shall not require appointment of
11 additional personnel and shall be consistent with probation officers'
12 current caseloads;

13 (15) Participate, at the direction of the administrator pursuant to
14 an interlocal agreement which meets the requirements of section 9 of this
15 act, in non-probation-based programs and services;

16 (16) Perform such other duties not inconsistent with the Nebraska
17 Juvenile Probation Administration Act or the rules and regulations of the
18 agency 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 the district juvenile probation officer's responsibilities.

21 **Sec. 13.** (1) The salaries and expenses incident to the conduct and
22 maintenance of the agency shall be paid by the state. Other expenses
23 shall be paid by the state as provided in sections 81-1174 to 81-1177.

24 (2) The salaries and travel expenses of the juvenile probation
25 service shall be paid by the state. Travel expenses shall be paid as
26 provided in sections 81-1174 to 81-1177.

27 (3) The costs of drug testing and equipment incident to the
28 electronic surveillance of juvenile probationers shall be paid by the
29 state.

30 (4) The expenses incident to the conduct and maintenance of the
31 principal office within each juvenile probation district shall in the

1 first instance be paid by the county in which it is located, but such
2 county shall be reimbursed for such expenses by all other counties within
3 the district to the extent and in the proportions determined by the
4 administrator based upon population, number of investigations, and
5 probation cases handled or upon such other basis as the administrator
6 deems fair and equitable.

7 (5) Each county shall provide office space and necessary facilities
8 for juvenile probation officers performing their official duties and
9 shall bear the costs incident to maintenance of such offices other than
10 salaries, travel expenses, and data processing and word processing
11 hardware and software that is provided on the state computer network.

12 (6) The cost of interpreter services for deaf and hard of hearing
13 persons and for persons unable to communicate the English language shall
14 be paid by the state with money appropriated to the Supreme Court for
15 that purpose or from other funds, including grant money, made available
16 to the Supreme Court for such purpose. Interpreter services shall include
17 auxiliary aids for deaf and hard of hearing persons as defined in section
18 20-151 and interpreters to assist persons unable to communicate the
19 English language as defined in section 25-2402. Interpreter services
20 shall be provided under this section for the purposes of conducting an
21 ongoing supervision by a juvenile probation officer of juvenile
22 probationers.

23 (7) The administrator shall prepare a budget and request for
24 appropriations for the agency and shall submit such request to the
25 appropriate authority in accordance with law.

26 **Sec. 14.** (1) The Juvenile Probation Contractual Services Cash Fund
27 is created. The fund shall consist only of payments received by the state
28 pursuant to contractual agreements with local political subdivisions for
29 probation services provided by the Juvenile Probation Agency. The fund
30 shall only be used to pay for probation services provided by the agency
31 to local political subdivisions which enter into contractual agreements

1 with the agency. The fund shall be administered by the Juvenile Probation
2 Administrator. Any money in the fund available for investment shall be
3 invested by the state investment officer pursuant to the Nebraska Capital
4 Expansion Act and the Nebraska State Funds Investment Act.

5 (2) The Juvenile Probation Program Cash Fund is created. The fund
6 shall consist of any other revenue received by the Juvenile Probation
7 Agency for credit to the fund from any other public or private source,
8 including, but not limited to, appropriations, grants, donations, gifts,
9 devises, bequests, fees, or reimbursements. Any money in the fund
10 available for investment shall be invested by the state investment
11 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
12 State Funds Investment Act.

13 **Sec. 15.** The agency shall establish performance metrics for
14 juvenile probation officers. Such metrics should measure efficacy in
15 providing rehabilitative and reentry services to juvenile probationers.
16 Such metrics should:

17 (1) Reflect a balanced approach that considers both compliance and
18 enforcement measures as well as outcomes related to rehabilitation,
19 reintegration, and public safety;

20 (2) Include indicators of progress for juvenile probationers, such
21 as successful completion of treatment programs, educational attainment,
22 employment status, and compliance with conditions of supervision;

23 (3) Emphasize the importance of providing supportive services,
24 fostering positive relationships with juvenile probationers, and
25 promoting successful rehabilitation; and

26 (4) Be aligned with best practices, stakeholder input, and the
27 evolving goals and priorities of the juvenile justice system.

28 **Sec. 16.** Section 29-2260.01, Reissue Revised Statutes of Nebraska,
29 is amended to read:

30 ~~29-2260.01~~ It is the intent of the Legislature to ensure that a
31 consistent and objective method of juvenile intake occur throughout the

1 state for juveniles held in temporary custody by a law enforcement
2 officer, in accordance with section 43-250, to avoid either inappropriate
3 or unnecessary detention of juveniles which may result in inordinately
4 high detention rates, overcrowding of local detention facilities,
5 excessive detention costs for counties, and adverse consequences for the
6 juvenile, the juvenile's family, or the community. Juvenile intake
7 services shall be administered by ~~probation officers acting as~~ juvenile
8 intake probation intake officers and shall be available to all juvenile
9 courts in the state, both county courts sitting as juvenile courts and
10 separate juvenile courts. Such probation officers shall be appointed by
11 the ~~probation~~ administrator and designated within respective juvenile
12 probation districts based upon the need for such services as the
13 ~~probation~~ administrator determines. In order to adequately provide
14 juvenile intake services statewide and in accordance with the Juvenile
15 Detention and Probation Services Implementation Team Interim Report and
16 Recommendations filed with the Legislature December 15, 2000, it is the
17 intent of the Legislature to appropriate funds to the system to provide
18 seven additional probation officers to act in the capacity of juvenile
19 ~~probation intake~~ probation officers.

20 **Sec. 17.** Section 29-2260.02, Reissue Revised Statutes of Nebraska,
21 is amended to read:

22 ~~29-2260.02~~ (1) The Department of Health and Human Services, as the
23 single state agency administering the Title IV-E state plan, has the
24 authority to enter into the agreement with the Juvenile Office of
25 Probation Agency Administration to act as a surrogate of the Department
26 of Health and Human Services to administer the Title IV-E state plan for
27 children it has placement and care authority of. The Department of Health
28 and Human Services as the public agency administering or supervising the
29 administration of the Title IV-E state plan in accordance with section
30 472(a)(2)(B)(ii) of the federal Social Security Act, 42 U.S.C. 672(a)(2)
31 (B)(ii), to obtain federal reimbursement for allowable maintenance,

1 administrative, and training expenses in accordance with Title IV-E of
2 the federal Social Security Act, Public Law 96-272, Public Law 105-89,
3 and Public Law 110-351, maintains the ultimate responsibility to
4 supervise the agency's ~~Office of Probation Administration's~~ activities
5 regarding the Title IV-E requirements for eligible children served under
6 the agreement.

7 (2) The agency ~~Office of Probation Administration~~ has placement and
8 care responsibility for juveniles in out-of-home placement, also known as
9 foster care, described in subdivision (1), (2), (3)(b), or (4) of section
10 43-247. Placement and care constitutes accountability for the day-to-day
11 care and protection of juveniles. The responsibility of having placement
12 and care includes the development of an individual case plan for the
13 juvenile, including periodic review of the appropriateness and
14 suitability of the plan and the foster care placement, to ensure that
15 proper care and services are provided to facilitate return to the
16 juvenile's own home or to make an alternative placement. The case plan
17 activities include such items as assessing family strength and needs,
18 identifying and using community resources, and the periodic review and
19 determination of continued appropriateness of placement. Placement and
20 care does not include rights retained by the legal custodian, including,
21 but not limited to, provisions and decisions surrounding education,
22 morality, religion, discipline, and medical care.

23 **Sec. 18.** Section 29-2270, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 ~~29-2270~~ Any individual who is less than nineteen years of age and
26 who is subject to the supervision of a juvenile probation officer or an
27 adult probation officer pursuant to an order of the district court,
28 county court, or juvenile court shall, as a condition of probation, be
29 required to:

30 (1) Attend school to obtain vocational training or to achieve an
31 appropriate educational level as prescribed by the probation officer

1 after consultation with the school the individual attends or pursuant to
2 section 20 of this act 29-2272. If the individual fails to attend school
3 regularly, maintain appropriate school behavior, or make satisfactory
4 progress as determined by the probation officer after consultation with
5 the school and the individual does not meet the requirements of
6 subdivision (2) of this section, the district court, county court, or
7 juvenile court shall take appropriate action to enforce, modify, or
8 revoke its order granting probation; or

9 (2) Attend an on-the-job training program or secure and maintain
10 employment. If the individual fails to attend the program or maintain
11 employment and does not meet the requirements of subdivision (1) of this
12 section, the district court, county court, or juvenile court shall take
13 appropriate action to enforce, modify, or revoke its order granting
14 probation.

15 **Sec. 19.** Section 29-2271, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 ~~29-2271~~ Section 18 of this act 29-2270 shall not apply to
18 individuals who pass the general education development test or who earn a
19 high school diploma. Subdivision (2) of section 18 of this act 29-2270
20 shall not apply to an individual required to attend school pursuant to
21 section 79-201.

22 **Sec. 20.** Section 29-2272, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 ~~29-2272~~ (1) If the individual chooses to meet the requirements of
25 section 18 of this act 29-2270 by attending a public school and the
26 individual has previously been expelled from school, prior to the
27 readmission of the individual to the school, school officials shall meet
28 with the individual's probation officer and assist in developing
29 conditions of probation that will provide specific guidelines for
30 behavior and consequences for misbehavior at school as well as
31 educational objectives that must be achieved. The district court, county

1 court, or juvenile court shall review the conditions of probation for the
2 individual and may continue the expulsion or return the individual to
3 school under the agreed conditions.

4 (2) The school board may expel the individual for subsequent actions
5 as provided in section 79-267.

6 (3) The individual shall be screened by the school to which he or
7 she is admitted for possible disabilities and, if the screening so
8 indicates, be referred for evaluation for possible placement in a special
9 education program.

10 **Sec. 21.** Section 29-2273, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 ~~29-2273~~ The school district and the district court, county court, or
13 juvenile court may establish education, counseling, or other programs to
14 improve the behavior and educational performance of individuals covered
15 by section 18 of this act ~~29-2270~~.

16 **Sec. 22.** On and after July 1, 2026, positions of employment in the
17 Office of Probation Administration related to the powers, duties, and
18 functions transferred pursuant to this legislative bill are transferred
19 to the Juvenile Probation Agency. For purposes of the transition,
20 transferred employees of the office shall be considered employees of the
21 agency and shall retain any rights under the state personnel system or
22 pertinent bargaining agreement, and their service shall be deemed
23 continuous. This section does not grant transferred employees any new
24 rights or benefits not otherwise provided by law or bargaining agreement
25 or preclude the agency or the Juvenile Probation Administrator from
26 exercising any of the prerogatives of management set forth in section
27 81-1311 or as otherwise provided by law. This section is not an amendment
28 to or substitute for the provisions of any existing bargaining
29 agreements.

30 **Sec. 23.** On and after July 1, 2026, whenever the Office of
31 Probation Administration is referred to or designated by any contract or

1 other document in connection with the duties and functions transferred to
2 the Juvenile Probation Agency pursuant to this legislative bill, such
3 reference or designation shall apply to the agency. All contracts entered
4 into by the division prior to July 1, 2026, in connection with the duties
5 and functions transferred to the agency are hereby recognized, with the
6 agency succeeding to all rights and obligations under such contracts. Any
7 cash funds, custodial funds, gifts, trusts, grants, and any
8 appropriations of funds from prior fiscal years available to satisfy
9 obligations incurred under such contracts shall be transferred and
10 appropriated to the agency for the payments of such obligations. All
11 documents and records transferred, or copies of the same, may be
12 authenticated or certified by the agency for all legal purposes.

13 **Sec. 24.** No suit, action, or other proceeding, judicial or
14 administrative, lawfully commenced prior to July 1, 2026, or which could
15 have been commenced prior to that date, by or against the Office of
16 Probation Administration or any employee of the office in such employee's
17 official capacity or in relation to the discharge of his or her official
18 duties, shall abate by reason of the transfer of duties and functions
19 from the division to the Juvenile Probation Agency.

20 **Sec. 25.** On and after July 1, 2026, unless otherwise specified,
21 whenever any provision of law refers to the Office of Probation
22 Administration in connection with duties and functions transferred to the
23 Juvenile Probation Agency by this legislative bill, such law shall be
24 construed as referring to the agency.

25 **Sec. 26.** All rules, regulations, and orders of the Office of
26 Probation Administration adopted prior to July 1, 2026, in connection
27 with the powers, duties, and functions transferred to the Juvenile
28 Probation Agency by this legislative bill shall continue to be effective
29 until revised, amended, repealed, or nullified pursuant to law.

30 **Sec. 27.** (1) On July 1, 2026, all items of property, real and
31 personal, including office furniture and fixtures, books, documents, and

1 records of the Office of Probation Administration pertaining to the
2 duties and functions transferred to the Juvenile Probation Agency
3 pursuant to this legislative bill shall become the property of the
4 agency.

5 (2) Any appropriation and salary limit for fiscal year 2025-26
6 provided in any legislative bill enacted by the One Hundred Ninth
7 Legislature, First or Second Session, to Agency No. 5, Supreme Court, in
8 the following program classifications, shall be null and void, and any
9 such amounts are hereby appropriated to Agency No. XXX, Office of
10 Probation Administration: Program No. XXX, [Program Name]; and Program
11 No. XXX, [Program Name].

12 (3) Any financial obligations of the office that remain unpaid as of
13 June 30, 2026, and that are subsequently certified as valid encumbrances
14 to the accounting division of the Department of Administrative Services
15 pursuant to sections 81-138.01 to 81-138.04, shall be paid by the
16 Juvenile Probation Agency from the unexpended balance of appropriations
17 existing in such program classifications on June 30, 2026.

18 **Sec. 28.** Section 25-2407, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 25-2407 Any person who serves as an interpreter for persons unable
21 to communicate the English language in court proceedings or probation
22 services as provided in subsection (6) of section 29-2259 or subsection
23 (6) of section 13 of this act shall meet the standards adopted by the
24 Supreme Court. Such standards shall require that interpreters demonstrate
25 the ability to interpret effectively, accurately, and impartially, both
26 receptively and expressively, using any necessary special vocabulary. A
27 person appointed to interpret for deaf and hard of hearing persons shall
28 be a licensed interpreter as defined in section 20-151 or, if a licensed
29 interpreter is unavailable, an interpreter licensed under the laws of
30 another state.

31 **Sec. 29.** Section 28-726, Revised Statutes Cumulative Supplement,

1 2024, is amended to read:

2 28-726 Except as provided in this section and sections 28-722 and
3 81-3126, no person, official, or agency shall have access to information
4 in the tracking system of child protection cases maintained pursuant to
5 section 28-715 or in records in the central registry of child protection
6 cases maintained pursuant to section 28-718 unless in furtherance of
7 purposes directly connected with the administration of the Child
8 Protection and Family Safety Act. Such persons, officials, and agencies
9 having access to such information shall include, but not be limited to:

10 (1) A law enforcement agency investigating a report of known or
11 suspected child abuse or neglect;

12 (2) A county attorney in preparation of a child abuse or neglect
13 petition or termination of parental rights petition;

14 (3) A physician who has before him or her a child whom he or she
15 reasonably suspects may be abused or neglected;

16 (4) An agency having the legal responsibility or authorization to
17 care for, treat, or supervise an abused or neglected child or a parent, a
18 guardian, or other person responsible for the abused or neglected child's
19 welfare who is the subject of the report of child abuse or neglect;

20 (5) Any person engaged in bona fide research or auditing. No
21 information identifying the subjects of the report of child abuse or
22 neglect shall be made available to the researcher or auditor;

23 (6) The Foster Care Review Office and the designated local foster
24 care review board when the information relates to a child in a foster
25 care placement as defined in section 43-1301. The information provided to
26 the office and local board shall not include the name or identity of any
27 person making a report of suspected child abuse or neglect;

28 (7) The designated protection and advocacy system authorized
29 pursuant to the Developmental Disabilities Assistance and Bill of Rights
30 Act of 2000, 42 U.S.C. 15001, as the act existed on January 1, 2005, and
31 the Protection and Advocacy for Mentally Ill Individuals Act, 42 U.S.C.

1 10801, as the act existed on September 1, 2001, acting upon a complaint
2 received from or on behalf of a person with developmental disabilities or
3 mental illness;

4 (8) The person or persons having custody of the abused or neglected
5 child in situations of alleged out-of-home child abuse or neglect;

6 (9) The department, as required or authorized by state law, federal
7 law, federal regulation, or applicable federal program provisions and in
8 furtherance of its programs;

9 (10) A juvenile probation officer administering juvenile intake
10 services pursuant to section 16 of this act 29-2260.01, conducting court-
11 ordered predispositional investigations prior to disposition, or
12 supervising a juvenile upon disposition; and

13 (11) A child advocacy center pursuant to team protocols and in
14 connection with a specific case under review or investigation by a child
15 abuse and neglect investigation team or a child abuse and neglect
16 treatment team convened by a county attorney.

17 **Sec. 30.** Section 29-2246, Revised Statutes Cumulative Supplement,
18 2024, is amended to read:

19 29-2246 For purposes of the Nebraska Probation Administration Act
20 and ~~sections 43-2,123.01 and 83-1,102 to 83-1,104~~, unless the context
21 otherwise requires:

22 (1) Administrator means the probation administrator;

23 (2) ~~(1)~~ Association means the Nebraska District Court Judges
24 Association;

25 (3) Chief probation officer means the probation officer in charge of
26 a probation district;

27 (4) ~~(2)~~ Court means a district court or ~~county court~~ or ~~juvenile~~
28 ~~court as defined in section 43-245;~~

29 (5) Non-probation-based program or service means a program or
30 service established within the district, county, or juvenile courts and
31 provided to individuals not sentenced to, or placed on, probation who

1 have been charged with or convicted of a crime, or against whom a
2 petition has been filed under the Nebraska Juvenile Code, for the purpose
3 of diverting the individual from incarceration or the juvenile justice
4 system or to provide treatment for issues related to the individual's
5 criminogenic needs. Non-probation-based programs or services include, but
6 are not limited to, problem solving courts established pursuant to
7 section 24-1302 and the treatment of problems relating to substance
8 abuse, mental health, sex offenses, or domestic violence;

9 (6) (3) Office means the Office of Probation Administration;

10 (7) Post-release supervision means the portion of a split sentence
11 following a period of incarceration under which a person found guilty of
12 a crime upon verdict or plea is released by a court subject to conditions
13 imposed by the court and subject to supervision by the office;

14 (8)(a) (4) Probation means: a

15 (b) A sentence under which a person found guilty of a crime upon
16 verdict or plea or adjudicated delinquent or in need of special
17 supervision is released by a court subject to conditions imposed by the
18 court and subject to supervision, including . Probation includes post-
19 release supervision; and

20 (c) Supervision supervision ordered by a court pursuant to a
21 deferred judgment under section 29-2292 or 29-4803;

22 (5) Probationer means a person sentenced to probation or post-
23 release supervision;

24 (9) (6) Probation officer means an employee of the system who
25 supervises probationers and conducts presentence , predisposition, or
26 other investigations as may be required by law or directed by a court in
27 which he or she is serving or performs such other duties as authorized
28 pursuant to section 29-2258, except unpaid volunteers from the community;

29 (10) Probationer means a person sentenced to, or placed on,
30 probation or post-release supervision; and

31 (7) Juvenile probation officer means any probation officer who

1 ~~supervises probationers of a separate juvenile court;~~

2 ~~(8) Juvenile intake probation officer means an employee of the~~
3 ~~system who is called upon by a law enforcement officer in accordance with~~
4 ~~section 43-250 to make a decision regarding the furtherance of a~~
5 ~~juvenile's detention;~~

6 ~~(9) Chief probation officer means the probation officer in charge of~~
7 ~~a probation district;~~

8 ~~(11) (10) System means the Nebraska Probation System. ;~~

9 ~~(11) Administrator means the probation administrator;~~

10 ~~(12) Non-probation-based program or service means a program or~~
11 ~~service established within the district, county, or juvenile courts and~~
12 ~~provided to individuals not sentenced to probation who have been charged~~
13 ~~with or convicted of a crime for the purpose of diverting the individual~~
14 ~~from incarceration or to provide treatment for issues related to the~~
15 ~~individual's criminogenic needs. Non-probation-based programs or services~~
16 ~~include, but are not limited to, problem solving courts established~~
17 ~~pursuant to section 24-1302 and the treatment of problems relating to~~
18 ~~substance abuse, mental health, sex offenses, or domestic violence;~~

19 ~~(13) Post-release supervision means the portion of a split sentence~~
20 ~~following a period of incarceration under which a person found guilty of~~
21 ~~a crime upon verdict or plea is released by a court subject to conditions~~
22 ~~imposed by the court and subject to supervision by the office; and~~

23 ~~(14) Rules and regulations means policies and procedures written by~~
24 ~~the office and approved by the Supreme Court.~~

25 **Sec. 31.** Section 29-2248, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 29-2248 The association shall:

28 (1) Encourage development and implementation of uniform criteria for
29 sentencing criminals;

30 (2) Participate in planning and presenting institutes and seminars
31 for all judges in this state who sentence criminals or adjudicate

1 juveniles to discuss related problems ~~related to sentencing criminals or~~
2 juveniles;

3 (3) Participate in planning and presenting orientation programs for
4 new judges, such programs to include discussions of sentencing
5 alternatives, procedures, and purposes;

6 (4) Visit from time to time correctional facilities of this state;

7 (5) Encourage creation and development of community resources of
8 value to the probation system;

9 (6) Conduct such other programs of whatever nature of interest to
10 its members;

11 (7) Exercise all powers and perform all duties necessary and proper
12 to carry out its responsibilities; and

13 (8) Participate in planning and presenting institutes and seminars
14 for all county employees who work in the judicial branch of government.

15 **Sec. 32.** Section 29-2252.01, Reissue Revised Statutes of Nebraska,
16 is amended to read:

17 29-2252.01 On January 15 and July 15 of each fiscal year, the
18 administrator shall provide a report to the budget division of the
19 Department of Administrative Services, the Legislative Fiscal Analyst,
20 and the Supreme Court which shall include, but not be limited to:

21 (1) The total number of felony cases supervised by the office in the
22 previous six months for both regular and intensive supervision probation;

23 (2) The total number of misdemeanor cases supervised by the office
24 in the previous six months for both regular and intensive supervision
25 probation;

26 (3) The felony caseload per officer for both regular and intensive
27 supervision probation on the last day of the reporting period;

28 (4) The misdemeanor caseload per officer for both regular and
29 intensive supervision probation on the last day of the reporting period;

30 ~~(5) The total number of juvenile cases supervised by the office in~~
31 ~~the previous six months for both regular and intensive supervision~~

1 probation;

2 (5) (6) The total number of predisposition investigations completed
3 by the office in the previous six months;

4 (6) (7) The total number of presentence investigations completed by
5 the office in the previous six months; and

6 ~~(8) The total number of juvenile intake screening interviews~~
7 ~~conducted and detentions authorized by the office in the previous six~~
8 ~~months, using the detention screening instrument described in section~~
9 ~~43-260.01; and~~

10 (7) (9) The total number of probationers with restitution judgments,
11 the number of restitution payments made to clerks of the court, the
12 average amount of payments, and the total amount of restitution
13 collected.

