

AMENDMENTS TO LB 800

Introduced by Judiciary.

1 1. Strike the original sections and insert the following
2 sections:

3 Section 1. Section 24-313, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 24-313 The district court may by rule compel an inferior
6 court or board to allow an appeal or to make or amend records
7 according to law either by correcting an evident mistake or
8 supplying an evident omission. This section shall not apply ~~to~~
9 ~~cases in which a review by a juvenile review panel may be requested~~
10 ~~under sections 43-287.01 to 43-287.06 or~~ if the Administrative
11 Procedure Act otherwise provides.

12 Sec. 2. Section 25-2701, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 25-2701 (1) All provisions in the codes of criminal
15 and civil procedure governing actions and proceedings in the
16 district court not in conflict with statutes specifically governing
17 procedure in county courts and related to matters for which no
18 specific provisions have been made for county courts shall govern
19 and apply to all actions and proceedings in the county court.

20 (2) County courts may seal records of a person as
21 provided under sections 25 to 29 of this act.

22 Sec. 3. Section 25-2728, Reissue Revised Statutes of
23 Nebraska, is amended to read:

1 25-2728 (1) Any party in a civil case and any defendant
2 in a criminal case may appeal from the final judgment or final
3 order of the county court to the district court of the county where
4 the county court is located. In a criminal case, a prosecuting
5 attorney may obtain review by exception proceedings pursuant to
6 sections 29-2317 to 29-2319.

7 (2) Sections 25-2728 to 25-2738 shall not apply to:

8 (a) Appeals in eminent domain proceedings as provided in
9 sections 76-715 to 76-723;

10 (b) Appeals in proceedings in the county court sitting as
11 a juvenile court as provided in sections ~~43-287.01 to 43-287.06,~~
12 ~~43-2,106,~~ and 43-2,106.01;

13 (c) Appeals in matters arising under the Nebraska Probate
14 Code as provided in section 30-1601;

15 (d) Appeals in matters arising under the Nebraska Uniform
16 Trust Code;

17 (e) Appeals in adoption proceedings as provided in
18 section 43-112;

19 (f) Appeals in inheritance tax proceedings as provided in
20 section 77-2023; and

21 (g) Appeals in domestic relations matters as provided in
22 section 25-2739.

23 Sec. 4. Section 29-1816, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 29-1816 (1) The accused shall be arraigned by reading to
26 him or her the indictment or information, unless the reading is
27 waived by the accused when the nature of the charge is made known

1 to him or her. The accused shall then be asked whether he or she
2 is guilty or not guilty of the offense charged. If the accused
3 appears in person and by counsel and goes to trial before a jury
4 regularly impaneled and sworn, he or she shall be deemed to have
5 waived arraignment and a plea of not guilty shall be deemed to have
6 been made.

7 (2)(a) At the time of the arraignment the court shall
8 advise the ~~defendant~~ accused, if he or she was less than eighteen
9 years of age at the time of the commitment of the alleged crime,
10 that he or she may move the county or district court at any time
11 not later than thirty days after arraignment, unless otherwise
12 permitted by the court for good cause shown, to waive jurisdiction
13 in such case to the juvenile court for further proceedings under
14 the Nebraska Juvenile Code. The court shall schedule a hearing on
15 such motion within fifteen days. The customary rules of evidence
16 shall not be followed at such hearing. The county attorney or
17 city attorney shall present the evidence and reasons why such
18 case should be retained, the ~~defendant~~ accused shall present the
19 evidence and reasons why the case should be transferred, and both
20 sides shall consider the criteria set forth in section 43-276.
21 After considering all the evidence and reasons presented by both
22 parties, pursuant to section 43-276, the case shall be transferred
23 unless a sound basis exists for retaining the case.

24 (b) In deciding such motion the court shall consider,
25 among other matters, the matters set forth in section 43-276
26 for consideration by the county attorney or city attorney when
27 determining the type of case to file.