14 The report submitted to the Legislative Fiscal Analyst shall be
15 submitted electronically.

16 **Sec. 33.** Section 29-2253, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 29-2253 (1) The administrator, with the concurrence of the Supreme
19 Court, shall divide the state into probation districts and may from time
20 to time alter the boundaries of such districts in order to maintain the
21 most economical, efficient, and effective utilization of the system.

22 (2) The administrator shall appoint temporary and permanent
23 probation officers and employees for each probation district as may be
24 required to provide adequate probation services.

25 (3) The administrator shall appoint a chief probation officer with
26 the concurrence of the majority of all judges within a probation
27 district.

28 ~~(4) The administrator shall, with the concurrence of all of the~~
29 ~~separate juvenile court judges within each separate juvenile court, (a)~~
30 ~~appoint for each separate juvenile court a chief juvenile probation~~
31 ~~officer, any deputy juvenile probation officers required, and such other~~

1 ~~employees as may be required to provide adequate probation services for~~
2 ~~such court and (b) set the salaries of such officers and employees. The~~
3 ~~chief and deputy juvenile probation officers shall be selected with~~
4 ~~reference to experience and understanding of problems of family life and~~
5 ~~child welfare, juvenile delinquency, community organizations, and~~
6 ~~training in the recognition and treatment of behavior disorders.~~

7 (4) (5) The administrator may direct a probation officer of one
8 probation district to temporarily act as probation officer for a court in
9 another probation district, and such probation officer while so serving
10 shall have all the powers and responsibilities as if he or she were
11 serving in the probation district to which he or she was originally
12 appointed.

13 (5) (6) The administrator, with the concurrence of the Supreme
14 Court, shall designate the location of the principal office of the system
15 within each probation district.

16 **Sec. 34.** Section 29-2257, Revised Statutes Cumulative Supplement,
17 2024, is amended to read:

18 29-2257 The Nebraska Probation System is established which shall
19 consist of the probation administrator, chief probation officers,
20 probation officers, and support staff. The system shall be responsible
21 ~~for juvenile intake services, for preadjudication juvenile supervision~~
22 ~~services under section 43-254,~~ for presentence and other probation
23 investigations, for the direct supervision of persons placed on
24 probation, and for non-probation-based programs and services authorized
25 by an interlocal agreement pursuant to subdivision (16) of section
26 29-2252. The system shall be sufficient in size to assure that no
27 probation officer carries a caseload larger than is compatible with
28 adequate probation investigation or supervision. Probation officers shall
29 be compensated with salaries substantially equal to other state employees
30 who have similar responsibilities.

31 This provision for salary equalization shall apply only to probation

1 officers and support staff and shall not apply to chief probation
2 officers, the probation administrator, the chief deputy administrator,
3 the deputy probation administrator, or any other similarly established
4 management positions.

5 **Sec. 35.** Section 29-2258, Revised Statutes Cumulative Supplement,
6 2024, is amended to read:

7 29-2258 A district probation officer shall:

8 ~~(1) Conduct juvenile intake interviews and investigations in~~
9 ~~accordance with sections 43-253 and 43-260.01 and supervise delivery of~~
10 ~~preadjudication juvenile services under subdivision (1)(f) of section~~
11 ~~43-254;~~

12 (1) ~~(2)~~ Make presentence and other investigations, as may be
13 required by law or directed by a court in which he or she is serving;

14 (2) ~~(3)~~ Supervise probationers in accordance with the rules and
15 regulations of the office and the directions of the sentencing court;

16 (3) ~~(4)~~ Advise the sentencing court, in accordance with the Nebraska
17 Probation Administration Act and such rules and regulations of the
18 office, of violations of the conditions of probation by individual
19 probationers;

20 (4) ~~(5)~~ Advise the sentencing court, in accordance with the rules
21 and regulations of the office and the direction of the court, when the
22 situation of a probationer may require a modification of the conditions
23 of probation or when a probationer's adjustment is such as to warrant
24 termination of probation;

25 (5) ~~(6)~~ Provide each probationer with a statement of the period and
26 conditions of his or her probation;

27 (6) ~~(7)~~ Whenever necessary, exercise the power of arrest as provided
28 in sections 29-2266.01 and 29-2266.02 ~~or exercise the power of temporary~~
29 ~~custody as provided in section 43-286.01;~~

30 (7) ~~(8)~~ Establish procedures for the direction and guidance of
31 deputy probation officers under his or her jurisdiction and advise such

1 officers in regard to the most effective performance of their duties;

2 (8) ~~(9)~~ Supervise and evaluate deputy probation officers under his
3 or her jurisdiction;

4 (9) ~~(10)~~ Delegate such duties and responsibilities to a deputy
5 probation officer as he or she deems appropriate;

6 (10) ~~(11)~~ Make such reports as required by the administrator, the
7 judges of the probation district in which he or she serves, or the
8 Supreme Court;

9 (11) ~~(12)~~ Keep accurate and complete accounts of all money or
10 property collected or received from probationers and give receipts
11 therefor;

12 (12) ~~(13)~~ Cooperate fully with and render all reasonable assistance
13 to other probation officers;

14 (13) ~~(14)~~ In counties with a population of less than twenty-five
15 thousand people, participate in pretrial diversion programs established
16 pursuant to sections 29-3601 to 29-3604 and ~~juvenile pretrial diversion~~
17 ~~programs established pursuant to sections 43-260.02 to 43-260.07~~ as
18 requested by judges of the probation district in which he or she serves
19 or as requested by a county attorney and approved by the judges of the
20 probation district in which he or she serves, except that participation
21 in such programs shall not require appointment of additional personnel
22 and shall be consistent with the probation officer's current caseload;

23 (14) ~~(15)~~ Participate, at the direction of the probation
24 administrator pursuant to an interlocal agreement which meets the
25 requirements of section 29-2255, in non-probation-based programs and
26 services;

27 (15) ~~(16)~~ Perform such other duties not inconsistent with the
28 Nebraska Probation Administration Act or the rules and regulations of the
29 office as a court may from time to time direct; and

30 (16) ~~(17)~~ Exercise all powers and perform all duties necessary and
31 proper to carry out his or her responsibilities.

1 **Sec. 36.** Section 29-2292, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 29-2292 (1) Upon a finding of guilt for which a judgment of
4 conviction may be rendered, a defendant may request the court defer the
5 entry of judgment of conviction. Upon such request and after giving the
6 prosecutor and defendant the opportunity to be heard, the court may defer
7 the entry of a judgment of conviction and the imposition of a sentence
8 and place the defendant on probation, upon conditions as the court may
9 require under section 29-2262.

10 (2) The court shall not defer judgment under this section if:

11 (a) The offense is a violation of section 42-924;

12 (b) The victim of the offense is an intimate partner as defined in
13 section 28-323;

14 (c) The offense is a violation of section 60-6,196 or 60-6,197 or a
15 city or village ordinance enacted in conformance with section 60-6,196 or
16 60-6,197; or

17 (d) The defendant is not eligible for probation.

18 (3) Whenever a court considers a request to defer judgment, the
19 court shall consider the factors set forth in section 29-2260 and any
20 other information the court deems relevant.

21 (4) Except as otherwise provided in this section and sections
22 29-2293 and 29-2294, the supervision of a defendant on probation pursuant
23 to a deferred judgment shall be governed by the Nebraska Probation
24 Administration Act and sections 18 to 21 of this act ~~29-2270 to 29-2273~~.

25 (5) After a hearing providing the prosecutor and defendant an
26 opportunity to be heard and upon a finding that a defendant has violated
27 a condition of his or her probation, the court may enter any order
28 authorized by section 29-2268 or pronounce judgment and impose such new
29 sentence as might have been originally imposed for the offense for which
30 the defendant was convicted.

31 (6) Upon satisfactory completion of the conditions of probation and

1 the payment or waiver of all administrative and programming fees assessed
2 under section 29-2293, the defendant or prosecutor may file a motion to
3 withdraw any plea entered by the defendant and to dismiss the action
4 without entry of judgment.

5 (7) The provisions of this section apply to offenses committed on or
6 after July 1, 2020. For purposes of this section, an offense shall be
7 deemed to have been committed prior to July 1, 2020, if any element of
8 the offense occurred prior to such date.

9 **Sec. 37.** Section 29-4803, Revised Statutes Cumulative Supplement,
10 2024, is amended to read:

11 29-4803 (1) The probation administrator shall create a veteran
12 justice program as provided in sections 29-4802 to 29-4804 and subject to
13 the Supreme Court's rules. The program shall be available in every
14 district court and county court. A veteran justice program shall not
15 supersede, alter, or otherwise interfere with the establishment,
16 functioning, participation, or operation of a problem solving court
17 established pursuant to section 24-1302.

18 (2) A veteran justice program shall be operated by use of deferred
19 judgments as provided in this section.

20 (3) Upon a finding of guilt for which a judgment of conviction may
21 be rendered, a defendant that is eligible to participate in a veteran
22 justice program may request the court defer the entry of judgment of
23 conviction under this section. Upon such request, the court shall provide
24 notice to any victim of the offense of the request and provide an
25 opportunity for the victim to provide a statement for consideration by
26 the court. After giving the prosecutor and defendant the opportunity to
27 be heard, the court may defer the entry of a judgment of conviction and
28 the imposition of a sentence and place the defendant on probation, upon
29 conditions as the court may require under sections 29-2262 and 29-4804.
30 If the court defers the entry of judgment, the court shall provide notice
31 to victims of the offense.

1 (4)(a) Whenever a court considers a request to defer judgment under
2 this section, the court shall consider the following:

3 (i) The factors set forth in subsections (2) and (3) of section
4 29-2260 and section 29-4802;

5 (ii) The supervision, treatment, and other programming options
6 available in the community; and

7 (iii) Any other information the court deems relevant.

8 (b) Except as provided in subdivision (4)(c) of this section, there
9 shall be a presumption that a veteran eligible under section 29-4802
10 shall be allowed to participate in a veteran justice program. The
11 presumption shall only be overcome by a judicial finding, based on an
12 individualized assessment of the veteran and consideration of the factors
13 set forth in subdivisions (4)(a)(i), (ii), and (iii) of this section,
14 that entry of judgment of conviction should not be deferred. The fact
15 that a veteran has previously absconded from or violated pretrial
16 release, probation, parole, supervised release, post-release supervision,
17 or another form of court-ordered supervision, including a violation
18 arising from commission of a new offense or an offense committed while
19 previously participating in a veteran justice program, is not, standing
20 alone, a sufficient basis to overcome the presumption.

21 (c) The presumption provided for in subdivision (4)(b) of this
22 section does not apply to a veteran charged with:

23 (i) A violation of section 60-6,196 or 60-6,197, or a city or
24 village ordinance enacted in conformance with section 60-6,196 or
25 60-6,197, following a previous conviction for a violation of any such
26 section or ordinance; or

27 (ii) An offense that resulted in serious bodily injury to another
28 person.

29 (5) Except as otherwise provided in this section and sections
30 29-2293 and 29-2294, the supervision of a defendant on probation pursuant
31 to a deferred judgment shall be governed by the Nebraska Probation

1 Administration Act and sections 18 to 21 of this act ~~29-2270 to 29-2273~~.

2 (6) After a hearing providing the prosecutor and defendant an
3 opportunity to be heard and upon a finding that a defendant has violated
4 a condition of his or her probation, the court may enter any order
5 authorized by section 29-2268 or pronounce judgment and impose such new
6 sentence as might have been originally imposed for the offense for which
7 the defendant was convicted.

8 (7) Upon satisfactory completion of the conditions of probation and
9 the payment or waiver of all administrative and programming fees assessed
10 under section 29-2293, the defendant or prosecutor may file a motion to
11 withdraw any plea entered by the defendant and to dismiss the action
12 without entry of judgment. The court shall not grant such motion until a
13 victim of the offense has received notice and the opportunity to be
14 heard, as required by subsection (4) of section 29-4804.

15 (8) Sections 29-4802 to 29-4804 apply to offenses committed on or
16 after July 1, 2025. For purposes of this subsection, an offense shall be
17 deemed to have been committed prior to July 1, 2025, if any element of
18 the offense occurred prior to such date.

19 **Sec. 38.** Section 43-247.03, Revised Statutes Cumulative Supplement,
20 2024, is amended to read:

21 43-247.03 (1) In any juvenile case, the court may provide the
22 parties the opportunity to address issues involving the child's care and
23 placement, services to the family, and other concerns through restorative
24 justice practices. Restorative justice practices may include, but are not
25 limited to, prehearing conferences, family group conferences, expedited
26 family group conferences, child welfare mediation, permanency prehearing
27 conferences, termination of parental rights prehearing conferences,
28 juvenile victim-offender dialogue, victim youth conferencing, victim-
29 offender mediation, youth or community dialogue, panels, circles, and
30 truancy mediation. The Office of Dispute Resolution shall be responsible
31 for funding and management for such services provided by approved

1 centers. All discussions taking place during such restorative justice
2 practices, including plea negotiations, shall be confidential and
3 privileged communications as provided in section 25-2914.01.

4 (2) For purposes of this section:

5 (a) Expedited family group conference means an expedited and
6 limited-scope facilitated planning meeting which engages a child's or
7 juvenile's parents, the child or juvenile when appropriate, other
8 critical family members, services providers, and staff members from
9 either the Department of Health and Human Services or the Juvenile
10 Probation Agency ~~Office of Probation Administration~~ to address immediate
11 placement issues for the child or juvenile;

12 (b) Family group conference means a facilitated meeting involving a
13 child's or juvenile's family, the child or juvenile when appropriate,
14 available extended family members from across the United States, other
15 significant and close persons to the family, service providers, and staff
16 members from either the Department of Health and Human Services or the
17 Juvenile Probation Agency ~~Office of Probation Administration~~ to develop a
18 family-centered plan for the best interests of the child and to address
19 the essential issues of safety, permanency, and well-being of the child;

20 (c) Juvenile victim-offender dialogue means a court-connected
21 process in which a facilitator meets with the juvenile offender and the
22 victim in an effort to convene a dialogue in which the offender takes
23 responsibility for his or her actions and the victim is able to address
24 the offender and request an apology and restitution, with the goal of
25 creating an agreed-upon written plan;

26 (d) Prehearing conference means a facilitated meeting prior to
27 appearing in court and held to gain the cooperation of the parties, to
28 offer services and treatment, and to develop a problem-solving atmosphere
29 in the best interests of children involved in the juvenile court system.
30 A prehearing conference may be scheduled at any time during the child
31 welfare or juvenile court process, from initial removal through

1 permanency, termination of parental rights, and juvenile delinquency
2 court processes; and

3 (e) Victim youth conferencing means a process in which a restorative
4 justice facilitator meets with the juvenile and the victim, when
5 appropriate, in an effort to convene a dialogue in which the juvenile
6 takes responsibility for his or her actions and the victim or victim
7 surrogate is able to address the juvenile and create a reparation plan
8 agreement, which may include apologies, restitution, community services,
9 or other agreed-upon means of amends.

10 **Sec. 39.** Section 43-250, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 43-250 (1) A peace officer who takes a juvenile into temporary
13 custody under section 29-401 or subdivision (1), (2), (3), or (7) of
14 section 43-248 shall immediately take reasonable measures to notify the
15 juvenile's parent, guardian, custodian, or relative and shall proceed as
16 follows:

17 (a) The peace officer may release a juvenile taken into temporary
18 custody under section 29-401 or subdivision (1), (2), or (7) of section
19 43-248;

20 (b) The peace officer may require a juvenile taken into temporary
21 custody under section 29-401 or subdivision (1) or (2) of section 43-248
22 to appear before the court of the county in which such juvenile was taken
23 into custody at a time and place specified in the written notice prepared
24 in triplicate by the peace officer or at the call of the court. The
25 notice shall also contain a concise statement of the reasons such
26 juvenile was taken into custody. The peace officer shall deliver one copy
27 of the notice to such juvenile and require such juvenile or his or her
28 parent, guardian, other custodian, or relative, or both, to sign a
29 written promise that such signer will appear at the time and place
30 designated in the notice. Upon the execution of the promise to appear,
31 the peace officer shall immediately release such juvenile. The peace

1 officer shall, as soon as practicable, file one copy of the notice with
2 the county attorney or city attorney and, when required by the court,
3 also file a copy of the notice with the court or the officer appointed by
4 the court for such purpose; or

5 (c) The peace officer may retain temporary custody of a juvenile
6 taken into temporary custody under section 29-401 or subdivision (1),
7 (2), or (3) of section 43-248 and deliver the juvenile, if necessary, to
8 the probation officer and communicate all relevant available information
9 regarding such juvenile to the probation officer. The probation officer
10 shall determine the need for detention of the juvenile as provided in
11 section 43-260.01. Upon determining that the juvenile should be placed in
12 detention or an alternative to detention and securing placement in such
13 setting by the probation officer, the peace officer shall implement the
14 probation officer's decision to release or to detain and place the
15 juvenile. When secure detention of a juvenile is necessary, such
16 detention shall occur within a juvenile detention facility except:

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

26 (ii) When a juvenile described in subdivision (1) or (2) of section
27 43-247, except for a status offender, is taken into temporary custody
28 outside of a metropolitan statistical area and where no juvenile
29 detention facility is reasonably available, the juvenile may be
30 delivered, for temporary custody not to exceed twenty-four hours
31 excluding nonjudicial days and while awaiting an initial court

1 appearance, to a secure area of a jail or other facility intended or used
2 for the detention of adults solely for the purposes of identifying the
3 juvenile and ascertaining his or her health and well-being and for
4 safekeeping while awaiting transport to an appropriate juvenile placement
5 or release to a responsible party;

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

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

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

22 (vi) A status offender or nonoffender taken into temporary custody
23 shall not be held in a secure area of a jail or other facility intended
24 or used for the detention of adults; and

25 (vii) A juvenile described in subdivision (1) or (2) of section
26 43-247, except for a status offender, may be held in a secure area of a
27 jail or other facility intended or used for the detention of adults for
28 up to six hours before and six hours after any court appearance.

29 (2)(a) {2} A juvenile taken into custody pursuant to a legal warrant
30 of arrest shall be delivered to a probation officer.

31 (b) For a felony arrest of a juvenile, the probation officer shall

1 make a recommendation for detention, release without restrictions, or
2 release to an alternative to detention as provided in section 43-260.01.
3 The probation officer shall forward all intake information to a judge,
4 who shall consult with the probation officer, and then determine the need
5 for detention. In making such determination, the judge shall consider the
6 factors in subdivision (2) of section 43-260.01 but shall not be bound by
7 such factors.

8 (c) For an arrest of a juvenile not involving a felony, the
9 probation officer ~~who~~ shall determine the need for detention of the
10 juvenile as provided in section 43-260.01.

11 (d) If detention is not required, the juvenile may be released
12 without bond if:

13 (i) Such ~~such~~ release is in the best interests of the juvenile; ~~τ~~

14 (ii) The ~~the~~ safety of the community is not at risk; ~~τ~~ and

15 (iii) The ~~the~~ court that issued the warrant is notified that the
16 juvenile had been taken into custody and was released.

17 (3) In determining the appropriate temporary placement or
18 alternative to detention of a juvenile under this section, the peace
19 officer shall select the placement or alternative which is least
20 restrictive of the juvenile's freedom so long as such placement or
21 alternative is compatible with the best interests of the juvenile and the
22 safety of the community. Any alternative to detention shall cause the
23 least restriction of the juvenile's freedom of movement consistent with
24 the best interests of the juvenile and the safety of the community.

25 (4) When a juvenile is taken into temporary custody pursuant to
26 subdivision (4) of section 43-248, the peace officer shall deliver the
27 juvenile to the enrolled school of such juvenile.

28 (5) When a juvenile is taken into temporary custody pursuant to
29 subdivision (5), (6), or (7) of section 43-248, and not released under
30 subdivision (1)(a) of this section, the peace officer shall deliver the
31 custody of such juvenile to the Department of Health and Human Services

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

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

1 **Sec. 40.** Section 43-254, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

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

6 (a) Placed or detained a reasonable period of time on order of the
7 court in the temporary custody of either the person having charge of the
8 juvenile or some other suitable person;

9 (b) Kept in some suitable place provided by the city or county
10 authorities;

11 (c) Placed in any proper and accredited charitable institution;

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

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

23 (f) Offered supervision options as determined pursuant to section
24 43-260.01, through the Juvenile Probation Agency ~~Office of Probation~~
25 ~~Administration~~ as ordered by the court and agreed to in writing by the
26 parties, if the juvenile is alleged to be a juvenile described in
27 subdivision (1), (2), (3)(b), or (4) of section 43-247 and it does not
28 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) of section 43-248, the court may
3 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. 41.** Section 43-258, Revised Statutes Cumulative Supplement,
9 2024, is amended to read:

10 43-258 (1) Pending the adjudication of any case under the Nebraska
11 Juvenile Code, the court may order the juvenile examined by a physician,
12 surgeon, psychiatrist, duly authorized community mental health service
13 program, or psychologist to aid the court in determining (a) a material
14 allegation in the petition relating to the juvenile's physical or mental
15 condition, (b) the juvenile's competence to participate in the
16 proceedings, (c) the juvenile's responsibility for his or her acts, or
17 (d) whether or not to provide emergency medical treatment.

18 (2)(a) Pending the adjudication of any case under the Nebraska
19 Juvenile Code and after a showing of probable cause that the juvenile is
20 within the court's jurisdiction, for the purposes of subsection (1) of
21 this section, the court may order such juvenile to be placed with the
22 Department of Health and Human Services for evaluation, except that no
23 juvenile alleged to be a juvenile as described in subdivision (1), (2),
24 (3)(b), or (4) of section 43-247 shall be placed with the department. If
25 a juvenile is placed with the department under this subdivision, the
26 department shall make arrangements for an appropriate evaluation. The
27 department shall determine whether the evaluation will be made on a
28 residential or nonresidential basis. Placement with the department for
29 the purposes of this section shall be for a period not to exceed thirty
30 days. If necessary to complete the evaluation, the court may order an
31 extension not to exceed an additional thirty days. Any temporary

1 placement of a juvenile made under this section shall be in the least
2 restrictive environment consistent with the best interests of the
3 juvenile and the safety of the community.

4 (b) Pending the adjudication of any case in which a juvenile is
5 alleged to be a juvenile as described in subdivision (1), (2), (3)(b), or
6 (4) of section 43-247 and after a showing of probable cause that the
7 juvenile is within the court's jurisdiction, for the purposes of
8 subsection (1) of this section, the court may order an evaluation to be
9 arranged by the Juvenile Probation Agency Office ~~of Probation~~
10 ~~Administration~~. Any temporary placement of a juvenile made under this
11 section shall be in the least restrictive environment consistent with the
12 best interests of the juvenile and the safety of the community.

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

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

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

28 **Sec. 42.** Section 43-260, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 43-260 The Juvenile Probation Agency Office ~~of Probation~~
31 ~~Administration~~ shall prepare and distribute to probation officers a

1 standardized juvenile detention screening instrument. The types of risk
2 factors to be included as well as the format of this standardized
3 juvenile detention screening instrument shall be determined by the agency
4 office. The standardized juvenile detention screening instrument shall be
5 used as an assessment tool statewide by probation officers under section
6 43-260.01 in order to determine if detention of the juvenile is necessary
7 and, if so, whether detention or an alternative to detention is
8 indicated. Probation officers trained to administer the juvenile
9 detention screening instrument shall act as juvenile intake probation
10 officers. Only duly trained probation officers shall be authorized to
11 administer the juvenile detention screening instrument.

12 **Sec. 43.** Section 43-260.01, Revised Statutes Cumulative Supplement,
13 2024, is amended to read:

14 43-260.01 The need for preadjudication placement, services, or
15 supervision and the need for detention of a juvenile and whether
16 detention or an alternative to detention is indicated shall be:

17 (1) Subject ~~subject~~ to subdivision (5) of section 43-251.01; and

18 (2) Determined ~~shall be determined~~ as follows:

19 (a) ~~(1)~~ The standardized juvenile detention screening instrument
20 shall be used to evaluate the juvenile;

21 (b) ~~(2)~~ If the results indicate that detention is not required, the
22 juvenile shall be released without restriction or released to an
23 alternative to detention; and

24 (c) ~~(3)~~ If the results indicate that detention is required,
25 detention shall be pursued.

26 **Sec. 44.** Section 43-281, Revised Statutes Cumulative Supplement,
27 2024, is amended to read:

28 43-281 (1) Following an adjudication of jurisdiction and prior to
29 final disposition, the court may provide for evaluation of a juvenile as
30 provided in this section.

31 (2) If the adjudication of jurisdiction is not under subdivision

1 (1), (2), (3)(b), or (4) of section 43-247, the court may place the
2 juvenile with the Office of Juvenile Services or the Department of Health
3 and Human Services for evaluation. The office or department shall arrange
4 and pay for an appropriate evaluation if the office or department
5 determines that there are no parental funds or private or public
6 insurance available to pay for such evaluation.

7 (3)(a) If the adjudication of jurisdiction is under subdivision (1),
8 (2), (3)(b), or (4) of section 43-247, the court may order an evaluation
9 to be arranged by the Juvenile Probation Agency ~~Office of Probation~~
10 ~~Administration~~.

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

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

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

22 (4) A juvenile pending evaluation ordered under this section shall
23 not reside in a detention facility at the time of the evaluation or while
24 waiting for the completed evaluation to be returned to the court unless
25 detention of such juvenile is a matter of immediate and urgent necessity
26 for the protection of such juvenile or the person or property of another
27 or if it appears that such juvenile is likely to flee the jurisdiction of
28 the court.

29 (5) The court shall provide copies of predisposition reports and
30 evaluations of the juvenile to the juvenile's attorney and the county
31 attorney or city attorney prior to any hearing in which the report or

1 evaluation will be relied upon.

2 **Sec. 45.** Section 43-286, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

4 43-286 (1) When any juvenile is adjudicated to be a juvenile
5 described in subdivision (1), (2), or (4) of section 43-247:

6 (a) The court may continue the dispositional portion of the hearing,
7 from time to time upon such terms and conditions as the court may
8 prescribe, including an order of restitution of any property stolen or
9 damaged or an order requiring the juvenile to participate in restorative
10 justice programs or community service programs, if such order is in the
11 interest of the juvenile's reformation or rehabilitation, and, subject to
12 the further order of the court, may:

13 (i) Place the juvenile on probation subject to the supervision of a
14 probation officer; or

15 (ii) Permit the juvenile to remain in his or her own home or be
16 placed in a suitable family home or institution, subject to the
17 supervision of the probation officer;

18 (b) When it is alleged that the juvenile has exhausted all levels of
19 probation supervision and options for community-based services and
20 section 43-251.01 has been satisfied, a motion for commitment to a youth
21 rehabilitation and treatment center may be filed and proceedings held as
22 follows:

23 (i) The motion shall set forth specific factual allegations that
24 support the motion and a copy of such motion shall be served on all
25 persons required to be served by sections 43-262 to 43-267;

26 (ii) The Office of Juvenile Services shall be served with a copy of
27 such motion and shall be a party to the case for all matters related to
28 the juvenile's commitment to, placement with, or discharge from the
29 Office of Juvenile Services; and

30 (iii) The juvenile shall be entitled to a hearing before the court
31 to determine the validity of the allegations. At such hearing the burden

1 is upon the state by a preponderance of the evidence to show that:

2 (A) All levels of probation supervision have been exhausted;

3 (B) All options for community-based services have been exhausted;

4 and

5 (C) Placement at a youth rehabilitation and treatment center is a
6 matter of immediate and urgent necessity for the protection of the
7 juvenile or the person or property of another or if it appears that such
8 juvenile is likely to flee the jurisdiction of the court;

9 (c) After the hearing, the court may, as a condition of an order of
10 intensive supervised probation, commit such juvenile to the Office of
11 Juvenile Services for placement at a youth rehabilitation and treatment
12 center operated in compliance with state law. Upon commitment by the
13 court to the Office of Juvenile Services, the court shall immediately
14 notify the Office of Juvenile Services of the commitment. Intensive
15 supervised probation for purposes of this subdivision means that the
16 Office of Juvenile Services shall be responsible for the care and custody
17 of the juvenile until the Office of Juvenile Services discharges the
18 juvenile from commitment to the Office of Juvenile Services. Upon
19 discharge of the juvenile, the court shall hold a review hearing on the
20 conditions of probation and enter any order allowed under subdivision (1)
21 (a) of this section;

22 (d) The Office of Juvenile Services shall notify those required to
23 be served by sections 43-262 to 43-267, all interested parties, and the
24 committing court of the pending discharge of a juvenile from the youth
25 rehabilitation and treatment center sixty days prior to discharge and
26 again in every case not less than thirty days prior to discharge. Upon
27 notice of pending discharge by the Office of Juvenile Services, the court
28 shall set a continued disposition hearing in anticipation of reentry. The
29 Office of Juvenile Services shall work in collaboration with the Juvenile
30 Probation Agency ~~Office of Probation Administration~~ in developing an
31 individualized reentry plan for the juvenile as provided in section

1 43-425. The Office of Juvenile Services shall provide a copy of the
2 individualized reentry plan to the juvenile, the juvenile's attorney, and
3 the county attorney or city attorney prior to the continued disposition
4 hearing. At the continued disposition hearing, the court shall review and
5 approve or modify the individualized reentry plan, place the juvenile
6 under probation supervision, and enter any other order allowed by law. No
7 hearing is required if all interested parties stipulate to the
8 individualized reentry plan by signed motion. In such a case, the court
9 shall approve the conditions of probation, approve the individualized
10 reentry plan, and place the juvenile under probation supervision; and

11 (e) The Office of Juvenile Services is responsible for
12 transportation of the juvenile to and from the youth rehabilitation and
13 treatment center. The Office of Juvenile Services may contract for such
14 services. A plan for a juvenile's transport to return to the community
15 shall be a part of the individualized reentry plan. The Office of
16 Juvenile Services may approve family to provide such transport when
17 specified in the individualized reentry plan.

18 (2) When any juvenile is found by the court to be a juvenile
19 described in subdivision (3)(b) of section 43-247, the court may enter
20 such order as it is empowered to enter under subdivision (1)(a) of this
21 section.

22 (3) When any juvenile is adjudicated to be a juvenile described in
23 subdivision (1), (2), (3)(b), or (4) of section 43-247, the court may
24 order the juvenile to be assessed for referral to participate in a
25 restorative justice program. Factors that the judge may consider for such
26 referral include, but are not limited to: The juvenile's age,
27 intellectual capacity, and living environment; the ages of others who
28 were part of the offense; the age and capacity of the victim; and the
29 nature of the case.

30 (4) When a juvenile is placed on probation and a probation officer
31 has reasonable cause to believe that such juvenile has committed a

1 violation of a condition of his or her probation, the probation officer
2 shall take appropriate measures as provided in section 43-286.01.

3 (5)(a) When a juvenile is placed on probation or under the
4 supervision of the court and it is alleged that the juvenile is again a
5 juvenile described in subdivision (1), (2), (3)(b), or (4) of section
6 43-247, a petition may be filed and the same procedure followed and
7 rights given at a hearing on the original petition. If an adjudication is
8 made that the allegations of the petition are true, the court may make
9 any disposition authorized by this section for such adjudications and the
10 county attorney may file a motion to revoke the juvenile's probation.

11 (b) When a juvenile is placed on probation or under the supervision
12 of the court for conduct under subdivision (1), (2), (3)(b), or (4) of
13 section 43-247 and it is alleged that the juvenile has violated a term of
14 probation or supervision or that the juvenile has violated an order of
15 the court, a motion to revoke probation or supervision or to change the
16 disposition may be filed and proceedings held as follows:

17 (i) The motion shall set forth specific factual allegations of the
18 alleged violations and a copy of such motion shall be served on all
19 persons required to be served by sections 43-262 to 43-267;

20 (ii) The juvenile shall be entitled to a hearing before the court to
21 determine the validity of the allegations. At such hearing the juvenile
22 shall be entitled to those rights relating to counsel provided by section
23 43-272 and those rights relating to detention provided by sections 43-254
24 to 43-256. The juvenile shall also be entitled to speak and present
25 documents, witnesses, or other evidence on his or her own behalf. He or
26 she may confront persons who have given adverse information concerning
27 the alleged violations, may cross-examine such persons, and may show that
28 he or she did not violate the conditions of his or her probation or
29 supervision or an order of the court or, if he or she did, that
30 mitigating circumstances suggest that the violation does not warrant
31 revocation of probation or supervision or a change of disposition. The

1 hearing shall be held within a reasonable time after the juvenile is
2 taken into custody;

3 (iii) The hearing shall be conducted in an informal manner and shall
4 be flexible enough to consider evidence, including letters, affidavits,
5 and other material, that would not be admissible in an adversarial
6 criminal trial;

7 (iv) The juvenile shall not be confined, detained, or otherwise
8 significantly deprived of his or her liberty pursuant to the filing of a
9 motion described in this section unless the requirements of subdivision
10 (5) of section 43-251.01 and section 43-260.01 have been met. In all
11 cases when the requirements of subdivision (5) of section 43-251.01 and
12 section 43-260.01 have been met and the juvenile is confined, detained,
13 or otherwise significantly deprived of his or her liberty as a result of
14 his or her alleged violation of probation, supervision, or a court order,
15 the juvenile shall be given a preliminary hearing. If, as a result of
16 such preliminary hearing, probable cause is found to exist, the juvenile
17 shall be entitled to a hearing before the court in accordance with this
18 subsection;

19 (v) If the juvenile is found by the court to have violated the terms
20 of his or her probation or supervision or an order of the court, the
21 court may modify the terms and conditions of the probation, supervision,
22 or other court order, extend the period of probation, supervision, or
23 other court order, or enter any order of disposition that could have been
24 made at the time the original order was entered; and

25 (vi) In cases when the court revokes probation, supervision, or
26 other court order, it shall enter a written statement as to the evidence
27 relied on and the reasons for revocation.

28 (6)(a) Except as provided in subdivision (6)(b) of this section, the
29 court shall not change a disposition unless the court finds that the
30 juvenile has violated a term or condition of probation or supervision or
31 an order of the court and the procedures in subdivision (5)(b) of this

1 section have been satisfied.

2 (b) Upon motion of the juvenile, the court may modify the terms or
3 conditions of probation or supervision or modify a dispositional order
4 if:

5 (i) All parties stipulate to the particular modification; and

6 (ii) The juvenile has consulted with counsel or has waived counsel.

7 Any waiver must be particular to the modification and shall comply with
8 section 43-3102.

9 (7) Costs incurred on behalf of a juvenile under this section shall
10 be paid as provided in section 43-290.01.

11 (8) When any juvenile is adjudicated to be a juvenile described in
12 subdivision (4) of section 43-247, the juvenile court shall within thirty
13 days of adjudication transmit to the Director of Motor Vehicles an
14 abstract of the court record of adjudication.

15 **Sec. 46.** Section 43-286.01, Revised Statutes Cumulative Supplement,
16 2024, is amended to read:

17 43-286.01 (1) For purposes of this section, graduated response means
18 an accountability-based series of sanctions, incentives, and services
19 designed to facilitate the juvenile's continued progress in changing
20 behavior, ongoing compliance, and successful completion of probation.
21 Graduated response does not include restrictions of liberty that would
22 otherwise require a hearing under subsection (3) of section 43-253.

23 (2) The Juvenile Probation Agency ~~Office of Probation Administration~~
24 may establish a statewide standardized graduated response matrix of
25 incentives for compliance and positive behaviors and sanctions for
26 probationers who violate the terms and conditions of a court order. The
27 graduated response system shall use recognized best practices and be
28 developed with the input of stakeholders, including judges, probation
29 officers, county attorneys, defense attorneys, juveniles, and parents.
30 The agency ~~office~~ shall provide implementation and ongoing training to
31 all probation officers on the graduated response options.

1 (3) Graduated response sanctions should be immediate, certain,
2 consistent, and fair to appropriately address the behavior. Failure to
3 complete a sanction may result in repeating the sanction, increasing the
4 duration, or selecting a different sanction similar in nature. Continued
5 failure to comply could result in a request for a motion to revoke
6 probation. Once a sanction is successfully completed the alleged
7 probation violation is deemed resolved and cannot be alleged as a
8 violation in future proceedings.

9 (4) Graduated response incentives should provide positive
10 reinforcement to encourage and support positive behavior change and
11 compliance with court-ordered conditions of probation.

12 (5) Whenever a probation officer has reasonable cause to believe
13 that a juvenile subject to the supervision of a probation officer has
14 committed a violation of the terms of the juvenile's probation while on
15 probation, but that such juvenile will not attempt to leave the
16 jurisdiction and will not place lives or property in danger, the
17 probation officer shall either:

18 (a) Impose one or more graduated response sanctions with the
19 approval of his or her chief probation officer or such chief's designee.
20 The decision to impose graduated response sanctions in lieu of formal
21 revocation proceedings rests with the probation officer and his or her
22 chief probation officer or such chief's designee and shall be based upon
23 such juvenile's risk level, the severity of the violation, and the
24 juvenile's response to the violation. If graduated response sanctions are
25 to be imposed, such juvenile shall acknowledge in writing the nature of
26 the violation and agree upon the graduated response sanction with
27 approval of such juvenile's parents or guardian. Such juvenile has the
28 right to decline to acknowledge the violation, and if he or she declines
29 to acknowledge the violation, the probation officer shall submit a
30 written report pursuant to subdivision (5)(b) of this section. If the
31 juvenile fails to satisfy the graduated response sanctions and the

1 ~~officer office~~ determines that a motion to revoke probation should be
2 pursued, the probation officer shall submit a written report pursuant to
3 subdivision (5)(b) of this section. A copy of the report shall be
4 submitted to the county attorney of the county where probation was
5 imposed; or

6 (b) Submit a written report to the county attorney of the county
7 where probation was imposed and to the juvenile's attorney of record,
8 outlining the nature of the probation violation and request that formal
9 revocation proceedings be instituted against the juvenile subject to the
10 supervision of a probation officer. The report shall also include a
11 statement regarding why graduated response sanctions were not utilized or
12 were ineffective. If there is no attorney of record for the juvenile, the
13 ~~officer office~~ shall notify the court and counsel for the juvenile shall
14 be appointed.

15 (6) Whenever a probation officer has reasonable cause to believe
16 that a juvenile subject to the supervision of a probation officer has
17 violated a condition of his or her probation and that such juvenile will
18 attempt to leave the jurisdiction or will place lives or property in
19 danger, the probation officer shall take such juvenile into temporary
20 custody without a warrant and may call on any peace officer for
21 assistance as provided in section 43-248. Continued detention or
22 deprivation of liberty shall be subject to the criteria and requirements
23 of sections 43-251.01, 43-260, and 43-260.01 and subdivision (5)(b)(iv)
24 of section 43-286, and a hearing shall be held before the court within
25 twenty-four hours as provided in subsection (3) of section 43-253.

26 (7) Immediately after detention or deprivation of liberty pursuant
27 to subsection (6) of this section, the probation officer shall notify the
28 county attorney of the county where probation was imposed and the
29 juvenile's attorney of record and submit a written report describing the
30 risk of harm to lives or property or of fleeing the jurisdiction which
31 precipitated the need for such detention or deprivation of liberty and of

1 any violation of probation. If there is no attorney of record for the
2 juvenile, the officer ~~office~~ shall notify the court and counsel for the
3 juvenile shall be appointed. After prompt consideration of the written
4 report, the county attorney shall:

5 (a) Order the release of the juvenile from confinement or
6 alternative to detention subject to the supervision of a probation
7 officer; or

8 (b) File with the adjudicating court a motion to revoke the
9 probation.

10 (8) Whenever a county attorney receives a report from a probation
11 officer that a juvenile subject to the supervision of a probation officer
12 has violated a condition of probation and the probation officer is
13 seeking revocation of probation, the county attorney may file a motion to
14 revoke probation.

15 (9) Whenever a juvenile subject to supervision of a probation
16 officer is engaging in positive behavior, completion of goals, and
17 compliance with the terms of probation, the probation officer shall use
18 graduated incentives to provide positive reinforcement and encouragement
19 of such behavior. The Juvenile Probation Agency ~~office~~ shall keep records
20 of all incentives and provide such records to the county attorney or the
21 juvenile's attorney upon request.

22 (10) During the term of probation, the court, on application of a
23 probation officer or of the juvenile or on its own motion, may reduce or
24 eliminate any of the conditions imposed on the juvenile. Upon completion
25 of the term of probation or the earlier discharge of the juvenile, the
26 juvenile shall be relieved of any obligations imposed by the order of the
27 court and his or her record shall be sealed pursuant to section
28 43-2,108.04.

29 (11) The Juvenile Probation Administrator ~~probation administrator~~
30 shall adopt and promulgate rules and regulations to carry out this
31 section.

1 **Sec. 47.** Section 43-290.01, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-290.01 (1) Payment of costs for juveniles described in or alleged
4 to be described in subdivision (1), (2), (3)(b), or (4) of section
5 43-247, except as ordered by the court pursuant to section 43-290, shall
6 be paid by:

7 (a) The county for the period of time prior to adjudication, except
8 as provided in subdivision (1)(b) of this section. Such costs paid for by
9 the county include, but are not limited to, the costs of detention,
10 services, detention alternatives, treatment, voluntary services, and
11 transportation;

12 (b) The Juvenile Probation Agency ~~Office of Probation Administration~~
13 for:

14 (i) The period of time after adjudication until termination of court
15 jurisdiction, including, but not limited to, the costs of evaluations,
16 detention, services, placement that is not detention, detention
17 alternatives, treatment, voluntary services, and transportation, other
18 than transportation paid under subdivision (1)(c) of this section;

19 (ii) The time period prior to adjudication for a juvenile who is on
20 probation and is alleged to have committed a new violation or is a
21 juvenile who is subject to a motion to revoke probation; and

22 (iii) Preadjudication evaluations and preadjudication placements
23 that are not detention; and

24 (c) The Office of Juvenile Services for any period of time from when
25 the court commits the juvenile to the Office of Juvenile Services until
26 the juvenile is discharged by the Office of Juvenile Services, including,
27 but not limited to, the costs of evaluations, placement, services,
28 detention including detention costs prior to placement, and
29 transportation to and from the youth rehabilitation and treatment center.

30 (2) For payment of costs involved in the adjudication and
31 disposition of juveniles, other than those described in subsection (1) or

1 (3) of this section:

2 (a) The Department of Health and Human Services shall pay the costs
3 incurred during an evaluation or placement with the department that is
4 ordered by the court except as otherwise ordered by the court pursuant to
5 section 43-290;

6 (b) Payment of costs for juveniles with a court adjudication or
7 disposition under section 43-284: Upon a determination by the court that
8 there are no parental, private, or other funds available for the care,
9 custody, education, and maintenance of the juvenile, the court may order
10 a reasonable sum for the care, custody, education, and maintenance of the
11 juvenile to be paid out of a fund appropriated annually by the county
12 where the petition is filed until suitable provisions are made for the
13 juvenile without such payment. The amount to be paid by a county for
14 education shall not exceed the average cost for education of a public
15 school student in the county in which the juvenile is placed and shall be
16 paid only for education in kindergarten through grade twelve; and

17 (c) Other costs shall be as provided in section 43-290.

18 (3) Payment of costs of medical expenses of juveniles under the
19 Nebraska Juvenile Code shall be as provided in section 43-290.

20 **Sec. 48.** Section 43-297.01, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 43-297.01 (1) Following an adjudication, whenever any juvenile is
23 placed on juvenile probation subject to the supervision of a probation
24 officer, the Juvenile Probation Agency ~~Office of Probation Administration~~
25 is deemed to have placement and care responsibility for the juvenile.

26 (2) The court shall order the initial placement and level of care
27 for the juvenile placed on juvenile probation. Prior to determining the
28 placement and level of care for a juvenile, the court may solicit a
29 recommendation from the Juvenile Probation Agency ~~Office of Probation~~
30 ~~Administration~~. The status of each juvenile placed out-of-home shall be
31 reviewed periodically, but not less than once every six months by the

1 court in person, by video, or telephonically. Periodic reviews shall
2 assess the juvenile's safety and the continued necessity and
3 appropriateness of placement, ensure case plan compliance, and monitor
4 the juvenile's progress. The court shall determine whether an out-of-home
5 placement made by the agency office is in the best interests of the
6 juvenile. The agency office shall provide all interested parties with a
7 copy of any report filed with the court by the agency office pursuant to
8 this subsection.

9 (3) The Juvenile Probation Agency Office of Probation Administration
10 may transition a juvenile to a less restrictive placement or to a
11 placement which has the same level of restriction as the current
12 placement. In order to make a placement change under this section, the
13 agency office shall file a notice of placement change with the court and
14 shall send copies of the notice to all interested parties at least seven
15 days before the change of placement. The court, on its own motion, or
16 upon the filing of an objection to the change by an interested party, may
17 order a hearing to review such a change in placement and may order that
18 the change be stayed pending the outcome of the hearing on the objection.

19 (4) The Juvenile Probation Agency Office of Probation Administration
20 may make an immediate change in placement without court approval only if
21 the juvenile is in a harmful or dangerous situation. Approval of the
22 court shall be sought within twenty-four hours after making the change in
23 placement or as soon thereafter as possible. The agency office shall
24 provide all interested parties with a copy of any report filed with the
25 court by the agency office pursuant to this subsection.

26 (5) Whenever the court places a juvenile in a foster care placement
27 as defined in section 43-1301, the Foster Care Review Office or
28 designated local foster care review board may participate in proceedings
29 concerning the juvenile as provided in section 43-1313 and notice shall
30 be given as provided in section 43-1314.

31 (6) Any written findings or recommendations of the Foster Care

1 Review Office or the designated local foster care review board with
2 regard to a juvenile in a foster care placement submitted to a court
3 having jurisdiction over such juvenile shall be admissible in any
4 proceeding concerning such juvenile if such findings or recommendations
5 have been provided to all other parties of record.