1 (c) The court shall set forth findings for the reason for
2 its decision, which shall not be a final order for the purpose of
3 enabling an appeal. If the court determines that the ~~child~~ accused
4 should be transferred to the juvenile court, the complete file in
5 the county or district court shall be transferred to the juvenile
6 court and the complaint, indictment, or information may be used
7 in place of a petition therein. The court making a transfer shall
8 order the ~~minor~~ accused to be taken forthwith to the juvenile court
9 and designate where ~~the minor~~ he or she shall be kept pending
10 determination by the juvenile court. The juvenile court shall then
11 proceed as provided in the Nebraska Juvenile Code.

12 Sec. 5. Section 29-2258, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 29-2258 A district probation officer shall:

15 (1) Conduct juvenile intake interviews and investigations
16 in accordance with section 43-253 utilizing a standardized juvenile
17 detention screening instrument described in section 43-260.01;

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

21 (3) Supervise probationers in accordance with the rules
22 and regulations of the office and the directions of the sentencing
23 court;

24 (4) Advise the sentencing court, in accordance with
25 the Nebraska Probation Administration Act and such rules and
26 regulations of the office, of violations of the conditions of
27 probation by individual probationers;

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

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

8 (7) Whenever necessary, exercise the power of arrest
9 or temporary custody as provided in ~~section~~ sections 29-2266 and
10 43-248;

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

15 (9) Supervise and evaluate deputy probation officers
16 under his or her jurisdiction;

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

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

22 (12) Keep accurate and complete accounts of all money or
23 property collected or received from probationers and give receipts
24 therefor;

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

27 (14) In counties with a population of less than

1 twenty-five thousand people, participate in pretrial diversion
2 programs established pursuant to sections 29-3601 to 29-3604
3 and juvenile pretrial diversion programs established pursuant
4 to sections 43-260.02 to 43-260.07 as requested by judges of
5 the probation district in which he or she serves, except that
6 participation in such programs shall not require appointment of
7 additional personnel and shall be consistent with the probation
8 officer's current caseload;

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

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

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

18 Sec. 6. (1) For purposes of this section:

19 (a) Administrative sanction means additional probation
20 requirements imposed upon a juvenile subject to the supervision
21 of a probation officer by his or her probation officer, with the
22 full knowledge and consent of such juvenile and such juvenile's
23 parents or guardian, designed to hold such juvenile accountable
24 for substance abuse or noncriminal violations of conditions of
25 probation, including, but not limited to:

26 (i) Counseling or reprimand by his or her probation
27 officer;

- 1 (ii) Increased supervision contact requirements;
2 (iii) Increased substance abuse testing;
3 (iv) Referral for substance abuse or mental health
4 evaluation or other specialized assessment, counseling, or
5 treatment;
6 (v) Modification of a designated curfew for a period not
7 to exceed thirty days;
8 (vi) Community service for a specified number of hours
9 pursuant to sections 29-2277 to 29-2279;
10 (vii) Travel restrictions to stay within his or her
11 residence or county of residence or employment unless otherwise
12 permitted by the supervising probation officer;
13 (viii) Restructuring court-imposed financial obligations
14 to mitigate their effect on the juvenile subject to the supervision
15 of a probation officer; and
16 (ix) Implementation of educational or cognitive
17 behavioral programming;
18 (b) Noncriminal violation means activities or behaviors
19 of a juvenile subject to the supervision of a probation officer
20 which create the opportunity for re-offending or which diminish the
21 effectiveness of probation supervision resulting in a violation of
22 an original condition of probation, including, but not limited to:
23 (i) Moving traffic violations;
24 (ii) Failure to report to his or her probation officer;
25 (iii) Leaving the juvenile's residence, jurisdiction of
26 the court, or the state without the permission of the court or his
27 or her probation officer;

1 (iv) Failure to regularly attend school, vocational
2 training, other training, counseling, treatment, programming, or
3 employment;

4 (v) Noncompliance with school rules;

5 (vi) Continued violations of home rules;