6 (7) Nothing in this section prevents the court on an ex parte basis
7 from approving an immediate change in placement upon good cause shown.

8 **Sec. 49.** Section 43-2,108, Revised Statutes Cumulative Supplement,
9 2024, is amended to read:

10 43-2,108 (1) The juvenile court judge shall keep a record of all
11 proceedings of the court in each case, including appearances, findings,
12 orders, decrees, and judgments, and any evidence which he or she feels it
13 is necessary and proper to record. The case file shall contain the
14 complaint or petition and subsequent pleadings. The case file may be
15 maintained as an electronic document through the court's electronic case
16 management system, on microfilm, or in a paper volume and disposed of
17 when determined by the State Records Administrator pursuant to the
18 Records Management Act.

19 (2) Except as provided in subsections (3) and (4) of this section,
20 the medical, psychological, psychiatric, and social welfare reports and
21 the records of juvenile probation officers, as they relate to individual
22 proceedings in the juvenile court, shall not be open to inspection,
23 without order of the court. Such records shall be made available to a
24 district court of this state or the District Court of the United States
25 on the order of a judge thereof for the confidential use of such judge or
26 his or her probation officer as to matters pending before such court but
27 shall not be made available to parties or their counsel; and such
28 district court records shall be made available to a county court or
29 separate juvenile court upon request of the county judge or separate
30 juvenile judge for the confidential use of such judge and his or her
31 probation officer as to matters pending before such court, but shall not

1 be made available by such judge to the parties or their counsel.

2 (3) As used in this section, confidential record information means
3 all docket records, other than the pleadings, orders, decrees, and
4 judgments; case files and records; reports and records of probation
5 officers; and information supplied to the court of jurisdiction in such
6 cases by any individual or any public or private institution, agency,
7 facility, or clinic, which is compiled by, produced by, and in the
8 possession of any court. In all cases under subdivision (3)(a) of section
9 43-247, access to all confidential record information in such cases shall
10 be granted only as follows: (a) The court of jurisdiction may, subject to
11 applicable federal and state regulations, disseminate such confidential
12 record information to any individual, or public or private agency,
13 institution, facility, or clinic which is providing services directly to
14 the juvenile and such juvenile's parents or guardian and his or her
15 immediate family who are the subject of such record information; (b) the
16 court of jurisdiction may disseminate such confidential record
17 information, with the consent of persons who are subjects of such
18 information, or by order of such court after showing of good cause, to
19 any law enforcement agency upon such agency's specific request for such
20 agency's exclusive use in the investigation of any protective service
21 case or investigation of allegations under subdivision (3)(a) of section
22 43-247, regarding the juvenile or such juvenile's immediate family, who
23 are the subject of such investigation; and (c) the court of jurisdiction
24 may disseminate such confidential record information to any court, which
25 has jurisdiction of the juvenile who is the subject of such information
26 upon such court's request.

27 (4) The court shall provide copies of predispositional reports and
28 evaluations of the juvenile to the juvenile's attorney and the county
29 attorney or city attorney prior to any hearing in which the report or
30 evaluation will be relied upon.

31 (5) In all cases under sections 43-246.01 and 43-247, the office of

1 Inspector General of Nebraska Child Welfare may submit a written request
2 to the Juvenile Probation Administrator ~~probation administrator~~ for
3 access to the records of juvenile probation officers in a specific case.
4 Upon a juvenile court order, the records shall be provided to the
5 Inspector General within five days for the exclusive use in an
6 investigation pursuant to the Office of Inspector General of Nebraska
7 Child Welfare Act. Nothing in this subsection shall prevent the
8 notification of death or serious injury of a juvenile to the Inspector
9 General of Nebraska Child Welfare pursuant to section 43-4318 as soon as
10 reasonably possible after the Juvenile Probation Agency Office ~~of~~
11 ~~Probation Administration~~ learns of such death or serious injury.

12 (6) In all cases under sections 43-246.01 and 43-247, the juvenile
13 court shall disseminate confidential record information to the Foster
14 Care Review Office pursuant to the Foster Care Review Act.

15 (7) Nothing in subsections (3), (5), and (6) of this section shall
16 be construed to restrict the dissemination of confidential record
17 information between any individual or public or private agency,
18 institute, facility, or clinic, except any such confidential record
19 information disseminated by the court of jurisdiction pursuant to this
20 section shall be for the exclusive and private use of those to whom it
21 was released and shall not be disseminated further without order of such
22 court.

23 (8)(a) Any records concerning a juvenile court petition filed
24 pursuant to subdivision (3)(c) of section 43-247 shall remain
25 confidential except as may be provided otherwise by law. Such records
26 shall be accessible to (i) the juvenile except as provided in subdivision
27 (b) of this subsection, (ii) the juvenile's counsel, (iii) the juvenile's
28 parent or guardian, and (iv) persons authorized by an order of a judge or
29 court.

30 (b) Upon application by the county attorney or by the director of
31 the facility where the juvenile is placed and upon a showing of good

1 cause therefor, a judge of the juvenile court having jurisdiction over
2 the juvenile or of the county where the facility is located may order
3 that the records shall not be made available to the juvenile if, in the
4 judgment of the court, the availability of such records to the juvenile
5 will adversely affect the juvenile's mental state and the treatment
6 thereof.

7 (9) Nothing in subsection (3), (5), or (6) of this section shall be
8 construed to restrict the immediate dissemination of a current picture
9 and information about a child who is missing from a foster care or out-
10 of-home placement. Such dissemination by the Juvenile Probation Agency
11 ~~Office of Probation Administration~~ shall be authorized by an order of a
12 judge or court. Such information shall be subject to state and federal
13 confidentiality laws and shall not include that the child is in the care,
14 custody, or control of the Department of Health and Human Services or
15 under the supervision of the Juvenile Probation Agency ~~Office of~~
16 ~~Probation Administration~~.

17 (10) Any juvenile court order that places a juvenile on electronic
18 monitoring shall also state whether the data from such electronic
19 monitoring device shall be made available to a law enforcement agency
20 immediately upon request by such agency. For any juvenile subject to the
21 supervision of a probation officer, the name of the juvenile, the name of
22 the juvenile's probation officer, and any terms of probation included in
23 a juvenile court order otherwise open to inspection shall be provided to
24 the Nebraska Commission on Law Enforcement and Criminal Justice which
25 shall provide access to such information to law enforcement agencies
26 through the state's criminal justice information system.

27 **Sec. 50.** Section 43-2,108.05, Revised Statutes Cumulative
28 Supplement, 2024, is amended to read:

29 43-2,108.05 (1) If the court orders the record of a juvenile sealed,
30 the court shall:

31 (a) Order that all records, including any information or other data

1 concerning any proceedings relating to the offense, including the arrest,
2 taking into custody, petition, complaint, indictment, information, trial,
3 hearing, adjudication, correctional supervision, dismissal, or other
4 disposition or sentence, be deemed never to have occurred;

5 (b) Send notice of the order to seal the record (i) if the record
6 includes impoundment or prohibition to obtain a license or permit
7 pursuant to section 43-287, to the Department of Motor Vehicles, (ii) if
8 the juvenile whose record has been ordered sealed was a ward of the state
9 at the time the proceeding was initiated or if the Department of Health
10 and Human Services was a party in the proceeding, to such department, and
11 (iii) to law enforcement agencies, county attorneys, and city attorneys
12 referenced in the court record;

13 (c) Order all notified under subdivision (1)(b) of this section to
14 seal all records pertaining to the offense;

15 (d) If the case was transferred from district court to juvenile
16 court or was transferred under section 43-282, send notice of the order
17 to seal the record to the transferring court; and

18 (e) Explain to the juvenile using developmentally appropriate
19 language what sealing the record means. The explanation shall be given
20 verbally if the juvenile is present in the court at the time the court
21 issues the sealing order and by written notice sent by regular mail to
22 the juvenile's last-known address if the juvenile is not present in the
23 court at the time the court issues the sealing order. The sealing order
24 shall include contact information for each government agency subject to
25 the sealing order.

26 (2) The effect of having a record sealed is that thereafter no
27 person is allowed to release any information concerning such record,
28 except as provided by this section. After a record is sealed, the person
29 whose record was sealed can respond to any public inquiry as if the
30 offense resulting in such record never occurred. A government agency and
31 any other public office or agency shall reply to any public inquiry that

1 no information exists regarding a sealed record. Except as provided in
2 subsection (3) of this section, an order to seal the record applies to
3 every government agency and any other public office or agency that has a
4 record relating to the offense, regardless of whether it receives notice
5 of the hearing on the sealing of the record or a copy of the order. Upon
6 the written request of a person whose record has been sealed and the
7 presentation of a copy of such order, a government agency or any other
8 public office or agency shall seal all records pertaining to the offense.

9 (3) A sealed record is accessible to the individual who is the
10 subject of the sealed record and any persons authorized by such
11 individual, law enforcement officers, county attorneys, and city
12 attorneys in the investigation, prosecution, and sentencing of crimes, to
13 the sentencing judge in the sentencing of criminal defendants, to a judge
14 making a determination whether to transfer a case to or from juvenile
15 court, to any attorney representing the subject of the sealed record, and
16 to the Inspector General of Nebraska Child Welfare pursuant to an
17 investigation conducted under the Office of Inspector General of Nebraska
18 Child Welfare Act. Inspection of records that have been ordered sealed
19 under section 43-2,108.04 may be made by the following persons or for the
20 following purposes:

21 (a) By the court or by any person allowed to inspect such records by
22 an order of the court for good cause shown;

23 (b) By the court, city attorney, or county attorney for purposes of
24 collection of any remaining parental support or obligation balances under
25 section 43-290;

26 (c) By the Nebraska Juvenile Probation System for purposes of
27 juvenile intake services and other juvenile probation investigations and
28 for the direct supervision of persons placed on juvenile probation; 7

29 (d) By the Nebraska Probation System for presentence and other
30 probation investigations 7 and for the direct supervision of persons
31 placed on probation; and

1 (e) ~~By~~ by the Department of Correctional Services, the Office of
2 Juvenile Services, a juvenile assessment center, a criminal detention
3 facility, a juvenile detention facility, or a staff secure juvenile
4 facility, for an individual committed to it, placed with it, or under its
5 care;

6 (f) ~~(d)~~ By the Department of Health and Human Services for purposes
7 of juvenile intake services, the preparation of case plans and reports,
8 the preparation of evaluations, compliance with federal reporting
9 requirements, or the supervision and protection of persons placed with
10 the department or for licensing or certification purposes under sections
11 71-1901 to 71-1906.01, the Child Care Licensing Act, or the Children's
12 Residential Facilities and Placing Licensure Act;

13 (g) ~~(e)~~ By the individual who is the subject of the sealed record
14 and by persons authorized by such individual. The individual shall
15 provide satisfactory verification of his or her identity;

16 (h) ~~(f)~~ At the request of a party in a civil action that is based on
17 a case that has a sealed record, as needed for the civil action. The
18 party also may copy the sealed record as needed for the civil action. The
19 sealed record shall be used solely in the civil action and is otherwise
20 confidential and subject to this section;

21 (i) ~~(g)~~ By persons engaged in bona fide research, with the
22 permission of the court or the State Court Administrator, only if the
23 research results in no disclosure of the person's identity and protects
24 the confidentiality of the sealed record; or

25 (j) ~~(h)~~ By a law enforcement agency if the individual whose record
26 has been sealed applies for employment with the law enforcement agency.

27 (4) Nothing in this section prohibits the Department of Health and
28 Human Services from releasing information from sealed records in the
29 performance of its duties with respect to the supervision and protection
30 of persons served by the department.

31 (5) In any application for employment, bonding, license, education,

1 or other right or privilege, any appearance as a witness, or any other
2 public inquiry, a person cannot be questioned with respect to any offense
3 for which the record is sealed. If an inquiry is made in violation of
4 this subsection, the person may respond as if the offense never occurred.
5 Applications for employment shall contain specific language that states
6 that the applicant is not obligated to disclose a sealed record.
7 Employers shall not ask if an applicant has had a record sealed. The
8 Department of Labor shall develop a link on the department's website to
9 inform employers that employers cannot ask if an applicant had a record
10 sealed and that an application for employment shall contain specific
11 language that states that the applicant is not obligated to disclose a
12 sealed record.

13 (6) Any person who knowingly violates this section shall be guilty
14 of a Class V misdemeanor.

15 **Sec. 51.** Section 43-2,113, Revised Statutes Cumulative Supplement,
16 2024, is amended to read:

17 43-2,113 (1) In counties where a separate juvenile court is
18 established, the county board of the county shall provide suitable rooms
19 and offices for the accommodation of the judge of the separate juvenile
20 court and the officers and employees appointed by such judge or by the
21 Juvenile Probation Administrator ~~probation administrator~~ pursuant to
22 subsection (4) of section 8 of this act ~~29-2253~~. Such separate juvenile
23 court and the judge, officers, and employees of such court shall have the
24 same and exclusive jurisdiction, powers, and duties that are prescribed
25 in the Nebraska Juvenile Code, concurrent jurisdiction under section
26 83-223, and such other jurisdiction, powers, and duties as specifically
27 provided by law.

28 (2) A juvenile court created in a separate juvenile court judicial
29 district or a county court sitting as a juvenile court in all other
30 counties shall have and exercise jurisdiction within such juvenile court
31 judicial district or county court judicial district with the county court

1 and district court in all matters arising under Chapter 42, article 3,
2 when the care, support, custody, or control of minor children under the
3 age of eighteen years is involved. Such cases shall be filed in the
4 county court and district court and may, with the consent of the juvenile
5 judge, be transferred to the trial docket of the separate juvenile court
6 or county court.

7 (3) All orders issued by a separate juvenile court or a county court
8 which provide for child support or spousal support as defined in section
9 42-347 shall be governed by sections 42-347 to 42-381 and 43-290 relating
10 to such support. Certified copies of such orders shall be filed by the
11 clerk of the separate juvenile or county court with the clerk of the
12 district court who shall maintain a record as provided in subsection (4)
13 of section 42-364. There shall be no fee charged for the filing of such
14 certified copies.

15 **Sec. 52.** Section 43-412, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 43-412 (1) Every juvenile committed to the Office of Juvenile
18 Services pursuant to the Nebraska Juvenile Code shall remain committed
19 until he or she attains the age of nineteen or is legally discharged.

20 (2) Upon attainment of the age of nineteen or absent a continuing
21 order of intensive supervised probation, discharge of any juvenile
22 pursuant to the rules and regulations shall be a complete release from
23 all penalties incurred by conviction or adjudication of the offense for
24 which he or she was committed.

25 (3) The Office of Juvenile Services shall provide the committing
26 court, Juvenile Probation Agency ~~Office of Probation Administration~~,
27 county attorney, defense attorney, if any, and guardian ad litem, if any,
28 with written notification of the juvenile's discharge within thirty days
29 prior to a juvenile being discharged from the care and custody of the
30 office.

31 **Sec. 53.** Section 43-425, Revised Statutes Cumulative Supplement,

1 2024, is amended to read:

2 43-425 (1) The Community and Family Reentry Process is hereby
3 created. This process is created in order to reduce recidivism and
4 promote safe and effective reentry for the juvenile and his or her family
5 to the community from the juvenile justice system.

6 (2) While a juvenile is committed to a youth rehabilitation and
7 treatment center, family team meetings shall be conducted in person or
8 via videoconferencing at least once per month with the juvenile's support
9 system to discuss the juvenile's transition back to the community. A
10 juvenile's support system should be made up of any of the following: The
11 juvenile himself or herself, any immediate family members or guardians,
12 informal and formal supports, the juvenile's guardian ad litem appointed
13 by the court, the juvenile's probation officer, Office of Juvenile
14 Services personnel employed by the facility, and any additional personnel
15 as appropriate. Once developed, individualized reentry plans should be
16 discussed at the family team meetings with the juvenile and other members
17 of the juvenile's support system and shall include discussions on the
18 juvenile's placement after leaving the facility. The probation officer
19 and the Office of Juvenile Services personnel should discuss progress and
20 needs of the juvenile and should help the juvenile follow his or her
21 individual reentry plan to help with his or her transition back to the
22 community.

23 (3) Within sixty days prior to discharge from a youth rehabilitation
24 and treatment center, or as soon as possible if the juvenile's remaining
25 time at the youth rehabilitation and treatment center is less than sixty
26 days, an evidence-based risk screening and needs assessment should be
27 conducted on the juvenile in order to determine the juvenile's risk of
28 reoffending and the juvenile's individual needs upon reentering the
29 community.

30 (4) Individualized reentry plans shall be developed with input from
31 the juvenile and his or her support system in conjunction with a risk

1 assessment process. Individualized reentry plans shall be finalized
2 thirty days prior to the juvenile leaving the youth rehabilitation and
3 treatment center or as soon as possible if the juvenile's remaining time
4 at the center is less than thirty days. Individualized reentry plans
5 should include specifics about the juvenile's placement upon return to
6 the community, an education transition plan, a treatment plan with any
7 necessary appointments being set prior to the juvenile leaving the
8 center, and any other formal and informal supports for the juvenile and
9 his or her family. The district juvenile probation officer and Office of
10 Juvenile Services personnel shall review the individualized reentry plan
11 and the expected outcomes as a result of the plan with the juvenile and
12 his or her support system within thirty days prior to the juvenile's
13 discharge from the center.

14 (5) The probation officer shall have contact with the juvenile and
15 the juvenile's support system within forty-eight hours after the juvenile
16 returns to the community and continue to assist the juvenile and the
17 juvenile's support system in implementing and following the
18 individualized reentry plan and monitoring the juvenile's risk through
19 ongoing assessment updates.

20 (6) The Juvenile Probation Agency ~~Office of Probation Administration~~
21 shall:

22 (a) Establish an evidence-based reentry process that utilizes risk
23 assessment to determine the juvenile's supervision level upon return to
24 the community;

25 (b) Establish supervision strategies based on risk levels of the
26 juvenile and supervise accordingly, with ongoing reassessment to assist
27 in determining eligibility for release from probation;

28 (c) Develop a formal matrix of graduated sanctions to be utilized
29 prior to requesting the county attorney to file for probation revocation;
30 and

31 (d) Provide training to its workers on risk-based supervision

1 strategies, motivational interviewing, family engagement, community-based
2 resources, and other evidence-based reentry strategies.

3 **Sec. 54.** Section 43-1302, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 43-1302 (1) The Foster Care Review Office is hereby established. The
6 purpose of the office is to provide information and direct reporting to
7 the courts, the Department of Health and Human Services, the Juvenile
8 Probation Agency ~~Office of Probation Administration~~, and the Legislature
9 regarding the foster care system in Nebraska; to provide oversight of the
10 foster care system; and to make recommendations regarding foster care
11 policy to the Legislature. The executive director of the Foster Care
12 Review Office shall provide information and reporting services, provide
13 analysis of information obtained, and oversee foster care file audit case
14 reviews and tracking of cases of children in the foster care system. The
15 executive director of the office shall, through information analysis and
16 with the assistance of the Foster Care Advisory Committee, (a) determine
17 key issues of the foster care system and ways to resolve the issues and
18 to otherwise improve the system and (b) make policy recommendations.

19 (2)(a) The Foster Care Advisory Committee is created. The committee
20 shall have five members appointed by the Governor. Three members shall be
21 local board members, one member shall have data analysis experience, and
22 one member shall be a resident of the state who is representative of the
23 public at large. The members shall have no pecuniary interest in the
24 foster care system and shall not be employed by the office, the
25 Department of Health and Human Services, a county, a residential child-
26 caring agency, a child-placing agency, or a court.

27 (b) The Health and Human Services Committee of the Legislature shall
28 hold a confirmation hearing for the appointees, and the appointments
29 shall be subject to confirmation by the Legislature, except that the
30 members appointed while the Legislature is not in session shall serve
31 until the next session of the Legislature, at which time a majority of

1 the members of the Legislature shall approve or disapprove of the
2 appointments.

3 (c) The terms of the members shall be for three years, except that
4 the Governor shall designate two of the initial appointees to serve
5 initial terms ending on March 1, 2014, and three of the initial
6 appointees to serve initial terms ending on March 1, 2015. The Governor
7 shall make the initial appointments within thirty days after July 1,
8 2012. Members shall not serve more than two consecutive terms, except
9 that members shall serve until their successors have been appointed and
10 qualified. The Governor shall appoint members to fill vacancies from the
11 same category as the vacated position to serve for the remainder of the
12 unexpired term.

13 (d) The Foster Care Advisory Committee shall meet at least four
14 times each calendar year. Each member shall attend at least two meetings
15 each calendar year and shall be subject to removal for failure to attend
16 at least two meetings unless excused by a majority of the members of the
17 committee. Members shall be reimbursed for expenses as provided in
18 sections 81-1174 to 81-1177.

19 (e) The duties of the Foster Care Advisory Committee are to:

20 (i) Hire and fire an executive director for the office who has
21 training and experience in foster care; and

22 (ii) Support and facilitate the work of the office, including the
23 tracking of children in foster care and reviewing foster care file audit
24 case reviews.

25 (3) The executive director of the office shall hire, fire, and
26 supervise office staff and shall be responsible for the duties of the
27 office as provided by law, including the annual report and other
28 reporting, review, tracking, data collection and analysis, and oversight
29 and training of local boards.

30 **Sec. 55.** Section 43-1303, Revised Statutes Cumulative Supplement,
31 2024, is amended to read:

1 43-1303 (1) The office shall maintain the statewide register of all
2 foster care placements occurring within the state, and there shall be a
3 weekly report made to the registry of all foster care placements by the
4 Department of Health and Human Services, any child-placing agency, or any
5 court in a form as developed by the office in consultation with
6 representatives of entities required to make such reports. For each child
7 entering and leaving foster care, such report shall consist of
8 identifying information, placement information, the plan or permanency
9 plan developed by the person or court in charge of the child pursuant to
10 section 43-1312, and information on whether any such child was a person
11 immune from criminal prosecution under subsection (5) of section 28-801
12 or was considered a trafficking victim as defined in section 28-830. The
13 department, the Juvenile Probation Agency Office ~~of Probation~~
14 ~~Administration~~, and every court and child-placing agency shall report any
15 foster care placement within three working days. The report shall contain
16 the following information:

17 (a) Child identification information, including name, date of birth,
18 gender, race, religion, and ethnicity;

19 (b) Identification information for parents and stepparents,
20 including name, address, and status of parental rights;

21 (c) Placement information, including (i) initial placement date,
22 (ii) current placement date, (iii) the name and address of the foster
23 care placement, (iv) if a relative placement or kinship placement,
24 whether the foster care placement is licensed, and (v) whether the foster
25 care placement has received a waiver pursuant to section 71-1904 and the
26 basis for such waiver;

27 (d) Court status information, including which court has
28 jurisdiction, initial custody date, court hearing date, and results of
29 the court hearing;

30 (e) Agency or other entity having custody of the child; and

31 (f) Case worker, probation officer, or person providing direct case

1 management or supervision functions.

2 (2)(a) The Foster Care Review Office shall designate a local board
3 to conduct foster care file audit case reviews for each case of children
4 in foster care placement.

5 (b) The office may adopt and promulgate rules and regulations for
6 the following:

7 (i) Establishment of training programs for local board members which
8 shall include an initial training program and periodic inservice training
9 programs;

10 (ii) Development of procedures for local boards;

11 (iii) Establishment of a central record-keeping facility for all
12 local board files, including foster care file audit case reviews;

13 (iv) Accumulation of data and the making of annual reports on
14 children in foster care placements. Such reports shall include, but not
15 be limited to, (A) personal data on length of time in foster care, (B)
16 number of placements, (C) frequency and results of foster care file audit
17 case reviews and court review hearings, (D) number of children supervised
18 by the foster care programs in the state annually, (E) trend data
19 impacting foster care, services, and placements, (F) analysis of the
20 data, and (G) recommendations for improving the foster care system in
21 Nebraska;

22 (v) Accumulation of data and the making of quarterly reports
23 regarding the children in foster care placements;

24 (vi) To the extent not prohibited by section 43-1310, evaluation of
25 the judicial and administrative data collected on foster care and the
26 dissemination of such data to the judiciary, public and private agencies,
27 the department, and members of the public; and

28 (vii) Manner in which the office shall determine the appropriateness
29 of requesting a court review hearing as provided for in section 43-1313.

30 (3) A local board shall send a written report to the office for each
31 foster care file audit case review conducted by the local board. A court

1 shall send a written report to the office for each foster care review
2 hearing conducted by the court.

3 (4)(a) The office shall report and make recommendations to the
4 Legislature, the department, the Juvenile Probation Agency Office of
5 ~~Probation Administration~~, the courts, local boards, and county welfare
6 offices.

7 (b) Such reports and recommendations shall include, but not be
8 limited to, the annual judicial and administrative data collected on
9 foster care pursuant to subsections (2) and (3) of this section and the
10 annual evaluation of such data.

11 (c) The Foster Care Review Office shall provide copies of such
12 reports and recommendations to each court having the authority to make
13 foster care placements.

14 (d) The executive director of the office shall provide reports
15 regarding child welfare and juvenile justice data and information on
16 March 1, June 1, September 1, and December 1. The September 1 report
17 shall be the annual report. The executive director shall provide
18 additional reports at a time specified by the Health and Human Services
19 Committee of the Legislature. The reports shall include issues, policy
20 concerns, problems which have come to the attention of the office, and
21 analysis of the data. The reports shall recommend alternatives to the
22 identified problems and related needs of the foster care system. The
23 reports and recommendations submitted to the Legislature shall be
24 submitted electronically.

25 (e) The Health and Human Services Committee shall coordinate and
26 prioritize data and information requests submitted to the office by
27 members of the Legislature.

28 (5) The executive director of the office or his or her designees
29 from the office may visit and observe foster care facilities in order to
30 ascertain whether the individual physical, psychological, and
31 sociological needs of each foster child are being met.

1 (6) At the request of any state agency, the executive director of
2 the office or his or her designees from the office may conduct a case
3 file review process and data analysis regarding any state ward or ward of
4 the court whether placed in-home or out-of-home at the time of the case
5 file review.

6 **Sec. 56.** Section 43-1304, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 43-1304 There shall be local foster care review boards to conduct
9 the foster care file audit case reviews of children in foster care
10 placement and carry out other powers and duties given to such boards
11 under the Foster Care Review Act. The executive director of the office
12 shall select members to serve on local boards from a list of applications
13 submitted to the office. Each local board shall consist of not less than
14 four and not more than ten members as determined by the executive
15 director. The members of the local board shall reasonably represent the
16 various social, economic, racial, and ethnic groups of the county or
17 counties from which its members may be appointed. A person employed by
18 the office, the Department of Health and Human Services, a residential
19 child-caring agency, a child-placing agency, or a court shall not be
20 appointed to a local board. A list of the members of each local board
21 shall be sent to the department and the Juvenile Probation Agency Office
22 ~~of Probation Administration.~~

23 **Sec. 57.** Section 43-1309, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 43-1309 Upon the request of the office or designated local board,
26 any records pertaining to a case assigned to such local board shall be
27 furnished to the office or designated local board by the Department of
28 Health and Human Services, by any public official or employee of a
29 political subdivision having relevant contact with the child, or, upon
30 court order, by the Juvenile Probation Agency Office ~~of Probation~~
31 ~~Administration.~~ Upon the request of the Foster Care Review Office or

1 designated local board, and if such information is not obtainable
2 elsewhere, the court having jurisdiction of the foster child shall
3 release such information to the office or designated local board as the
4 court deems necessary to determine the physical, psychological, and
5 sociological circumstances of such foster child.

6 **Sec. 58.** Section 43-1311.03, Revised Statutes Cumulative Supplement,
7 2024, is amended to read:

8 43-1311.03 (1) When a child placed in foster care turns fourteen
9 years of age or enters foster care and is at least fourteen years of age,
10 a written independent living transition proposal shall be developed by
11 the Department of Health and Human Services at the direction and
12 involvement of the child to prepare for the transition from foster care
13 to successful adulthood. Any revision or addition to such proposal shall
14 also be made in consultation with the child. The transition proposal
15 shall be personalized based on the child's needs and shall describe the
16 services needed for the child to transition to a successful adulthood as
17 provided in the Nebraska Strengthening Families Act. The transition
18 proposal shall include, but not be limited to, the following needs and
19 the services needed for the child to transition to a successful adulthood
20 as provided in the Nebraska Strengthening Families Act:

21 (a) Education;

22 (b) Employment services and other workforce support;

23 (c) Health and health care coverage, including the child's potential
24 eligibility for medicaid coverage under the federal Patient Protection
25 and Affordable Care Act, 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act
26 and section existed on January 1, 2013;

27 (d) Behavioral health treatment and support needs and access to such
28 treatment and support;

29 (e) Financial assistance, including education on credit card
30 financing, banking, and other services;

31 (f) Housing;

1 (g) Relationship development and permanent connections;

2 (h) Adult services, if the needs assessment indicates that the child
3 is reasonably likely to need or be eligible for services or other support
4 from the adult services system; and

5 (i) Information, planning, and assistance to obtain a driver's
6 license as allowed under state law and consistent with subdivision (9)(b)
7 (iv) of this section, including, but not limited to, providing the child
8 with a copy of a driver's manual, identifying driver safety courses and
9 resources to access a driver safety course, and identifying potential
10 means by which to access a motor vehicle for such purposes.

11 (2) The transition proposal shall be developed and frequently
12 reviewed by the department in collaboration with the child's transition
13 team. The transition team shall be comprised of the child, the child's
14 caseworker, the child's guardian ad litem, individuals selected by the
15 child, and individuals who have knowledge of services available to the
16 child. As provided in the Nebraska Strengthening Families Act, one of the
17 individuals selected by the child may be designated as the child's
18 advisor and, as necessary, advocate for the child with respect to the
19 application of the reasonable and prudent parent standard and for the
20 child on normalcy activities. The department may reject an individual
21 selected by the child to be a member of the team if the department has
22 good cause to believe the individual would not act in the best interests
23 of the child.

24 (3) The transition proposal shall be considered a working document
25 and shall be, at the least, updated for and reviewed at every permanency
26 or review hearing by the court. The court shall determine whether the
27 transition proposal includes the services needed to assist the child to
28 make the transition from foster care to a successful adulthood.

29 (4) The transition proposal shall document what efforts were made to
30 involve and engage the child in the development of the transition
31 proposal and any revisions or additions to the transition proposal. As

1 provided in the Nebraska Strengthening Families Act, the court shall ask
2 the child, in an age or developmentally appropriate manner, about his or
3 her involvement in the development of the transition proposal and any
4 revisions or additions to such proposal. As provided in the Nebraska
5 Strengthening Families Act, the court shall make a finding as to the
6 child's involvement in the development of the transition proposal and any
7 revisions or additions to such proposal.

8 (5) The final transition proposal prior to the child's leaving
9 foster care shall specifically identify how the need for housing will be
10 addressed.

11 (6) If the child is interested in pursuing higher education, the
12 transition proposal shall provide for the process in applying for any
13 applicable state, federal, or private aid.

14 (7) The department shall provide without cost a copy of any consumer
15 report as defined in 15 U.S.C. 1681a(d), as such section existed on
16 January 1, 2016, pertaining to the child each year until the child is
17 discharged from care and assistance, including when feasible, from the
18 child's guardian ad litem, in interpreting and resolving any inaccuracies
19 in the report as provided in the Nebraska Strengthening Families Act.

20 (8)(a) Any child who is adjudicated to be a juvenile described in
21 (i) subdivision (3)(a) of section 43-247 and who is in an out-of-home
22 placement or (ii) subdivision (8) of section 43-247 and whose
23 guardianship or state-funded adoption assistance agreement was disrupted
24 or terminated after the child had attained the age of sixteen years,
25 shall receive information regarding the Young Adult Bridge to
26 Independence Act and the bridge to independence program available under
27 the act.

28 (b) The department shall create a clear and developmentally
29 appropriate written notice discussing the rights of eligible young adults
30 to participate in the program. The notice shall include information about
31 eligibility and requirements to participate in the program, the extended

1 services and support that young adults are eligible to receive under the
2 program, and how young adults can be a part of the program. The notice
3 shall also include information about the young adult's right to request a
4 client-directed attorney to represent the young adult pursuant to section
5 43-4510 and the benefits and role of an attorney.

6 (c) The department shall disseminate this information to any child
7 who was adjudicated to be a juvenile described in subdivision (3)(a) of
8 section 43-247 and who is in an out-of-home placement at sixteen years of
9 age and any child who was adjudicated to be a juvenile under subdivision
10 (8) of section 43-247 and whose guardianship or state-funded adoption
11 assistance agreement was disrupted or terminated after the child had
12 attained the age of sixteen years. The department shall disseminate this
13 information to any such child yearly thereafter until such child attains
14 the age of nineteen years and not later than ninety days prior to the
15 child's last court review before attaining nineteen years of age or being
16 discharged from foster care to independent living. In addition to
17 providing the written notice, not later than ninety days prior to the
18 child's last court review before attaining nineteen years of age or being
19 discharged from foster care to independent living, a representative of
20 the department shall explain the information contained in the notice to
21 the child in person and the timeline necessary to avoid a lapse in
22 services and support.

23 (d)(i) On and after January 1, 2025, a child adjudicated to be a
24 juvenile as described in subdivision (1), (2), or (3)(b) of section
25 43-247 and who is in a court-ordered out-of-home placement in the six
26 months prior to attaining nineteen years of age shall receive information
27 regarding the Young Adult Bridge to Independence Act and the bridge to
28 independence program available under the act. The Juvenile Probation
29 Agency Office of Probation Administration shall identify any such
30 juvenile and provide the juvenile with information regarding the Young
31 Adult Bridge to Independence Act and the bridge to independence program

1 available under the act.

2 (ii) Any party to such juvenile's court case, or the court upon its
3 own motion, may request a hearing in the six months prior to the juvenile
4 attaining nineteen years of age for the court to consider whether it is
5 necessary for the juvenile to remain in the court-ordered out-of-home
6 placement if the requesting party or the court believes it would be
7 contrary to the juvenile's welfare to return to the family home. The
8 following factors may guide the court in finding whether or not return to
9 the family home would be contrary to the juvenile's welfare:

10 (A) Whether the juvenile is disconnected from family support that
11 would assist the juvenile in transitioning to adulthood;

12 (B) Whether the juvenile faces the risk of homelessness upon closure
13 of the juvenile court case; or

14 (C) Whether the Juvenile Probation Agency Office of Probation
15 ~~Administration~~ has made reasonable efforts to return the juvenile to the
16 family home prior to the juvenile's nineteenth birthday.

17 (iii) The court shall set forth its finding in a written order. If
18 the court finds that return to the family home would be contrary to the
19 juvenile's welfare, the Juvenile Probation Agency Office of Probation
20 ~~Administration~~ shall notify the Department of Health and Human Services
21 within ten days after such finding is made. As soon as practicable
22 thereafter and prior to the child's nineteenth birthday, a representative
23 of the department shall explain the information contained in the written
24 notice described in this subsection to the juvenile in person and the
25 timeline necessary to avoid a lapse in services and support. If the
26 juvenile remains in a court-ordered out-of-home placement upon attaining
27 nineteen years of age pursuant to a court order as described in section
28 43-4504, the department shall proceed pursuant to sections 43-4506 and
29 43-4508.

30 (iv) A juvenile with a current pending motion to revoke probation
31 before the court at the time of the hearing shall not be eligible for the

1 Young Adult Bridge to Independence Act.

2 (9)(a) The department shall provide the child with the documents,
3 information, records, and other materials described in subdivision (9)(b)
4 of this section, (i) if the child is leaving foster care, on or before
5 the date the child reaches eighteen or nineteen years of age or twenty-
6 one years of age if the child participates in the bridge to independence
7 program, and (ii) at the age or as otherwise prescribed in subdivision
8 (9)(b) of this section.

9 (b) The department shall provide the child with:

10 (i) A certified copy of the child's birth certificate and facilitate
11 securing a federal social security card when the child is eligible for
12 such card;

13 (ii) Health insurance information and all documentation required for
14 enrollment in medicaid coverage for former foster care children as
15 available under the federal Patient Protection and Affordable Care Act,
16 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act and section existed on
17 January 1, 2013;

18 (iii) A copy of the child's medical records;

19 (iv) A driver's license or identification card issued by a state in
20 accordance with the requirements of section 202 of the REAL ID Act of
21 2005, as such section existed on January 1, 2016, and when requested by a
22 child fourteen years of age or older, all documents necessary to obtain
23 such license or card;

24 (v) A copy of the child's educational records;

25 (vi) A credit report check;

26 (vii) Contact information, with permission, for family members,
27 including siblings, with whom the child can maintain a safe and
28 appropriate relationship, and other supportive adults;

29 (viii) A list of local community resources, including, but not
30 limited to, support groups, health clinics, mental and behavioral health
31 and substance abuse treatment services and support, pregnancy and

1 parenting resources, and employment and housing agencies;

2 (ix) Written information, including, but not limited to, contact
3 information, for disability resources or benefits that may assist the
4 child as an adult, specifically including information regarding state
5 programs established pursuant to 42 U.S.C. 677, as such section existed
6 on January 1, 2016, and disability benefits, including supplemental
7 security income pursuant to 42 U.S.C. 1382 et seq., as such sections
8 existed on January 1, 2016, or social security disability insurance
9 pursuant to 42 U.S.C. 423, as such section existed on January 1, 2016, if
10 the child may be eligible as an adult;

11 (x) An application for public assistance and information on how to
12 access the system to determine public assistance eligibility;

13 (xi) A letter prepared by the department that verifies the child's
14 name and date of birth, dates the child was in foster care, and whether
15 the child was in foster care on his or her eighteenth, nineteenth, or
16 twenty-first birthday and enrolled in medicaid while in foster care;

17 (xii) Written information about the child's Indian heritage or
18 tribal connection, if any; and

19 (xiii) Written information on how to access personal documents in
20 the future.

21 (c) All fees associated with securing the certified copy of the
22 child's birth certificate or obtaining a driver's license or a state
23 identification card shall be waived by the state.

24 (d) The transition proposal shall document that the child was
25 provided all of the documents listed in this subsection. The court shall
26 make a finding as to whether the child has received the documents as part
27 of the independence hearing as provided in subdivision (2)(d) of section
28 43-285.

29 **Sec. 59.** Section 43-1503, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 43-1503 For purposes of the Nebraska Indian Child Welfare Act,

1 except as may be specifically provided otherwise:

2 (1) Active efforts shall mean and include, but not be limited to:

3 (a) A concerted level of casework, both prior to and after the
4 removal of an Indian child, exceeding the level that is required under
5 reasonable efforts to preserve and reunify the family described in
6 section 43-283.01 in a manner consistent with the prevailing social and
7 cultural conditions and way of life of the Indian child's tribe or tribes
8 to the extent possible under the circumstances;

9 (b) A request to the Indian child's tribe or tribes and extended
10 family known to the department or the state to convene traditional and
11 customary support and services;

12 (c) Actively engaging, assisting, and monitoring the family's access
13 to and progress in culturally appropriate and available resources of the
14 Indian child's extended family members, tribal service area, Indian tribe
15 or tribes, and individual Indian caregivers;

16 (d) Identification of and provision of information to the Indian
17 child's extended family members known to the department or the state
18 concerning appropriate community, state, and federal resources that may
19 be able to offer housing, financial, and transportation assistance and
20 actively assisting the family in accessing such community, state, and
21 federal resources;

22 (e) Identification of and attempts to engage tribally designated
23 Nebraska Indian Child Welfare Act representatives;

24 (f) Consultation with extended family members known to the
25 department or the state, or a tribally designated Nebraska Indian Child
26 Welfare Act representative if an extended family member cannot be
27 located, to identify family or tribal support services that could be
28 provided by extended family members or other tribal members if extended
29 family members cannot be located;

30 (g) Exhaustion of all available tribally appropriate family
31 preservation alternatives; and

1 (h) When the department or the state is involved in a proceeding
2 under the act, the department or the state shall provide a written report
3 of its attempt to provide active efforts to the court at every hearing
4 involving an Indian child. This report shall be sent to the Indian
5 child's tribe or tribes within three days after being filed with the
6 court and shall be deemed to be admissible evidence of active efforts in
7 proceedings conducted under the act;

8 (2) Best interests of the Indian child shall include:

9 (a) Using practices in compliance with the federal Indian Child
10 Welfare Act, the Nebraska Indian Child Welfare Act, and other applicable
11 laws that are designed to prevent the Indian child's voluntary or
12 involuntary out-of-home placement; and

13 (b) Whenever an out-of-home placement is necessary, placing the
14 child, to the greatest extent possible, in a foster home, adoptive
15 placement, or other type of custodial placement that reflects the unique
16 values of the Indian child's tribal culture and is best able to assist
17 the child in establishing, developing, and maintaining a political,
18 cultural, and social relationship with the Indian child's tribe or tribes
19 and tribal community;

20 (3) Child custody proceeding shall mean and include:

21 (a) Foster care placement which shall mean any action removing an
22 Indian child from his or her parent or Indian custodian for temporary or
23 emergency placement in a foster home or institution or the home of a
24 guardian or conservator where the parent or Indian custodian cannot have
25 the child returned upon demand, but where parental rights have not been
26 terminated;

27 (b) Termination of parental rights which shall mean any action
28 resulting in the termination of the parent-child relationship;

29 (c) Preadoptive placement which shall mean the temporary placement
30 of an Indian child in a foster home or institution after the termination
31 of parental rights, but prior to or in lieu of adoptive placement;

1 (d) Adoptive placement which shall mean the permanent placement of
2 an Indian child for adoption, including any action resulting in a final
3 decree of adoption; and

4 (e) Voluntary foster care placement which shall mean a non-court-
5 involved proceeding in which the department or the state is facilitating
6 a voluntary foster care placement or in-home services to families at risk
7 of entering the foster care system. An Indian child, parent, or tribe
8 involved in a voluntary foster care placement shall only be provided
9 protections as provided in subsection (4) of section 43-1505 and sections
10 43-1506 and 43-1508.

11 Such term or terms shall not include a placement based upon an act
12 which, if committed by an adult, would be deemed a crime or upon an
13 award, in a divorce proceeding, of custody to one of the parents;

14 (4) The department or the state shall mean the applicable state
15 social services entity that is involved with the provision of services to
16 Indian children, specifically the Department of Health and Human Services
17 and the Juvenile Probation Agency ~~Office of Probation Administration~~ in
18 certain cases;

19 (5) Extended family member shall be as defined by the law or custom
20 of the Indian child's primary tribe or, in the absence of such laws or
21 customs of the primary tribe, the law or custom of the Indian child's
22 other tribes or, in the absence of such law or custom, shall mean a
23 person who has reached the age of eighteen and who is the Indian child's
24 parent, grandparent, aunt or uncle, clan member, band member, sibling,
25 brother-in-law or sister-in-law, niece or nephew, cousin, or stepparent;

26 (6) Federal Indian Child Welfare Act shall mean the federal Indian
27 Child Welfare Act of 1978, 25 U.S.C. 1901 et seq.;

28 (7) Indian shall mean any person who is a member of an Indian tribe,
29 or who is an Alaska Native and a member of a regional corporation defined
30 in section 7 of the Alaska Native Claims Settlement Act, 43 U.S.C. 1606;

31 (8) Indian child shall mean any unmarried person who is under age

1 eighteen and is either (a) a member of an Indian tribe or (b) is eligible
2 for membership in an Indian tribe and is the biological child of a member
3 of an Indian tribe;

4 (9) Indian child's primary tribe shall mean, in the case of an
5 Indian child that is a member or eligible for membership in multiple
6 tribes, the tribe determined by the procedure enumerated in subsection
7 (4) of section 43-1504;

8 (10) Indian child's tribe or tribes shall mean the Indian tribe or
9 tribes in which an Indian child is a member or eligible for membership;

10 (11) Indian custodian shall mean any Indian person who has legal
11 custody of an Indian child under tribal law or custom or under state law
12 or to whom temporary physical care, custody, and control has been
13 transferred by the parent of such child;

14 (12) Indian organization shall mean any group, association,
15 partnership, limited liability company, corporation, or other legal
16 entity owned or controlled by Indians or a majority of whose members are
17 Indians;

18 (13) Indian tribe shall mean any Indian tribe, band, nation, or
19 other organized group or community of Indians recognized as eligible for
20 the services provided to Indians by the secretary because of their status
21 as Indians, including any Alaska Native village as defined in section
22 3(c) of the Alaska Native Claims Settlement Act, as amended, 43 U.S.C.
23 1602(c);

24 (14) Parent means any biological parent or parents of an Indian
25 child or any Indian person who has lawfully adopted an Indian child,
26 including adoptions under tribal law or custom. It does not include the
27 unwed father when paternity has not been acknowledged or established;

28 (15) Qualified expert witness shall mean one of the following
29 persons, in descending priority order although a court may assess the
30 credibility of individual witnesses:

31 (a) A member of the Indian child's tribe or tribes who is recognized

1 by the tribal community as knowledgeable in tribal customs as they
2 pertain to family and childrearing practices;

3 (b) A member of another tribe who is recognized to be a qualified
4 expert witness by the Indian child's tribe or tribes based on his or her
5 knowledge of the delivery of child and family services to Indians and the
6 Indian child's tribe or tribes;

7 (c) A lay expert witness that possesses substantial experience in
8 the delivery of child and family services to Indians and extensive
9 knowledge of prevailing social and cultural standards and childrearing
10 practices within the Indian child's tribe or tribes;

11 (d) A professional person having substantial education and
12 experience in the area of his or her specialty who can demonstrate
13 knowledge of the prevailing social and cultural standards and
14 childrearing practices within the Indian child's tribe or tribes; or

15 (e) Any other professional person having substantial education in
16 the area of his or her specialty;

17 (16) Reservation shall mean Indian country as defined in 18 U.S.C.
18 1151 and any lands, not covered under such section, title to which is
19 either held by the United States in trust for the benefit of any Indian
20 tribe or individual or held by any Indian tribe or individual subject to
21 a restriction by the United States against alienation or a federally
22 designated or established service area which means a geographic area
23 designated by the United States where federal services and benefits
24 furnished to Indians and Indian tribes are provided or which is otherwise
25 designated to constitute an area on or near a reservation;

26 (17) Secretary shall mean the Secretary of the United States
27 Department of the Interior;

28 (18) Tribal court shall mean a court with jurisdiction over child
29 custody proceedings and which is either a Court of Indian Offenses, a
30 court established and operated under the code or custom of an Indian
31 tribe, or any other administrative body of a tribe which is vested with

1 authority over child custody proceedings; and

2 (19) Tribal service area shall mean a geographic area, as defined by
3 the applicable Indian tribe or tribes, in which tribal services and
4 programs are provided to Indians.