6 (vii) Failure to notify his or her probation officer of
7 change of address, school, or employment;

8 (viii) Frequenting places where controlled substances are
9 illegally sold, used, distributed, or administered and association
10 with persons engaged in illegal activity;

11 (ix) Failure to perform community service as directed;

12 and

13 (x) Curfew or electronic monitoring violations; and

14 (c) Substance abuse violation means activities or
15 behaviors of a juvenile subject to the supervision of a probation
16 officer associated with the use of chemical substances or related
17 treatment services resulting in a violation of an original
18 condition of probation, including, but not limited to:

19 (i) Positive breath test for the consumption of alcohol;

20 (ii) Positive urinalysis for the illegal use of drugs;

21 (iii) Failure to report for alcohol testing or drug
22 testing;

23 (iv) Failure to appear for or complete substance abuse
24 or mental health treatment evaluations or inpatient or outpatient
25 treatment; and

26 (v) Tampering with alcohol or drug testing.

27 (2) Whenever a probation officer has reasonable cause to

1 believe that a juvenile subject to the supervision of a probation
2 officer has committed or is about to commit a substance abuse
3 violation or noncriminal violation while on probation, but that
4 such juvenile will not attempt to leave the jurisdiction and will
5 not place lives or property in danger, the probation officer shall
6 either:

7 (a) Impose one or more administrative sanctions with the
8 approval of his or her chief probation officer or such chief's
9 designee. The decision to impose administrative sanctions in lieu
10 of formal revocation proceedings rests with the probation officer
11 and his or her chief probation officer or such chief's designee
12 and shall be based upon such juvenile's risk level, the severity
13 of the violation, and the juvenile's response to the violation.
14 If administrative sanctions are to be imposed, such juvenile shall
15 acknowledge in writing the nature of the violation and agree
16 upon the administrative sanction with approval of such juvenile's
17 parents or guardian. Such juvenile has the right to decline to
18 acknowledge the violation, and if he or she declines to acknowledge
19 the violation, the probation officer shall submit a written report
20 pursuant to subdivision (2)(b) of this section. A copy of the
21 report shall be submitted to the county attorney of the county
22 where probation was imposed; or

23 (b) Submit a written report to the adjudicating court
24 with a copy to the county attorney of the county where probation
25 was imposed, outlining the nature of the probation violation and
26 request that formal revocation proceedings be instituted against
27 the juvenile subject to the supervision of a probation officer.

1 (3) Whenever a probation officer has reasonable cause to
2 believe that a juvenile subject to the supervision of a probation
3 officer has violated or is about to violate a condition of
4 probation other than a substance abuse violation or noncriminal
5 violation and that such juvenile will not attempt to leave the
6 jurisdiction and will not place lives or property in danger, the
7 probation officer shall submit a written report to the adjudicating
8 court, with a copy to the county attorney of the county where
9 probation was imposed, outlining the nature of the probation
10 violation.

11 (4) Whenever a probation officer has a reasonable cause
12 to believe that a juvenile subject to the supervision of a
13 probation officer has violated or is about to violate a condition
14 of his or her probation and that such juvenile will attempt to
15 leave the jurisdiction or will place lives or property in danger,
16 the probation officer shall take such juvenile into temporary
17 custody without a warrant as provided in section 43-248 and may
18 call on any peace officer for assistance.

19 (5) Immediately after detention pursuant to subsection
20 (4) of this section, the probation officer shall notify the county
21 attorney of the county where probation was imposed and submit
22 a written report of the reason for such detention and of any
23 violation of probation. After prompt consideration of the written
24 report, the county attorney shall:

25 (a) Order the release of the juvenile from confinement
26 subject to the supervision of a probation officer; or

27 (b) File with the adjudicating court a motion or

1 information to revoke the probation.

2 (6) Whenever a county attorney receives a report from a
3 probation officer that a juvenile subject to the supervision of a
4 probation officer has violated a condition of probation, the county
5 attorney may file a motion or information to revoke probation.