5 **Sec. 60.** Section 43-2404.01, Revised Statutes Cumulative Supplement,
6 2024, is amended to read:

7 43-2404.01 (1) To be eligible for participation in either the
8 Commission Grant Program or the Community-based Juvenile Services Aid
9 Program, a comprehensive juvenile services plan shall be developed,
10 adopted, and submitted to the commission in accordance with the federal
11 act and rules and regulations adopted and promulgated by the commission
12 in consultation with the Director of the Community-based Juvenile
13 Services Aid Program, the Director of Juvenile Diversion Programs, the
14 Juvenile Probation Agency ~~Office of Probation Administration~~, and the
15 University of Nebraska at Omaha, Juvenile Justice Institute. Such plan
16 may be developed by eligible applicants for the Commission Grant Program
17 and by individual counties, by multiple counties, by federally recognized
18 or state-recognized Indian tribes, or by any combination of the three for
19 the Community-based Juvenile Services Aid Program. Comprehensive juvenile
20 services plans shall:

21 (a) Be developed by a comprehensive community team representing
22 juvenile justice system stakeholders;

23 (b) Be based on data relevant to juvenile and family issues,
24 including an examination of disproportionate minority contact in order to
25 identify juvenile delinquency prevention efforts and system improvement
26 efforts designed to reduce, without establishing or requiring numerical
27 standards or quotas, the disproportionate number of juvenile members of
28 minority groups who come into contact with the juvenile justice system;

29 (c) Identify policies and practices that are research-based or
30 standardized and reliable and are implemented with fidelity and which
31 have been researched and demonstrate positive outcomes;

1 (d) Identify clear implementation strategies; and

2 (e) Identify how the impact of the program or service will be
3 measured.

4 (2) Any portion of the comprehensive juvenile services plan dealing
5 with administration, procedures, and programs of the juvenile court shall
6 not be submitted to the commission without the concurrence of the
7 presiding judge or judges of the court or courts having jurisdiction in
8 juvenile cases for the geographic area to be served. Programs or services
9 established by such plans shall conform to the family policy tenets
10 prescribed in sections 43-532 and 43-533 and shall include policies and
11 practices that are research-based or standardized and reliable and are
12 implemented with fidelity and which have been researched and demonstrate
13 positive outcomes.

14 (3) The commission, in consultation with the University of Nebraska
15 at Omaha, Juvenile Justice Institute, shall contract for the development
16 and administration of a statewide system to monitor and evaluate the
17 effectiveness of plans and programs receiving funds from (a) the
18 Commission Grant Program and (b) the Community-based Juvenile Services
19 Aid Program in preventing persons from entering the juvenile justice
20 system and in rehabilitating juvenile offenders, including an examination
21 of disproportionate minority contact in order to identify juvenile
22 delinquency prevention efforts and system improvement efforts designed to
23 reduce, without establishing or requiring numerical standards or quotas,
24 the disproportionate number of juvenile members of minority groups who
25 come into contact with the juvenile justice system.

26 (4) There is established within the commission the position of
27 Director of the Community-based Juvenile Services Aid Program, appointed
28 by the executive director of the commission. The director shall have
29 extensive experience in developing and providing community-based
30 services.

31 (5) The director shall be supervised by the executive director of

1 the commission. The director shall:

2 (a) Provide technical assistance and guidance for the development of
3 comprehensive juvenile services plans;

4 (b) Coordinate the review of the Community-based Juvenile Services
5 Aid Program application as provided in section 43-2404.02 and make
6 recommendations for the distribution of funds provided under the
7 Community-based Juvenile Services Aid Program, giving priority to those
8 grant applications funding programs and services that will divert
9 juveniles from the juvenile justice system, impact and effectively treat
10 juveniles within the juvenile justice system, and reduce the juvenile
11 detention population or assist juveniles in transitioning from out-of-
12 home placements to in-home treatments. The director shall ensure that no
13 funds appropriated or distributed under the Community-based Juvenile
14 Services Aid Program are used for purposes prohibited under subsection
15 (3) of section 43-2404.02;

16 (c) Develop data collection and evaluation protocols, oversee
17 statewide data collection, and generate an annual report on the
18 effectiveness of juvenile services that receive funds from the Community-
19 based Juvenile Services Aid Program, including an examination of
20 disproportionate minority contact in order to identify juvenile
21 delinquency prevention efforts and system improvement efforts designed to
22 reduce, without establishing or requiring numerical standards or quotas,
23 the disproportionate number of juvenile members of minority groups who
24 come into contact with the juvenile justice system;

25 (d) Develop relationships and collaborate with juvenile justice
26 system stakeholders, provide education and training as necessary, and
27 serve on boards and committees when approved by the commission;

28 (e) Assist juvenile justice system stakeholders in developing
29 policies and practices that are research-based or standardized and
30 reliable and are implemented with fidelity and which have been researched
31 and demonstrate positive outcomes, including an examination of

1 disproportionate minority contact in order to identify juvenile
2 delinquency prevention efforts and system improvement efforts designed to
3 reduce, without establishing or requiring numerical standards or quotas,
4 the disproportionate number of juvenile members of minority groups who
5 come into contact with the juvenile justice system;

6 (f) Develop and coordinate a statewide working group as a
7 subcommittee of the coalition to assist in regular strategic planning
8 related to supporting, funding, monitoring, and evaluating the
9 effectiveness of plans and programs receiving funds from the Community-
10 based Juvenile Services Aid Program; and

11 (g) Work with the coalition in facilitating the coalition's
12 obligations under the Community-based Juvenile Services Aid Program.

13 **Sec. 61.** Section 43-2404.02, Revised Statutes Cumulative Supplement,
14 2024, is amended to read:

15 43-2404.02 (1) There is created a separate and distinct budgetary
16 program within the commission to be known as the Community-based Juvenile
17 Services Aid Program. Funding acquired from participation in the federal
18 act, state General Funds, and funding acquired from other sources which
19 may be used for purposes consistent with the Juvenile Services Act and
20 the federal act shall be used to aid in the establishment and provision
21 of community-based services for juveniles who come in contact with the
22 juvenile justice system.

23 (2)(a) Ten percent of the annual General Fund appropriation to the
24 Community-based Juvenile Services Aid Program, excluding administrative
25 budget funds, shall be set aside for the development of a common data set
26 and evaluation of the effectiveness of the Community-based Juvenile
27 Services Aid Program. The intent in creating this common data set is to
28 allow for evaluation of the use of the funds and the effectiveness of the
29 programs or outcomes in the Community-based Juvenile Services Aid
30 Program.

31 (b) The common data set shall be developed and maintained by the

1 commission and shall serve as a primary data collection site for any
2 intervention funded by the Community-based Juvenile Services Aid Program
3 designed to serve juveniles and deter involvement in the formal juvenile
4 justice system. The commission shall work with agencies and programs to
5 enhance existing data sets. To ensure that the data set permits
6 evaluation of recidivism and other measures, the commission shall work
7 with the Juvenile Probation Agency ~~Office of Probation Administration~~,
8 juvenile diversion programs, law enforcement, the courts, and others to
9 compile data that demonstrates whether a youth has moved deeper into the
10 juvenile justice system. The University of Nebraska at Omaha, Juvenile
11 Justice Institute, shall assist with the development of common
12 definitions, variables, and training required for data collection and
13 reporting into the common data set by juvenile justice programs. The
14 common data set maintained by the commission shall be provided to the
15 University of Nebraska at Omaha, Juvenile Justice Institute, to assess
16 the effectiveness of the Community-based Juvenile Services Aid Program.

17 (c) Providing the commission access to records and information for,
18 as well as the commission granting access to records and information
19 from, the common data set is not a violation of confidentiality
20 provisions under any law, rule, or regulation if done in good faith for
21 purposes of evaluation. Records and documents, regardless of physical
22 form, that are obtained or produced or presented to the commission for
23 the common data set are not public records for purposes of sections
24 84-712 to 84-712.09.

25 (d) The ten percent of the annual General Fund appropriation to the
26 Community-based Juvenile Services Aid Program, excluding administrative
27 budget funds, shall be appropriated as follows: In fiscal year 2015-16,
28 seven percent shall go to the commission for development of the common
29 data set and three percent shall go to the University of Nebraska at
30 Omaha, Juvenile Justice Institute, for evaluation. In fiscal year
31 2016-17, six percent shall go to the commission for development and

1 maintenance of the common data set and four percent shall go to the
2 University of Nebraska at Omaha, Juvenile Justice Institute, for
3 evaluation. Every fiscal year thereafter, beginning in fiscal year
4 2017-18, five percent shall go to the commission for development and
5 maintenance of the common data set and five percent shall go to the
6 University of Nebraska at Omaha, Juvenile Justice Institute, for
7 evaluation.

8 (e) The remaining funds in the annual General Fund appropriation to
9 the Community-based Juvenile Services Aid Program shall be apportioned as
10 aid in accordance with a formula established in rules and regulations
11 adopted and promulgated by the commission. The formula shall be based on
12 the total number of residents per county and federally recognized or
13 state-recognized Indian tribe who are twelve years of age through
14 eighteen years of age and other relevant factors as determined by the
15 commission. The commission may require a local match of up to forty
16 percent from the county, multiple counties, federally recognized or
17 state-recognized Indian tribe or tribes, or any combination of the three
18 which is receiving aid under such program. Any local expenditures for
19 community-based programs for juveniles may be applied toward such match
20 requirement.

21 (3)(a) In distributing funds provided under the Community-based
22 Juvenile Services Aid Program, aid recipients shall prioritize programs
23 and services that will divert juveniles from the juvenile justice system,
24 reduce the population of juveniles in juvenile detention and secure
25 confinement, and assist in transitioning juveniles from out-of-home
26 placements.

27 (b) Funds received under the Community-based Juvenile Services Aid
28 Program shall be used exclusively to assist the aid recipient in the
29 implementation and operation of programs or the provision of services
30 identified in the aid recipient's comprehensive juvenile services plan,
31 including programs for local planning and service coordination;

1 screening, assessment, and evaluation; diversion; alternatives to
2 detention; family support services; treatment services; truancy
3 prevention and intervention programs; pilot projects approved by the
4 commission; payment of transportation costs to and from placements,
5 evaluations, or services; personnel when the personnel are aligned with
6 evidence-based treatment principles, programs, or practices; contracting
7 with other state agencies or private organizations that provide evidence-
8 based treatment or programs; preexisting programs that are aligned with
9 evidence-based practices or best practices; and other services that will
10 positively impact juveniles and families in the juvenile justice system.

11 (c) Funds received under the Community-based Juvenile Services Aid
12 Program may be used one time by an aid recipient:

13 (i) To convert an existing juvenile detention facility or other
14 existing structure for use as an alternative to detention as defined in
15 section 43-245;

16 (ii) To invest in capital construction, including both new
17 construction and renovations, for a facility for use as an alternative to
18 detention; or

19 (iii) For the initial lease of a facility for use as an alternative
20 to detention.

21 (d) Funds received under the Community-based Juvenile Services Aid
22 Program shall not be used for the following:

23 (i) Construction of secure detention facilities, secure youth
24 treatment facilities, or secure youth confinement facilities;

25 (ii) Capital construction or the lease or acquisition of facilities
26 beyond the one-time use described in subdivision (3)(c) of this section;

27 (iii) Programs, services, treatments, evaluations, or other
28 preadjudication services that are not based on or grounded in evidence-
29 based practices, principles, and research, except that the commission may
30 approve pilot projects that authorize the use of such aid; or

31 (iv) Office equipment, office supplies, or office space.

1 (e) Any aid not distributed to counties under this subsection shall
2 be retained by the commission to be distributed on a competitive basis
3 under the Community-based Juvenile Services Aid Program for a county,
4 multiple counties, federally recognized or state-recognized Indian tribe
5 or tribes, or any combination of the three demonstrating additional need
6 in the funding areas identified in this subsection.

7 (f) If a county, multiple counties, or a federally recognized or
8 state-recognized Indian tribe or tribes is denied aid under this section
9 or receives no aid under this section, the entity may request an appeal
10 pursuant to the appeal process in rules and regulations adopted and
11 promulgated by the commission. The commission shall establish appeal and
12 hearing procedures by December 15, 2014. The commission shall make appeal
13 and hearing procedures available on its website.

14 (4)(a) Any recipient of aid under the Community-based Juvenile
15 Services Aid Program shall electronically file an annual report as
16 required by rules and regulations adopted and promulgated by the
17 commission. Any program funded through the Community-based Juvenile
18 Services Aid Program that served juveniles shall report data on the
19 individual youth served. Any program that is not directly serving youth
20 shall include program-level data. In either case, data collected shall
21 include, but not be limited to, the following: The type of juvenile
22 service, how the service met the goals of the comprehensive juvenile
23 services plan, demographic information on the juveniles served, program
24 outcomes, the total number of juveniles served, and the number of
25 juveniles who completed the program or intervention.

26 (b) Any recipient of aid under the Community-based Juvenile Services
27 Aid Program shall be assisted by the University of Nebraska at Omaha,
28 Juvenile Justice Institute, in reporting in the common data set, as set
29 forth in the rules and regulations adopted and promulgated by the
30 commission. Community-based aid utilization and evaluation data shall be
31 stored and maintained by the commission.

1 (c) Evaluation of the use of funds and the evidence of the
2 effectiveness of the programs shall be completed by the University of
3 Nebraska at Omaha, Juvenile Justice Institute, specifically:

4 (i) The varying rates of recidivism, as defined by rules and
5 regulations adopted and promulgated by the commission, and other measures
6 for juveniles participating in community-based programs; and

7 (ii) Whether juveniles are sent to staff secure or secure juvenile
8 detention after participating in a program funded by the Community-based
9 Juvenile Services Aid Program.

10 (5) The commission shall report annually to the Governor and the
11 Legislature on the distribution and use of funds for aid appropriated
12 under the Community-based Juvenile Services Aid Program. The report shall
13 include, but not be limited to, an aggregate report of the use of the
14 Community-based Juvenile Services Aid Program funds, including the types
15 of juvenile services and programs that were funded, whether any
16 recipients used the funds for a purpose described in subdivision (3)(c)
17 of this section, demographic information on the total number of juveniles
18 served, program success rates, the total number of juveniles sent to
19 secure juvenile detention or residential treatment and secure
20 confinement, and a listing of the expenditures of all counties and
21 federally recognized or state-recognized Indian tribes for detention,
22 residential treatment, and secure confinement. The report submitted to
23 the Legislature shall be submitted electronically.

24 (6) The commission shall adopt and promulgate rules and regulations
25 for the Community-based Juvenile Services Aid Program in consultation
26 with the Director of the Community-based Juvenile Services Aid Program,
27 the Director of Juvenile Diversion Programs, the Juvenile Probation
28 Agency Office of Probation Administration, the Nebraska Association of
29 County Officials, and the University of Nebraska at Omaha, Juvenile
30 Justice Institute. The rules and regulations shall include, but not be
31 limited to:

1 (a) The required elements of a comprehensive juvenile services plan
2 and planning process;

3 (b) The Community-based Juvenile Services Aid Program formula,
4 review process, match requirements, and fund distribution. The
5 distribution process shall ensure a conflict of interest policy;

6 (c) A distribution process for funds retained under subsection (3)
7 of this section;

8 (d) A plan for evaluating the effectiveness of plans and programs
9 receiving funding;

10 (e) A reporting process for aid recipients;

11 (f) A reporting process for the commission to the Governor and
12 Legislature. The report shall be made electronically to the Governor and
13 the Legislature; and

14 (g) Requirements regarding the use of the common data set.

15 **Sec. 62.** Section 43-2411, Revised Statutes Cumulative Supplement,
16 2024, is amended to read:

17 43-2411 (1) The Nebraska Coalition for Juvenile Justice is created.
18 Coalition members who are members of the judicial branch of government
19 shall be nonvoting members of the coalition. The coalition members shall
20 be appointed by the Governor and shall include the members required under
21 subsection (2) or (3) of this section.

22 (2) Before June 15, 2018:

23 (a) As provided in the federal act, there shall be no less than
24 fifteen nor more than thirty-three members of the coalition;

25 (b) The coalition shall include:

26 (i) The Administrator of the Office of Juvenile Services;

27 (ii) The chief executive officer of the Department of Health and
28 Human Services or his or her designee;

29 (iii) The Commissioner of Education or his or her designee;

30 (iv) The executive director of the Nebraska Commission on Law
31 Enforcement and Criminal Justice or his or her designee;

- 1 (v) The executive director of the Nebraska Association of County
2 Officials or his or her designee;
- 3 (vi) The probation administrator of the Office of Probation
4 Administration or his or her designee;
- 5 (vii) One county commissioner or supervisor;
- 6 (viii) One person with data analysis experience;
- 7 (ix) One police chief;
- 8 (x) One sheriff;
- 9 (xi) The executive director of the Foster Care Review Office;
- 10 (xii) One separate juvenile court judge;
- 11 (xiii) One county court judge;
- 12 (xiv) One representative of mental health professionals who works
13 directly with juveniles;
- 14 (xv) Three representatives, one from each congressional district,
15 from community-based, private nonprofit organizations who work with
16 juvenile offenders and their families;
- 17 (xvi) One volunteer who works with juvenile offenders or potential
18 juvenile offenders;
- 19 (xvii) One person who works with an alternative to a detention
20 program for juveniles;
- 21 (xviii) The director or his or her designee from a youth
22 rehabilitation and treatment center;
- 23 (xix) The director or his or her designee from a secure juvenile
24 detention facility;
- 25 (xx) The director or his or her designee from a staff secure youth
26 confinement facility;
- 27 (xxi) At least five members who are under twenty-four years of age
28 when appointed;
- 29 (xxii) One person who works directly with juveniles who have
30 learning or emotional difficulties or are abused or neglected;
- 31 (xxiii) One member of the Nebraska Commission on Law Enforcement and

1 Criminal Justice;

2 (xxiv) One member of a regional behavioral health authority
3 established under section 71-808;

4 (xxv) One county attorney; and

5 (xxvi) One public defender;

6 (c) A majority of the coalition members, including the chairperson,
7 shall not be full-time employees of federal, state, or local government.

8 At least one-fifth of the coalition members shall be under the age of
9 twenty-four years at the time of appointment; and

10 (d) Except as provided in subsection (4) of this section, the terms
11 of members appointed pursuant to subdivisions (2)(b)(vii) through (2)(b)
12 (xxvi) of this section shall be three years, except that the terms of the
13 initial appointments of members of the coalition shall be staggered so
14 that one-third of the members are appointed for terms of one year, one-
15 third for terms of two years, and one-third for terms of three years, as
16 determined by the Governor.

17 (3) On and after June 15, 2018, the coalition shall include:

18 (a) The chief executive officer of the Department of Health and
19 Human Services or his or her designee;

20 (b) The Commissioner of Education or his or her designee;

21 (c) The executive director of the Nebraska Commission on Law
22 Enforcement and Criminal Justice or his or her designee;

23 (d) The executive director of the Nebraska Association of County
24 Officials or his or her designee;

25 (e) The Juvenile Probation Administrator ~~probation administrator~~ of
26 the Juvenile Probation Agency Office of Probation Administration or his
27 or her designee;

28 (f) One county commissioner or supervisor;

29 (g) One representative from law enforcement;

30 (h) The executive director of the Foster Care Review Office;

31 (i) One separate juvenile court judge;

1 (j) One county court judge;

2 (k) Three representatives, one from each congressional district,
3 from community-based, private nonprofit organizations who work with
4 juvenile offenders and their families;

5 (l) The director or his or her designee from a secure juvenile
6 detention facility or a staff secure youth confinement facility;

7 (m) At least one member who is under twenty-four years of age when
8 appointed, with juvenile justice experience preferred;

9 (n) One at-large member;

10 (o) One member of a regional behavioral health authority established
11 under section 71-808;

12 (p) One county attorney; and

13 (q) One juvenile public defender or defense attorney.

14 (4)(a) Except as provided in subdivisions (c) through (e) of this
15 subsection, members of the coalition serving prior to June 15, 2018,
16 shall continue to serve on the coalition as representatives of the entity
17 they were appointed to represent until their current terms of office
18 expire and their successors are appointed and confirmed.

19 (b) The terms of the members appointed pursuant to subdivisions (3)
20 (f) through (3)(q) of this section shall be three years.

21 (c) The positions created pursuant to subdivisions (2)(b)(i),
22 (viii), (x), (xiv), (xvi), (xvii), (xviii), (xx), (xxii), and (xxiii) of
23 this section shall cease to exist on June 15, 2018.

24 (d) The police chief appointed pursuant to subdivision (2)(b)(ix) of
25 this section shall continue to serve until the representative from law
26 enforcement under subdivision (3)(g) of this section is appointed.

27 (e) The director or his or her designee from a secure juvenile
28 detention facility appointed pursuant to subdivision (2)(b)(xix) of this
29 section shall continue to serve until the member under subdivision (3)(l)
30 of this section is appointed.

31 (5) Any vacancy on the coalition shall be filled by appointment by

1 the Governor. The coalition shall select a chairperson, a vice-
2 chairperson, and such other officers as it deems necessary.

3 (6) Members of the coalition shall be reimbursed for expenses
4 pursuant to sections 81-1174 to 81-1177.

5 (7) The coalition may appoint task forces or subcommittees to carry
6 out its work. Task force and subcommittee members shall have knowledge
7 of, responsibility for, or interest in an area related to the duties of
8 the coalition.

9 **Sec. 63.** Section 43-2412, Revised Statutes Cumulative Supplement,
10 2024, is amended to read:

11 43-2412 (1) Consistent with the purposes and objectives of the
12 Juvenile Services Act and the federal act, the coalition shall:

13 (a) Make recommendations to the commission on the awarding of grants
14 under the Commission Grant Program to eligible applicants;

15 (b) Prepare at least one report annually to the Governor, the
16 Legislature, the Juvenile Probation Agency Office ~~of Probation~~
17 ~~Administration~~, and the Office of Juvenile Services. The report submitted
18 to the Legislature shall be submitted electronically;

19 (c) Ensure widespread citizen involvement in all phases of its work;
20 and

21 (d) Meet at least two times each year.

22 (2) Consistent with the purposes and objectives of the acts and
23 within the limits of available time and appropriations, the coalition
24 may:

25 (a) Assist and advise state and local agencies in the establishment
26 of volunteer training programs and the utilization of volunteers;

27 (b) Apply for and receive funds from federal and private sources for
28 carrying out its powers and duties;

29 (c) Provide technical assistance to eligible applicants;

30 (d) Identify juvenile justice issues, share information, and monitor
31 and evaluate programs in the juvenile justice system; and

1 (e) Recommend guidelines and supervision procedures to be used to
2 develop or expand local diversion programs for juveniles from the
3 juvenile justice system.

4 (3) In formulating, adopting, and promulgating the recommendations
5 and guidelines provided for in this section, the coalition shall consider
6 the differences among counties in population, in geography, and in the
7 availability of local resources.

8 **Sec. 64.** Section 43-4101, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 43-4101 (1) The Nebraska Juvenile Service Delivery Project shall be
11 established as a pilot program administered by the Juvenile Probation
12 Agency Office of Probation Administration. The pilot program shall be
13 evaluated by the University of Nebraska Medical Center's College of
14 Public Health. The project may be expanded by the agency Office of
15 Probation Administration. The purpose of the pilot program is to (a)
16 provide access to services in the community for juveniles placed on
17 probation, (b) prevent unnecessary commitment of juveniles to the
18 Department of Health and Human Services and to the Office of Juvenile
19 Services, (c) eliminate barriers preventing juveniles from receiving
20 needed services, (d) prevent unnecessary penetration of juveniles further
21 into the juvenile justice system, (e) enable the juvenile's needs to be
22 met in the least intrusive and least restrictive manner while maintaining
23 the safety of the juvenile and the community, (f) reduce the duplication
24 of resources within the juvenile justice system through intense
25 coordinated case management and supervision, and (g) use evidence-based
26 practices and responsive case management to improve outcomes for
27 adjudicated juveniles.

28 (2) On or before July 1, 2013, the Department of Health and Human
29 Services shall apply for reimbursement under Title IV-E of the federal
30 Social Security Act, as amended, for reimbursable costs associated with
31 the Nebraska Juvenile Service Delivery Project. The reimbursed funds

1 received by the department shall be remitted to the State Treasurer for
2 credit to the Juvenile Probation Program Cash Fund for reimbursement of
3 expenses incurred by the Juvenile Probation Agency ~~Office of Probation~~
4 ~~Administration~~ pursuant to the Nebraska Juvenile Service Delivery
5 Project.

6 **Sec. 65.** Section 43-4102, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 43-4102 (1) It is the intent of the Legislature that the Nebraska
9 Juvenile Service Delivery Project, established as a pilot program under
10 section 43-4101 within the Juvenile Probation Agency ~~Office of Probation~~
11 ~~Administration~~, be expanded statewide in a three-step, phase-in process
12 beginning July 1, 2013, with full implementation by July 1, 2014. The
13 expansion of the project will result in the Juvenile Probation Agency
14 ~~Office of Probation Administration~~ taking over the duties of the Office
15 of Juvenile Services with respect to its previous functions of community
16 supervision and parole of juvenile law violators and of evaluations for
17 such juveniles. The Office of Juvenile Services shall continue for the
18 purpose of operating the youth rehabilitation and treatment centers and
19 the care and custody of the juveniles placed at such centers. Expansion
20 of the project shall be funded by the transfer of funds from the
21 Department of Health and Human Services and the Office of Juvenile
22 Services used to fully fund community-based services and juvenile parole
23 to the Juvenile Probation Agency ~~Office of Probation Administration~~.

24 (2) There shall be established through the use of technology an
25 information-sharing process to support and enhance the exchange of
26 information between the Department of Health and Human Services, the
27 Juvenile Probation Agency ~~Office of Probation Administration~~, and the
28 Nebraska Commission on Law Enforcement and Criminal Justice. ~~It is the~~
29 ~~intent of the Legislature to appropriate two hundred fifty thousand~~
30 ~~dollars from the General Fund to the Office of Probation Administration~~
31 ~~to facilitate the information-sharing process.~~

1 (3) Costs incurred on behalf of juveniles under the Nebraska
2 Juvenile Service Delivery Project shall be paid as provided in section
3 43-290.01.

4 **Sec. 66.** Section 43-4203, Revised Statutes Cumulative Supplement,
5 2024, is amended to read:

6 43-4203 (1) The Nebraska Children's Commission shall create a
7 committee to examine the Office of Juvenile Services and the Juvenile
8 Probation Agency ~~Juvenile Services Division of the Office of Probation~~
9 ~~Administration~~. Such committee shall review the role and effectiveness of
10 out-of-home placements utilized in the juvenile justice system, including
11 the youth rehabilitation and treatment centers, and make recommendations
12 to the commission on the juvenile justice continuum of care, including
13 what populations should be served in out-of-home placements and what
14 treatment services should be provided at the centers in order to
15 appropriately serve those populations. Such committee shall also review
16 how mental and behavioral health services are provided to juveniles in
17 residential placements and the need for such services throughout Nebraska
18 and make recommendations to the commission relating to those systems of
19 care in the juvenile justice system. The committee shall collaborate with
20 the Juvenile Justice Institute at the University of Nebraska at Omaha,
21 the Center for Health Policy at the University of Nebraska Medical
22 Center, the behavioral health regions as established in section 71-807,
23 and state and national juvenile justice experts to develop
24 recommendations. The recommendations shall include a plan to implement a
25 continuum of care in the juvenile justice system to meet the needs of
26 Nebraska families, including specific recommendations for the
27 rehabilitation and treatment model. The recommendations shall be
28 delivered to the commission and electronically to the Judiciary Committee
29 of the Legislature annually by September 1.

30 (2) The commission shall collaborate with juvenile justice
31 specialists of the Juvenile Probation Agency ~~Office of Probation~~

1 ~~Administration~~ and county officials with respect to any county-operated
2 practice model participating in the Crossover Youth Program of the Center
3 for Juvenile Justice Reform at Georgetown University.

4 (3) The commission shall analyze case management workforce issues
5 and make recommendations to the Health and Human Services Committee of
6 the Legislature regarding:

7 (a) Salary comparisons with other states and the current pay
8 structure based on job descriptions;

9 (b) Utilization of incentives for persons who work in the area of
10 child welfare;

11 (c) Evidence-based training requirements for persons who work in the
12 area of child welfare and their supervisors; and

13 (d) Collaboration with the University of Nebraska to increase and
14 sustain such workforce.

15 (4) The Foster Care Reimbursement Rate Committee created pursuant to
16 section 43-4216, the Nebraska Strengthening Families Act Committee
17 created pursuant to section 43-4716, and the Bridge to Independence
18 Advisory Committee created pursuant to section 43-4513 shall be under the
19 jurisdiction of the commission.

20 (5) The commission shall work with the office of the State Court
21 Administrator, as appropriate, and entities which coordinate facilitated
22 conferencing as described in section 43-247.03.

23 (6) The commission shall work with administrators from each of the
24 service areas designated pursuant to section 81-3116, the teams created
25 pursuant to section 28-728, local foster care review boards, child
26 advocacy centers, the teams created pursuant to the Supreme Court's
27 Through the Eyes of the Child Initiative, community stakeholders, and
28 advocates for child welfare programs and services to establish networks
29 in each of such service areas. Such networks shall permit collaboration
30 to strengthen the continuum of services available to child welfare
31 agencies and to provide resources for children and juveniles outside the

1 child protection system.

2 (7) The commission may organize subcommittees as it deems necessary.
3 Members of the subcommittees may be members of the commission or may be
4 individuals who have knowledge of the subcommittee's subject matter,
5 professional expertise to assist the subcommittee in completing its
6 assigned responsibilities, or the ability to collaborate within the
7 subcommittee and with the commission to carry out the powers and duties
8 of the commission. A subcommittee shall meet as necessary to complete the
9 work delegated by the commission and shall report its findings to the
10 relevant committee within the commission.

11 (8) No member of any committee or subcommittee created pursuant to
12 this section shall have any private financial interest, profit, or
13 benefit from any work of such committee or subcommittee.

14 **Sec. 67.** Section 43-4206, Revised Statutes Cumulative Supplement,
15 2024, is amended to read:

16 43-4206 The Department of Health and Human Services and the Juvenile
17 Probation Agency ~~Office of Probation Administration~~ shall fully cooperate
18 with the Nebraska Children's Commission. The department shall provide to
19 the commission all requested information on children and juveniles in
20 Nebraska, including, but not limited to, departmental reports, data,
21 programs, processes, finances, and policies.

22 **Sec. 68.** Section 43-4304, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 43-4304 Administrator means a person charged with administration of
25 a program, an office, or a division of the department or administration
26 of a private agency or licensed child care facility, the Juvenile
27 Probation Administrator ~~probation administrator~~, or the executive
28 director.

29 **Sec. 69.** Section 43-4314, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 43-4314 Private agency means a child welfare agency that contracts

1 with the department or the Juvenile Probation Agency Office of Probation
2 ~~Administration~~ or contracts to provide services to another child welfare
3 agency that contracts with the department or the Juvenile Probation
4 Agency Office of Probation Administration.

5 **Sec. 70.** Section 43-4316, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 43-4316 Responsible individual means a foster parent, a relative
8 provider of foster care, or an employee of the department, the Juvenile
9 Probation Agency juvenile services division, the commission, a foster
10 home, a private agency, a licensed child care facility, or another
11 provider of child welfare programs and services responsible for the care
12 or custody of records, documents, and files.

13 **Sec. 71.** Section 43-4318, Revised Statutes Cumulative Supplement,
14 2024, is amended to read:

15 43-4318 (1) The office shall investigate:

16 (a) Allegations or incidents of possible misconduct, misfeasance,
17 malfeasance, or violations of statutes or of rules or regulations of:

18 (i) The department by an employee of or person under contract with
19 the department, a private agency, a licensed child care facility, a
20 foster parent, or any other provider of child welfare services or which
21 may provide a basis for discipline pursuant to the Uniform Credentialing
22 Act;

23 (ii) Subject to subsection (5) of this section, the Juvenile
24 Probation Agency juvenile services division by an employee of or person
25 under contract with the Juvenile Probation Agency juvenile services
26 ~~division~~, a private agency, a licensed facility, a foster parent, or any
27 other provider of juvenile justice services;

28 (iii) The commission by an employee of or person under contract with
29 the commission related to programs and services supported by the Nebraska
30 County Juvenile Services Plan Act, the Community-based Juvenile Services
31 Aid Program, juvenile pretrial diversion programs, or inspections of

1 juvenile facilities; and

2 (iv) A juvenile detention facility and staff secure juvenile
3 facility by an employee of or person under contract with such facilities;

4 (b) Death or serious injury in foster homes, private agencies, child
5 care facilities, juvenile detention facilities, staff secure juvenile
6 facilities, and other programs and facilities licensed by or under
7 contract with the department or the Juvenile Probation Agency ~~juvenile~~
8 ~~services division~~ when the office, upon review, determines the death or
9 serious injury did not occur by chance; and

10 (c) Death or serious injury in any case in which services are
11 provided by the department or the Juvenile Probation Agency ~~juvenile~~
12 ~~services division~~ to a child or his or her parents or any case involving
13 an investigation under the Child Protection and Family Safety Act, which
14 case has been open for one year or less and upon review determines the
15 death or serious injury did not occur by chance.

16 (2) The department, the Juvenile Probation Agency ~~juvenile services~~
17 ~~division~~, each juvenile detention facility, and each staff secure
18 juvenile facility shall report to the office (a) all cases of death or
19 serious injury of a child in a foster home, private agency, child care
20 facility or program, or other program or facility licensed by the
21 department or inspected through the commission to the Inspector General
22 as soon as reasonably possible after the department or the Juvenile
23 Probation Agency ~~Office of Probation Administration~~ learns of such death
24 or serious injury and (b) all allegations of sexual abuse of a state
25 ward, juvenile on probation, juvenile in a detention facility, and
26 juvenile in a residential child-caring agency. For purposes of this
27 subsection, serious injury means an injury or illness caused by suspected
28 abuse, neglect, or maltreatment which leaves a child in critical or
29 serious condition.

30 (3)(a) The Office of Juvenile Services shall report to the office of
31 Inspector General of Nebraska Child Welfare as soon as reasonably

1 possible after any of the following instances occur at a youth
2 rehabilitation and treatment center:

3 (i) An assault;

4 (ii) An escape or elopement;

5 (iii) An attempted suicide;

6 (iv) Self-harm by a juvenile;

7 (v) Property damage not caused by normal wear and tear;

8 (vi) The use of mechanical restraints on a juvenile;

9 (vii) A significant medical event suffered by a juvenile; and

10 (viii) Internally substantiated violations of 34 U.S.C. 30301 et
11 seq.

12 (b) The Office of Juvenile Services and the office of Inspector
13 General of Nebraska Child Welfare shall, if requested by either party,
14 work in collaboration to clarify the specific parameters to comply with
15 subdivision (3)(a) of this section.

16 (4) The department shall notify the office of Inspector General of
17 Nebraska Child Welfare of any leadership changes within the Office of
18 Juvenile Services and the youth rehabilitation and treatment centers.

19 (5) With respect to any investigation conducted by the Inspector
20 General pursuant to subdivision (1)(a) of this section that involves
21 possible misconduct by an employee of the Juvenile Probation Agency
22 ~~juvenile services division~~, the Inspector General shall immediately
23 notify the Juvenile Probation Administrator ~~probation administrator~~ and
24 provide the information pertaining to potential personnel matters to the
25 Juvenile Probation Agency Office of Probation Administration.

26 (6) Any investigation conducted by the Inspector General shall be
27 independent of and separate from an investigation pursuant to the Child
28 Protection and Family Safety Act. The Inspector General and his or her
29 staff are subject to the reporting requirements of the Child Protection
30 and Family Safety Act.

31 (7) Notwithstanding the fact that a criminal investigation, a

1 criminal prosecution, or both are in progress, all law enforcement
2 agencies and prosecuting attorneys shall cooperate with any investigation
3 conducted by the Inspector General and shall, immediately upon request by
4 the Inspector General, provide the Inspector General with copies of all
5 law enforcement reports which are relevant to the Inspector General's
6 investigation. All law enforcement reports which have been provided to
7 the Inspector General pursuant to this section are not public records for
8 purposes of sections 84-712 to 84-712.09 and shall not be subject to
9 discovery by any other person or entity. Except to the extent that
10 disclosure of information is otherwise provided for in the Office of
11 Inspector General of Nebraska Child Welfare Act, the Inspector General
12 shall maintain the confidentiality of all law enforcement reports
13 received pursuant to its request under this section. Law enforcement
14 agencies and prosecuting attorneys shall, when requested by the Inspector
15 General, collaborate with the Inspector General regarding all other
16 information relevant to the Inspector General's investigation. If the
17 Inspector General in conjunction with the Public Counsel determines it
18 appropriate, the Inspector General may, when requested to do so by a law
19 enforcement agency or prosecuting attorney, suspend an investigation by
20 the office until a criminal investigation or prosecution is completed or
21 has proceeded to a point that, in the judgment of the Inspector General,
22 reinstatement of the Inspector General's investigation will not impede or
23 infringe upon the criminal investigation or prosecution. Under no
24 circumstance shall the Inspector General interview any minor who has
25 already been interviewed by a law enforcement agency, personnel of the
26 Division of Children and Family Services of the department, or staff of a
27 child advocacy center in connection with a relevant ongoing investigation
28 of a law enforcement agency.

29 **Sec. 72.** Section 43-4319, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 43-4319 (1) The office shall have access to all information and

1 personnel necessary to perform the duties of the office.

2 (2) A full investigation conducted by the office shall consist of
3 retrieval of relevant records through subpoena, request, or voluntary
4 production, review of all relevant records, and interviews of all
5 relevant persons.

6 (3) For a request for confidential record information pursuant to
7 subsection (5) of section 43-2,108 involving death or serious injury, the
8 office may submit a written request to the Juvenile Probation
9 Administrator ~~probation administrator~~. The record information shall be
10 provided to the office within five days.

11 **Sec. 73.** Section 43-4320, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 43-4320 (1) Complaints to the office may be made in writing. The
14 office shall also maintain a toll-free telephone line for complaints. A
15 complaint shall be evaluated to determine if it alleges possible
16 misconduct, misfeasance, malfeasance, or violation of a statute or of
17 rules and regulations pursuant to section 43-4318. All complaints shall
18 be evaluated to determine whether a full investigation is warranted.

19 (2) The office shall not conduct a full investigation of a complaint
20 unless:

21 (a) The complaint alleges misconduct, misfeasance, malfeasance, or
22 violation of a statute or of rules and regulations pursuant to section
23 43-4318;

24 (b) The complaint is against a person within the jurisdiction of the
25 office; and

26 (c) The allegations can be independently verified through
27 investigation.

28 (3) The Inspector General shall determine within fourteen days after
29 receipt of a complaint whether it will conduct a full investigation. A
30 complaint alleging facts which, if verified, would provide a basis for
31 discipline under the Uniform Credentialing Act shall be referred to the

1 appropriate credentialing board under the act.

2 (4) When a full investigation is opened on a private agency that
3 contracts with the Juvenile Probation Agency ~~Office of Probation~~
4 ~~Administration~~, the Inspector General shall give notice of such
5 investigation to the Juvenile Probation Agency ~~Office of Probation~~
6 ~~Administration~~.

7 **Sec. 74.** Section 43-4321, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 43-4321 All employees of the department, the Juvenile Probation
10 Agency ~~juvenile services division~~ as directed by the juvenile court or
11 the Juvenile Probation Administrator ~~Office of Probation Administration~~,
12 or the commission, all foster parents, and all owners, operators,
13 managers, supervisors, and employees of private agencies, licensed child
14 care facilities, juvenile detention facilities, staff secure juvenile
15 facilities, and other providers of child welfare services or juvenile
16 justice services shall cooperate with the office. Cooperation includes,
17 but is not limited to, the following:

18 (1) Provision of full access to and production of records and
19 information. Providing access to and producing records and information
20 for the office is not a violation of confidentiality provisions under any
21 law, statute, rule, or regulation if done in good faith for purposes of
22 an investigation under the Office of Inspector General of Nebraska Child
23 Welfare Act;

24 (2) Fair and honest disclosure of records and information reasonably
25 requested by the office in the course of an investigation under the act;

26 (3) Encouraging employees to fully comply with reasonable requests
27 of the office in the course of an investigation under the act;

28 (4) Prohibition of retaliation by owners, operators, or managers
29 against employees for providing records or information or filing or
30 otherwise making a complaint to the office;

31 (5) Not requiring employees to gain supervisory approval prior to

1 filing a complaint with or providing records or information to the
2 office;

3 (6) Provision of complete and truthful answers to questions posed by
4 the office in the course of an investigation; and

5 (7) Not willfully interfering with or obstructing the investigation.

6 **Sec. 75.** Section 43-4324, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 43-4324 (1) In conducting investigations, the office shall access
9 all relevant records through subpoena, compliance with a request of the
10 office, and voluntary production. The office may request or subpoena any
11 record necessary for the investigation from the department, the Juvenile
12 Probation Agency ~~juvenile services division~~ as permitted by law, the
13 commission, a foster parent, a licensed child care facility, a juvenile
14 detention facility, a staff secure juvenile facility, or a private agency
15 that is pertinent to an investigation. All case files, licensing files,
16 medical records, financial and administrative records, and records
17 required to be maintained pursuant to applicable licensing rules shall be
18 produced for review by the office in the course of an investigation.

19 (2) Compliance with a request of the office includes:

20 (a) Production of all records requested;

21 (b) A diligent search to ensure that all appropriate records are
22 included; and

23 (c) A continuing obligation to immediately forward to the office any
24 relevant records received, located, or generated after the date of the
25 request.

26 (3) The office shall seek access in a manner that respects the
27 dignity and human rights of all persons involved, maintains the integrity
28 of the investigation, and does not unnecessarily disrupt child welfare
29 programs or services. When advance notice to a foster parent or to an
30 administrator or his or her designee is not provided, the office
31 investigator shall, upon arrival at the departmental office, bureau, or

1 division, the private agency, the licensed child care facility, the
2 juvenile detention facility, the staff secure juvenile facility, or the
3 location of another provider of child welfare services, request that an
4 onsite employee notify the administrator or his or her designee of the
5 investigator's arrival.

6 (4) When circumstances of an investigation require, the office may
7 make an unannounced visit to a foster home, a departmental office,
8 bureau, or division, a licensed child care facility, a juvenile detention
9 facility, a staff secure juvenile facility, a private agency, or another
10 provider to request records relevant to an investigation.

11 (5) A responsible individual or an administrator may be asked to
12 sign a statement of record integrity and security when a record is
13 secured by request as the result of a visit by the office, stating:

14 (a) That the responsible individual or the administrator has made a
15 diligent search of the office, bureau, division, private agency, licensed
16 child care facility, juvenile detention facility, staff secure juvenile
17 facility, or other provider's location to determine that all appropriate
18 records in existence at the time of the request were produced;

19 (b) That the responsible individual or the administrator agrees to
20 immediately forward to the office any relevant records received, located,
21 or generated after the visit;

22 (c) The persons who have had access to the records since they were
23 secured; and

24 (d) Whether, to the best of the knowledge of the responsible
25 individual or the administrator, any records were removed from or added
26 to the record since it was secured.

27 (6) The office shall permit a responsible individual, an
28 administrator, or an employee of a departmental office, bureau, or
29 division, a private agency, a licensed child care facility, a juvenile
30 detention facility, a staff secure juvenile facility, or another provider
31 to make photocopies of the original records within a reasonable time in

1 the presence of the office for purposes of creating a working record in a
2 manner that assures confidentiality.

3 (7) The office shall present to the responsible individual or the
4 administrator or other employee of the departmental office, bureau, or
5 division, private agency, licensed child care facility, juvenile
6 detention facility, staff secure juvenile facility, or other service
7 provider a copy of the request, stating the date and the titles of the
8 records received.

9 (8) If an original record is provided during an investigation, the
10 office shall return the original record as soon as practical but no later
11 than ten working days after the date of the compliance request.

12 (9) All investigations conducted by the office shall be conducted in
13 a manner designed to ensure the preservation of evidence for possible use
14 in a criminal prosecution.

15 **Sec. 76.** Section 43-4326, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 43-4326 (1) The department shall provide the Public Counsel and the
18 Inspector General with direct computer access to all computerized
19 records, reports, and documents maintained by the department in
20 connection with administration of the Nebraska child welfare system.

21 (2) The commission shall provide the Inspector General with direct
22 computer access to all computerized records, reports, and documents
23 maintained in connection with administration of juvenile justice
24 services.

25 (3) The Juvenile Probation Agency ~~juvenile services division~~, as
26 directed by the juvenile court or the Juvenile Probation Administrator
27 ~~Office of Probation Administration~~, shall provide the Inspector General
28 with direct computer access to all computerized records, reports, and
29 documents maintained by the juvenile services division in connection with
30 a specific case under investigation.

31 **Sec. 77.** Section 43-4327, Revised Statutes Cumulative Supplement,

1 2024, is amended to read:

2 43-4327 (1) The Inspector General's report of an investigation shall
3 be in writing to the Public Counsel and shall contain recommendations.
4 The report may recommend systemic reform or case-specific action,
5 including a recommendation for discharge or discipline of employees or
6 for sanctions against a foster parent, private agency, licensed child
7 care facility, or other provider of child welfare services or juvenile
8 justice services. All recommendations to pursue discipline shall be in
9 writing and signed by the Inspector General. A report of an investigation
10 shall be presented to the director, the Juvenile Probation Administrator
11 ~~probation administrator~~, or the executive director within fifteen days
12 after the report is presented to the Public Counsel.