6 (7) The probation administrator shall adopt and
7 promulgate rules and regulations to carry out this section.

8 Sec. 7. Section 29-2262.07, Reissue Revised Statutes of
9 Nebraska, as amended by section 15, Legislative Bill 3, One Hundred
10 First Legislature, First Special Session, 2009, is amended to read:

11 29-2262.07 The Probation Program Cash Fund is created.
12 All funds collected pursuant to section 29-2262.06 shall be
13 remitted to the State Treasurer for credit to the fund. Except
14 as otherwise directed by the Supreme Court during the period
15 from the effective date of this act until June 30, 2011, the
16 fund shall be utilized by the administrator, in consultation
17 with the Community Corrections Council, for the purposes stated
18 in subdivision (14) of section 29-2252, except that the State
19 Treasurer shall, on or before June 30, 2011, on such date as
20 directed by the budget administrator of the budget division of
21 the Department of Administrative Services, transfer the amount
22 set forth in Legislative Bill 1, One Hundred First Legislature,
23 First Special Session, 2009. Any money in the fund available
24 for investment shall be invested by the state investment officer
25 pursuant to the Nebraska Capital Expansion Act and the Nebraska
26 State Funds Investment Act.

27 On the effective date of this act, the State Treasurer

1 shall transfer three hundred fifty thousand dollars from the
2 Probation Program Cash Fund to the Violence Prevention Cash Fund.
3 The Office of Violence Prevention shall distribute such funds
4 as soon as practicable after the effective date of this act to
5 organizations or governmental entities that have submitted violence
6 prevention plans and that best meet the intent of reducing street
7 and gang violence and reducing homicides and injuries caused by
8 firearms.

9 Sec. 8. Section 29-2269, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 29-2269 Sections 29-2246 to 29-2269 and section 6 of this
12 act shall be known and may be cited as the Nebraska Probation
13 Administration Act.

14 Sec. 9. A juvenile offender civil citation pilot program
15 as provided in this section and section 10 of this act may be
16 undertaken by the peace officers and county and city attorneys of
17 a county containing a city of the metropolitan class. The pilot
18 program shall be according to the following procedures:

19 (1) A peace officer, upon making contact with a juvenile
20 whom the peace officer has reasonable grounds to believe has
21 committed a misdemeanor offense, other than an offense involving
22 a firearm, sexual assault, or domestic violence may issue the
23 juvenile a civil citation;

24 (2) The civil citation shall include: The juvenile's
25 name, address, school of attendance, and contact information;
26 contact information for the juvenile's parents or guardian; a
27 description of the misdemeanor offense believed to have been

1 committed; the juvenile assessment center where the juvenile cited
2 is to appear within seventy-two hours after the issuance of the
3 civil citation; and a warning that failure to appear in accordance
4 with the command of the civil citation or failure to provide the
5 information necessary for the peace officer to complete the civil
6 citation will result in the juvenile being taken into temporary
7 custody as provided in sections 43-248 and 43-250;

8 (3) At the time of issuance of a civil citation by the
9 peace officer, the peace officer shall advise the juvenile that the
10 juvenile has the option to refuse the civil citation and be taken
11 directly into temporary custody as provided in sections 43-248 and
12 43-250. The option to refuse the civil citation may be exercised at
13 any time prior to compliance with any services required pursuant to
14 subsection (5) of this section;

15 (4) Upon issuing a civil citation, the peace officer
16 shall provide or send a copy of the civil citation to the
17 appropriate county attorney, juvenile assessment center, the
18 parents or guardian of the juvenile, and the victim, if any;

19 (5) The juvenile shall report to the juvenile assessment
20 center as instructed by the citation. The juvenile assessment
21 center may require the juvenile to participate in community service
22 or other available services appropriate to the needs of the
23 juvenile identified by the juvenile assessment center which may
24 include family counseling, urinalysis monitoring, or substance
25 abuse and mental health treatment services; and

26 (6) If the juvenile fails to comply with any services
27 required pursuant to subsection (5) of this section or if the

1 juvenile is issued a third or subsequent civil citation, a peace
2 officer shall take the juvenile into temporary custody as provided
3 in sections 43-248 and 43-250.