13 (2) Any person receiving a report under this section shall not
14 further distribute the report or any confidential information contained
15 in the report beyond the entity that is the subject of the report. The
16 Inspector General, upon notifying the Public Counsel and the director,
17 the Juvenile Probation Administrator ~~probation administrator~~, or the
18 executive director, may distribute the report, to the extent that it is
19 relevant to a child's welfare, to the guardian ad litem and attorneys in
20 the juvenile court in which a case is pending involving the child or
21 family who is the subject of the report. The report shall not be
22 distributed beyond the parties except through the appropriate court
23 procedures to the judge.

24 (3) A report that identifies misconduct, misfeasance, malfeasance,
25 or violation of statute, rules, or regulations by an employee of the
26 department, the Juvenile Probation Agency ~~juvenile services division~~, the
27 commission, a private agency, a licensed child care facility, or another
28 provider that is relevant to providing appropriate supervision of an
29 employee may be shared with the employer of such employee. The employer
30 may not further distribute the report or any confidential information
31 contained in the report.

1 **Sec. 78.** Section 43-4328, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 43-4328 (1) Within fifteen days after a report is presented to the
4 director, the Juvenile Probation Administrator ~~probation administrator~~,
5 or the executive director under section 43-4327, he or she shall
6 determine whether to accept, reject, or request in writing modification
7 of the recommendations contained in the report. The written response may
8 include corrections of factual errors. The Inspector General, with input
9 from the Public Counsel, may consider the director's, Juvenile Probation
10 Administrator's ~~probation administrator's~~, or executive director's
11 request for modifications but is not obligated to accept such request.
12 Such report shall become final upon the decision of the director, the
13 Juvenile Probation Administrator ~~probation administrator~~, or the
14 executive director to accept or reject the recommendations in the report
15 or, if the director, the Juvenile Probation Administrator ~~probation~~
16 ~~administrator~~, or the executive director requests modifications, within
17 fifteen days after such request or after the Inspector General
18 incorporates such modifications, whichever occurs earlier.

19 (2) After the recommendations have been accepted, rejected, or
20 modified, the report shall be presented to the foster parent, private
21 agency, licensed child care facility, or other provider of child welfare
22 services or juvenile justice services that is the subject of the report
23 and to persons involved in the implementation of the recommendations in
24 the report. Within thirty days after receipt of the report, the foster
25 parent, private agency, licensed child care facility, or other provider
26 may submit a written response to the office to correct any factual errors
27 in the report and shall determine whether to accept, reject, or request
28 in writing modification of the recommendations contained in the report.
29 The Inspector General, with input from the Public Counsel, shall consider
30 all materials submitted under this subsection to determine whether a
31 corrected report shall be issued. If the Inspector General determines

1 that a corrected report is necessary, the corrected report shall be
2 issued within fifteen days after receipt of the written response.

3 (3) If the Inspector General does not issue a corrected report
4 pursuant to subsection (2) of this section, or if the corrected report
5 does not address all issues raised in the written response, the foster
6 parent, private agency, licensed child care facility, or other provider
7 may request that its written response, or portions of the response, be
8 appended to the report or corrected report.

9 (4) A report which raises issues related to credentialing under the
10 Uniform Credentialing Act shall be submitted to the appropriate
11 credentialing board under the act.

12 **Sec. 79.** Section 43-4331, Revised Statutes Cumulative Supplement,
13 2024, is amended to read:

14 43-4331 On or before September 15 of each year, the Inspector
15 General shall provide to the Health and Human Services Committee of the
16 Legislature, the Judiciary Committee of the Legislature, the Supreme
17 Court, and the Governor a summary of reports and investigations made
18 under the Office of Inspector General of Nebraska Child Welfare Act for
19 the preceding year. The summary provided to the committees shall be
20 provided electronically. The summaries shall detail recommendations and
21 the status of implementation of recommendations and may also include
22 recommendations to the committees regarding issues discovered through
23 investigation, audits, inspections, and reviews by the office that will
24 increase accountability and legislative oversight of the Nebraska child
25 welfare system, improve operations of the department, the Juvenile
26 Probation Agency ~~juvenile services division~~, the commission, and the
27 Nebraska child welfare system, or deter and identify fraud, abuse, and
28 illegal acts. Such summary shall include summaries of alternative
29 response cases under alternative response implemented in accordance with
30 sections 28-710.01, 28-712, and 28-712.01 reviewed by the Inspector
31 General. The summaries shall not contain any confidential or identifying

1 information concerning the subjects of the reports and investigations.

2 **Sec. 80.** Section 43-4703, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

4 43-4703 For purposes of the Nebraska Strengthening Families Act:

5 (1) Age or developmentally appropriate means activities or items
6 that are generally accepted as suitable for a child of the same
7 chronological age or level of maturity or that are determined to be
8 developmentally appropriate for a child, based on the development of
9 cognitive, emotional, physical, and behavioral capacities that are
10 typical for an age or age group and, in the case of a specific child,
11 activities or items that are suitable for the child based on the
12 developmental stages attained by the child with respect to the cognitive,
13 emotional, physical, and behavioral capacities of the child;

14 (2) Caregiver means a foster parent with whom a child in foster care
15 has been placed or a designated official for a child-care institution in
16 which a child in foster care has been placed;

17 (3) Child-care institution has the definition found in 42 U.S.C.
18 672(c), as such section existed on January 1, 2016, and also includes the
19 definition of residential child-caring agency as found in section
20 71-1926;

21 (4) Department means the Department of Health and Human Services;

22 (5) Foster family home has the definition found in 42 U.S.C. 672(c),
23 as such section existed on January 1, 2017, and also includes the
24 definition as found in section 71-1901;

25 (6) Probation means the Juvenile Probation Agency Office ~~Office~~ of
26 ~~Probation Administration~~; and

27 (7) Reasonable and prudent parent standard means the standard
28 characterized by careful and sensible parental decisions that maintain
29 the health, safety, and best interest of a child while at the same time
30 encouraging the emotional and developmental growth of the child that a
31 caregiver shall use when determining whether to allow a child in foster

1 care under the responsibility of the state to participate in
2 extracurricular, enrichment, cultural, and social activities.

3 **Sec. 81.** Section 50-1203, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 50-1203 For purposes of the Legislative Performance Audit Act:

6 (1) Agency means any department, board, commission, or other
7 governmental unit of the State of Nebraska acting or purporting to act by
8 reason of connection with the State of Nebraska, including the Juvenile
9 Probation Agency Office of Probation Administration and the Office of
10 Public Guardian, but does not include (a) any court, (b) the Governor or
11 his or her personal staff, (c) any political subdivision or entity
12 thereof, or (d) any entity of the federal government;

13 (2) Auditor of Public Accounts means the Auditor of Public Accounts
14 whose powers and duties are prescribed in section 84-304;

15 (3) Business day means a day on which state offices are open for
16 regular business;

17 (4) Committee means the Legislative Performance Audit Committee;

18 (5) Committee report means the report released by the committee at
19 the conclusion of a performance audit;

20 (6) Legislative Auditor means the Legislative Auditor appointed by
21 the Executive Board of the Legislative Council under section 50-401.01;

22 (7) Majority vote means a vote by the majority of the committee's
23 members;

24 (8) Office means the office of Legislative Audit;

25 (9) Performance audit means an objective and systematic examination
26 of evidence for the purpose of providing an independent assessment of the
27 performance of a government organization, program, activity, or function
28 in order to provide information to improve public accountability and
29 facilitate decisionmaking by parties with responsibility to oversee or
30 initiate corrective action. Performance audits may have a variety of
31 objectives, including the assessment of a program's effectiveness and

1 results, economy and efficiency, internal control, and compliance with
2 legal or other requirements;

3 (10) Preaudit inquiry means an investigatory process during which
4 the office gathers and examines evidence to determine if a performance
5 audit topic has merit;

6 (11) Tax incentive performance audit means an evaluation of a tax
7 incentive program pursuant to section 50-1209; and

8 (12) Working papers means those documents containing evidence to
9 support the office's findings, opinions, conclusions, and judgments and
10 includes the collection of evidence prepared or obtained by the office
11 during the performance audit or preaudit inquiry.

12 **Sec. 82.** Section 68-1732, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 68-1732 It is the intent of the Legislature that the Department of
15 Health and Human Services, the State Department of Education, the
16 Department of Labor, the Office of Probation Administration, the Juvenile
17 Probation Agency, the Department of Correctional Services, and the
18 Department of Economic Development will have integrated programs and
19 policies when serving a common customer. Organizational mergers and
20 operating agreements shall be developed within state government which
21 bring together the state's community-based child-serving and family-
22 serving resources in the areas of health care services, social services,
23 mental health services, developmental disabilities services, juvenile
24 justice, and education. Such actions shall eliminate the need for the
25 public to understand the differing roles, responsibilities, and services
26 of the agencies enumerated in this section and their affiliates.

27 **Sec. 83.** Section 79-303.01, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 79-303.01 (1) On or before October 1, 2023, the State Department of
30 Education, the Department of Health and Human Services, the Office of
31 Probation Administration, and the State Court Administrator shall enter

1 into a memorandum of understanding for the sharing of data relevant to
2 students who are under the jurisdiction of the juvenile court. Beginning
3 on the operative date of this section, the Juvenile Probation Agency
4 shall succeed to the rights and responsibilities of the Office of
5 Probation Administration under such memorandum. The purpose for the
6 sharing of data is to provide systems-wide coordination to improve
7 educational opportunities and outcomes and to facilitate service
8 coordination for such students. The memorandum shall include the intent
9 for the State Department of Education to contract with an outside
10 consultant with expertise in the education of court-involved students to
11 assist in the development of such policies and procedures.

12 (2) The consultant shall provide recommendations addressing issues
13 that include, but need not be limited to, the following:

14 (a) Identifying and defining the population of students whose data
15 should be collected and shared;

16 (b) Defining the specific types of data to be collected and shared;

17 (c) Identifying shared data systems;

18 (d) Identifying the entities and persons for which the data should
19 be accessible;

20 (e) Identifying both federal and state legal responsibilities and
21 confidentiality parameters; and

22 (f) Developing a uniform approach for the transfer of educational
23 credits.

24 (3) The development of such policies and procedures for the sharing
25 of data shall be collaborative and shall include input from the
26 appropriate entities including, but not limited to, the State Department
27 of Education, the Department of Health and Human Services, the Juvenile
28 Probation Agency Office of Probation Administration, the State Court
29 Administrator, the juvenile court system, the superintendent of schools
30 for the youth and rehabilitation centers, public school districts,
31 educators, and court-involved students and their parents. The consultant

1 shall provide a draft report containing the recommendations described in
2 subsection (2) of this section to the appropriate agency representatives
3 and to the Commissioner of Education, the chief executive officer of the
4 Department of Health and Human Services, and the Chief Justice of the
5 Supreme Court on or before September 1, 2024.

6 (4) The State Department of Education shall complete a final report
7 detailing the recommendations of the consultant and any policies and
8 procedures that are being considered for adoption by the State Department
9 of Education, the Department of Health and Human Services, the Juvenile
10 Probation Agency ~~Office of Probation Administration~~, and the State Court
11 Administrator. The report shall be delivered electronically to the Chief
12 Justice of the Supreme Court, the Governor, and the Clerk of the
13 Legislature on or before December 1, 2024.

14 **Sec. 84.** Section 79-2121, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 79-2121 The superintendents of any school districts that are members
17 of a learning community shall develop and participate in a plan by August
18 1, 2011, to reduce excessive absenteeism including a process to share
19 information regarding at-risk youth with the goal of improving
20 educational outcomes, providing effective interventions that impact risk
21 factors, and reducing unnecessary penetration deeper into the juvenile
22 justice system. For purposes of this section, at-risk youth means
23 children who are under the supervision of the Juvenile Probation Agency
24 ~~Office of Probation Administration~~, are committed to the care, custody,
25 or supervision of the Department of Health and Human Services, are
26 otherwise involved in the juvenile justice system, or have been absent
27 from school for more than five days per quarter or the hourly equivalent
28 except when excused by school authorities or when a documented illness
29 makes attendance impossible or impracticable.

30 **Sec. 85.** Section 81-1401, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 81-1401 For purposes of sections 81-1401 to 81-1414.19, unless the
2 context otherwise requires:

3 (1) Class I railroad means a rail carrier classified as Class I
4 pursuant to 49 C.F.R. part 1201 1-1;

5 (2) Commission means the Nebraska Commission on Law Enforcement and
6 Criminal Justice;

7 (3) Council means the Nebraska Police Standards Advisory Council;

8 (4) Director means the director of the Nebraska Law Enforcement
9 Training Center;

10 (5) Felony means a crime punishable by imprisonment for a term of
11 more than one year or a crime committed outside of Nebraska which would
12 be punishable by imprisonment for a term of more than one year if
13 committed in Nebraska;

14 (6) Handgun means any firearm with a barrel less than sixteen inches
15 in length or any firearm designed to be held and fired by the use of a
16 single hand;

17 (7) Law enforcement agency means the police department or the town
18 marshal in incorporated municipalities, the office of sheriff in
19 unincorporated areas, the Nebraska State Patrol, and Class I railroad
20 police departments;

21 (8)(a) Law enforcement officer means any person who has successfully
22 completed an entry-level law enforcement certification from a training
23 academy and who is responsible for the prevention or detection of crime
24 or the enforcement of the penal, traffic, or highway laws of the state or
25 any political subdivision of the state for more than one hundred hours
26 per year and is authorized by law to make arrests and includes, but is
27 not limited to:

28 (i) A full-time or part-time member of the Nebraska State Patrol;

29 (ii) A county sheriff;

30 (iii) A full-time or part-time employee of a county sheriff's
31 office;

1 (iv) A full-time or part-time employee of a municipal or village
2 police agency;

3 (v) A full-time or part-time Game and Parks Commission conservation
4 officer;

5 (vi) A full-time or part-time deputy state sheriff;

6 (vii) A full-time employee of an organized and paid fire department
7 of any city of the metropolitan class who is an authorized arson
8 investigator and whose duties consist of determining the cause, origin,
9 and circumstances of fires or explosions while on duty in the course of
10 an investigation;

11 (viii) A member of a law enforcement reserve force appointed in
12 accordance with section 81-1438; or

13 (ix) A full-time Class I railroad police officer;

14 (b) Law enforcement officer includes a noncertified conditional
15 officer;

16 (c) Law enforcement officer does not include employees of the
17 Department of Correctional Services, probation officers under the
18 Nebraska Probation System or the Nebraska Juvenile Probation System,
19 parole officers appointed by the Director of Supervision and Services of
20 the Division of Parole Supervision, or employees of the Department of
21 Revenue under section 77-366; and

22 (d) Except for a noncertified conditional officer, a law enforcement
23 officer shall possess a valid law enforcement officer certificate or
24 diploma, as established by the council, in order to be vested with the
25 authority of this section;

26 (9) Misdemeanor crime of domestic violence has the same meaning as
27 in section 28-1206;

28 (10) Noncertified conditional officer means a person appointed
29 pursuant to subsection (6) of section 81-1414;

30 (11) Serious misconduct means improper or illegal actions taken by a
31 law enforcement officer that have a rational connection with the person's

1 fitness or capacity to serve as a law enforcement officer and includes,
2 but is not limited to:

3 (a) Conviction of a felony or misdemeanor crime of domestic
4 violence;

5 (b) Fabrication of evidence;

6 (c) Repeated substantiated allegations of the use of excessive
7 force;

8 (d) Acceptance of a bribe;

9 (e) Commission of fraud or perjury; or

10 (f) Sexual assault;

11 (12) Training academy means:

12 (a) The training center; or

13 (b) Another council-approved law enforcement training facility
14 which:

15 (i) Offers certification training that meets or exceeds the
16 certification training curriculum of the training center; and

17 (ii) Is operated and maintained by a law enforcement agency or by
18 multiple law enforcement agencies pursuant to the Interlocal Cooperation
19 Act;

20 (13) Training center means the Nebraska Law Enforcement Training
21 Center; and

22 (14) Training school means a public or private institution of higher
23 education, including the University of Nebraska, the Nebraska state
24 colleges, and the community colleges of this state, that offers training
25 in a council-approved pre-certification course.

26 **Sec. 86.** Section 81-1427, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 81-1427 (1) There is established within the Nebraska Commission on
29 Law Enforcement and Criminal Justice the position of Director of Juvenile
30 Diversion Programs to be appointed by the executive director of the
31 commission.

1 (2) The Director of Juvenile Diversion Programs shall be supervised
2 by the executive director of the Nebraska Commission on Law Enforcement
3 and Criminal Justice. The director shall be responsible for fostering,
4 promoting, researching, and assessing juvenile pretrial diversion
5 programs and developing new programs in collaboration with cities and
6 counties pursuant to sections 43-260.02 to 43-260.07. The director shall:

7 (a) Provide technical assistance and guidance to juvenile pretrial
8 diversion programs for implementing evidence-based strategies or
9 standardized, replicable practices that have been researched and have
10 demonstrated positive outcomes;

11 (b) Develop a core juvenile pretrial diversion program packet for
12 utilization by counties without a juvenile pretrial diversion program or
13 counties without a district juvenile probation officer acting under
14 section 12 of this act ~~29-2258~~;

15 (c) Establish baseline program guidelines for juvenile pretrial
16 diversion programs based on evidence-based practices, principles,
17 programs, and research, develop data collection and evaluation protocols,
18 oversee statewide data collection, and generate an annual report on
19 juvenile pretrial diversion programs;

20 (d) Develop relationships and collaborate with juvenile justice
21 stakeholders involved in juvenile pretrial diversion programs, provide
22 education and training as necessary, and serve on boards and committees
23 when approved by the commission;

24 (e) Facilitate consistent communication and information-sharing
25 among juvenile pretrial diversion program directors;

26 (f) Assist juvenile pretrial diversion program directors, county
27 attorneys, district juvenile probation officers acting under section 12
28 of this act ~~29-2258~~, and county boards in developing policies and
29 practices that achieve the goals of quality juvenile pretrial diversion
30 programs;

31 (g) Assist in comprehensive community planning efforts as they

1 relate to development of juvenile pretrial diversion programs;

2 (h) Develop and coordinate a statewide working group as a
3 subcommittee of the Nebraska Coalition for Juvenile Justice to assist in
4 regular strategic planning related to supporting, funding, monitoring,
5 and evaluating the effectiveness of plans and programs receiving funds
6 from the Community-based Juvenile Services Aid Program; and

7 (i) Assist the Director of the Community-based Juvenile Services Aid
8 Program created under section 43-2404.01 in the review of Community-based
9 Juvenile Services Aid Program applications as provided in section
10 43-2404.02.

11 **Sec. 87.** Section 83-1216, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 83-1216 (1) The department shall administer the medicaid home and
14 community-based services waivers upon application approval by the federal
15 Centers for Medicare and Medicaid Services. The amount of funding for any
16 person receiving services shall be determined using an objective
17 assessment process developed by the department and approved by the
18 federal Centers for Medicare and Medicaid Services.

19 (2) The department shall provide directly or by contract service
20 coordination to Nebraska residents found to be eligible for specialized
21 services.

22 (3) It is the intent of the Legislature that the department take all
23 possible steps to maximize federal funding. All Nebraska residents
24 eligible for funding for specialized services through the department
25 shall apply for and accept any federal medicaid benefits for which they
26 may be eligible and benefits from other funding sources within the
27 department, the State Department of Education, specifically including the
28 Division of Rehabilitation Services, and other agencies to the maximum
29 extent possible.

30 (4) The priorities for funding the medicaid home and community-based
31 services waivers under this section are as follows:

1 (a) The first funding priority of the state shall be responding to
2 the needs of persons with developmental disabilities in immediate crisis
3 due to caregiver death, homelessness, or a threat to the life and safety
4 of the person;

5 (b) The second funding priority of the state in responding to the
6 needs of persons with developmental disabilities shall be for persons
7 that have resided in an institutional setting for a period of at least
8 twelve consecutive months and who are requesting community-based
9 services;

10 (c) The third funding priority of the state in responding to the
11 needs of persons with developmental disabilities shall be for serving
12 wards of the department or persons placed under the supervision of the
13 Juvenile Probation Agency ~~Office of Probation Administration~~ by the
14 Nebraska court system who are transitioning upon age nineteen with no
15 other alternatives as determined by the department to support residential
16 services necessary to pursue economic self-sufficiency;

17 (d) The fourth funding priority of the state in responding to the
18 needs of persons with developmental disabilities shall be for serving
19 persons transitioning from the education system upon attaining twenty-one
20 years of age to maintain skills and receive the day services necessary to
21 pursue economic self-sufficiency;

22 (e) The fifth funding priority of the state in responding to the
23 needs of persons with developmental disabilities shall be, upon approval
24 by the Centers for Medicare and Medicaid Services of the United States
25 Department of Health and Human Services, for serving a dependent of a
26 member of the armed forces of the United States who is a legal resident
27 of this state due to the service member's military assignment in
28 Nebraska; and

29 (f) The sixth funding priority of the state in responding to the
30 needs of persons with developmental disabilities shall be for serving all
31 other persons by date of application.

1 **Sec. 88.** Sections 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17,
2 18, 19, 20, 21, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 42,
3 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61,
4 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79,
5 80, 81, 82, 83, 84, 85, 86, 87, 89, and 91 of this act become operative
6 on July 1, 2026. The other sections of this act become operative on their
7 effective date.

8 **Sec. 89.** Original sections 25-2407, 29-2248, 29-2252.01, 29-2253,
9 29-2260.01, 29-2260.02, 29-2270, 29-2271, 29-2272, 29-2273, 43-260,
10 43-290.01, 43-297.01, 43-412, 43-1304, 43-1309, 43-1503, 43-4101,
11 43-4102, 43-4304, 43-4314, 43-4316, 43-4319, 43-4320, 43-4321, 43-4324,
12 43-4326, 50-1203, 68-1732, 79-303.01, 79-2121, 81-1401, 81-1427, and
13 83-1216, Reissue Revised Statutes of Nebraska, and sections 28-726,
14 29-2246, 29-2257, 29-2258, 29-2292, 29-4803, 43-247.03, 43-254, 43-258,
15 43-281, 43-286, 43-286.01, 43-2,108, 43-2,108.05, 43-2,113, 43-425,
16 43-1302, 43-1303, 43-1311.03, 43-2404.01, 43-2404.02, 43-2411, 43-2412,
17 43-4203, 43-4206, 43-4318, 43-4327, 43-4328, 43-4331, and 43-4703,
18 Revised Statutes Cumulative Supplement, 2024, are repealed.

19 **Sec. 90.** Original sections 43-250 and 43-260.01, Revised Statutes
20 Cumulative Supplement, 2024, are repealed.

21 **Sec. 91.** The following sections are outright repealed: Sections
22 43-4307.01, Reissue Revised Statutes of Nebraska, and sections 43-1306,
23 43-4411, 43-4412, 43-4413, 43-4414, 43-4415, and 43-4416, Revised
24 Statutes Cumulative Supplement, 2024.