4 Sec. 10. To achieve uniformity, the Supreme Court shall
5 prescribe the form of a civil citation which conforms to the
6 requirements for a civil citation in section 9 of this act and such
7 other matter as the court deems appropriate. The civil citation
8 shall not include a place for the cited juvenile's social security
9 number.

10 Sec. 11. Section 43-245, Revised Statutes Supplement,
11 2009, is amended to read:

12 43-245 For purposes of the Nebraska Juvenile Code, unless
13 the context otherwise requires:

14 (1) Age of majority means nineteen years of age;

15 (2) Approved center means a center that has applied for
16 and received approval from the Director of the Office of Dispute
17 Resolution under section 25-2909;

18 (3) Cost or costs means (a) the sum or equivalent
19 expended, paid, or charged for goods or services, or expenses
20 incurred, or (b) the contracted or negotiated price;

21 (4) Civil citation means a noncriminal notice which
22 cannot result in a criminal record and is described in section 9 of
23 this act;

24 ~~(4)~~ (5) Criminal street gang means a group of three or
25 more people with a common identifying name, sign, or symbol whose
26 group identity or purposes include engaging in illegal activities;

27 ~~(5)~~ (6) Criminal street gang member means a person who

1 willingly or voluntarily becomes and remains a member of a criminal
2 street gang;

3 ~~(6)~~ (7) Juvenile means any person under the age of
4 eighteen;

5 ~~(7)~~ (8) Juvenile court means the separate juvenile court
6 where it has been established pursuant to sections 43-2,111 to
7 43-2,127 and the county court sitting as a juvenile court in all
8 other counties. Nothing in the Nebraska Juvenile Code shall be
9 construed to deprive the district courts of their habeas corpus,
10 common-law, or chancery jurisdiction or the county courts and
11 district courts of jurisdiction of domestic relations matters as
12 defined in section 25-2740;

13 ~~(8)~~ (9) Juvenile detention facility has the same meaning
14 as in section 83-4,125;

15 ~~(9)~~ (10) Mediator for juvenile offender and victim
16 mediation means a person who (a) has completed at least thirty
17 hours of training in conflict resolution techniques, neutrality,
18 agreement writing, and ethics set forth in section 25-2913, (b) has
19 an additional eight hours of juvenile offender and victim mediation
20 training, and (c) meets the apprenticeship requirements set forth
21 in section 25-2913;

22 ~~(10)~~ (11) Mental health facility means a treatment
23 facility as defined in section 71-914 or a government, private, or
24 state hospital which treats mental illness;

25 ~~(11)~~ (12) Nonoffender means a juvenile who is subject
26 to the jurisdiction of the juvenile court for reasons other
27 than legally prohibited conduct, including, but not limited to,

1 juveniles described in subdivision (3)(a) of section 43-247;

2 ~~(12)~~ (13) Nonsecure detention means detention
3 characterized by the absence of restrictive hardware, construction,
4 and procedure. Nonsecure detention services may include a range
5 of placement and supervision options, such as home detention,
6 electronic monitoring, day reporting, drug court, tracking and
7 monitoring supervision, staff secure and temporary holdover
8 facilities, and group homes;

9 ~~(13)~~ (14) Parent means one or both parents or a
10 stepparent when such stepparent is married to the custodial parent
11 as of the filing of the petition;

12 ~~(14)~~ (15) Parties means the juvenile as described in
13 section 43-247 and his or her parent, guardian, or custodian;

14 ~~(15)~~ (16) Except in proceedings under the Nebraska Indian
15 Child Welfare Act, relative means father, mother, grandfather,
16 grandmother, brother, sister, stepfather, stepmother, stepbrother,
17 stepsister, uncle, aunt, first cousin, nephew, or niece;

18 (17) Seal a record means that a record shall not be
19 available to the public except upon the order of a court upon good
20 cause shown;

21 ~~(16)~~ (18) Secure detention means detention in a highly
22 structured, residential, hardware-secured facility designed to
23 restrict a juvenile's movement;

24 ~~(17)~~ (19) Status offender means a juvenile who has been
25 charged with or adjudicated for conduct which would not be a crime
26 if committed by an adult, including, but not limited to, juveniles
27 charged under subdivision (3)(b) of section 43-247 and sections

1 53-180.01 and 53-180.02; and

2 ~~(18)~~ (20) Traffic offense means any nonfelonious act in
3 violation of a law or ordinance regulating vehicular or pedestrian
4 travel, whether designated a misdemeanor or a traffic infraction.

5 Sec. 12. Section 43-246, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 43-246 Acknowledging the responsibility of the juvenile
8 court to act to preserve the public peace and security, the
9 Nebraska Juvenile Code shall be construed to effectuate the
10 following:

11 (1) To assure the rights of all juveniles to care
12 and protection and a safe and stable living environment and to
13 development of their capacities for a healthy personality, physical
14 well-being, and useful citizenship and to protect the public
15 interest;

16 (2) To provide for the intervention of the juvenile court
17 in the interest of any juvenile who is within the provisions of
18 the Nebraska Juvenile Code, with due regard to parental rights and
19 capacities and the availability of nonjudicial resources;

20 (3) To remove juveniles who are within the Nebraska
21 Juvenile Code from the criminal justice system whenever possible
22 and to reduce the possibility of their committing future law
23 violations through the provision of social and rehabilitative
24 services to such juveniles and their families;

25 (4) To offer selected juveniles the opportunity to take
26 direct personal responsibility for their individual actions by
27 reconciling with the victims through juvenile offender and victim

1 mediation and fulfilling the terms of the resulting agreement which
2 may require restitution and community service;

3 (5) To achieve the purposes of subdivisions (1) through
4 (3) of this section in the juvenile's own home whenever possible,
5 separating the juvenile from his or her parent when necessary for
6 his or her welfare, the juvenile's health and safety being of
7 paramount concern, or in the interest of public safety and, when
8 temporary separation is necessary, to consider the developmental
9 needs of the individual juvenile in all placements, to consider
10 relatives as a preferred potential placement resource, and to make
11 reasonable efforts to preserve and reunify the family if required
12 under section 43-283.01;

13 (6) To promote adoption, guardianship, or other permanent
14 arrangements for children in the custody of the Department of
15 Health and Human Services who are unable to return home;

16 (7) To provide a judicial procedure through which these
17 purposes and goals are accomplished and enforced in which the
18 parties are assured a fair hearing and their constitutional and
19 other legal rights are recognized and enforced; ~~and~~

20 (8) To assure compliance, in cases involving Indian
21 children, with the Nebraska Indian Child Welfare Act; ~~and-~~

22 (9) To make any temporary placement of a juvenile in the
23 least restrictive environment consistent with the best interests of
24 the juvenile and the safety of the community.

25 Sec. 13. Section 43-248, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 43-248 A peace officer may take a juvenile ~~may be taken~~

1 into temporary custody ~~by any peace officer~~ without a warrant or
2 order of the court and proceed as provided in section 43-250 when:

3 (1) A juvenile has violated a state law or municipal
4 ordinance ~~in the presence of the officer,~~ and the officer
5 has reasonable grounds to believe such juvenile committed such
6 violation;

7 ~~(2) A felony has been committed and the officer has~~
8 ~~reasonable grounds to believe such juvenile committed it;~~

9 ~~(3)~~ (2) A juvenile is seriously endangered in his or her
10 surroundings and immediate removal appears to be necessary for the
11 juvenile's protection;

12 ~~(4)~~ (3) The officer believes the juvenile to be mentally
13 ill and dangerous as defined in section 71-908 and that the harm
14 described in that section is likely to occur before proceedings may
15 be instituted before the juvenile court; ~~or~~

16 ~~(5)~~ (4) The officer has reasonable grounds to
17 believe that the juvenile has run away from his or her parent,
18 guardian, or custodian; ~~or~~

19 (5) A probation officer has reasonable cause to believe
20 that a juvenile is in violation of probation and that the juvenile
21 will attempt to leave the jurisdiction or place lives or property
22 in danger; or

23 (6) The officer has reasonable grounds to believe the
24 juvenile is truant from school.

25 Sec. 14. Section 43-250, Revised Statutes Supplement,
26 2009, is amended to read:

27 43-250 (1) A peace officer who takes a juvenile into

1 temporary custody under section 29-401 or subdivision (1), (4), or
2 (5) of section 43-248 or pursuant to a legal warrant of arrest
3 shall immediately take reasonable measures to notify the juvenile's
4 parent, guardian, custodian, or relative and shall proceed as
5 follows:

6 ~~(1)~~ (a) The peace officer ~~shall~~ may release such a
7 juvenile taken into temporary custody under section 29-401 or
8 subdivision (1) or (4) of section 43-248;

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

1 ~~(3)~~ While retaining (c) The peace officer may retain
2 temporary custody, the peace officer shall of a juvenile taken into
3 temporary custody under section 29-401 or subdivision (1), (4),
4 or (5) of section 43-248 and communicate all relevant available
5 information regarding such juvenile to the probation officer and
6 ~~shall~~ deliver the juvenile, if necessary, to the probation officer.
7 The probation officer shall determine the need for detention of the
8 juvenile as provided in section 43-260.01. Upon determining that
9 the juvenile should be placed in a secure or nonsecure placement
10 and securing placement in such secure or nonsecure setting by the
11 probation officer, the peace officer shall implement the probation
12 officer's decision to release or to detain and place the juvenile.
13 When secure detention of a juvenile is necessary, such detention
14 shall occur within a juvenile detention facility except:

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

25 ~~(b)~~ (ii) When a juvenile described in subdivision (1)
26 or (2) of section 43-247, except for a status offender, is taken
27 into temporary custody outside of a metropolitan statistical area

1 and where no juvenile detention facility is reasonably available,
2 the juvenile may be delivered, for temporary custody not to exceed
3 twenty-four hours excluding nonjudicial days and while awaiting an
4 initial court appearance, to a secure area of a jail or other
5 facility intended or used for the detention of adults solely for
6 the purposes of identifying the juvenile and ascertaining his
7 or her health and well-being and for safekeeping while awaiting
8 transport to an appropriate juvenile placement or release to a
9 responsible party;

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

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

22 ~~(e)~~ (v) If, within the time limits specified in
23 subdivision ~~(3)(a)~~ or ~~(3)(b)~~ (1)(c)(i) or (1)(c)(ii) of this
24 section, a felony charge is filed against the juvenile as an adult
25 in county or district court, he or she may be securely held in a
26 jail or other facility intended or used for the detention of adults
27 beyond the specified time limits;

1 ~~(f)~~ (vi) A status offender or nonoffender taken into
2 temporary custody shall not be held in a secure area of a jail
3 or other facility intended or used for the detention of adults. A
4 Until January 1, 2013, a status offender accused of violating a
5 valid court order may be securely detained in a juvenile detention
6 facility longer than twenty-four hours if he or she is afforded
7 a detention hearing before a court within twenty-four hours,
8 excluding nonjudicial days, and if, prior to a dispositional
9 commitment to secure placement, a public agency, other than a court
10 or law enforcement agency, is afforded an opportunity to review the
11 juvenile's behavior and possible alternatives to secure placement
12 and has submitted a written report to the court; and

13 ~~(g)~~ (vii) A juvenile described in subdivision (1) or (2)
14 of section 43-247, except for a status offender, may be held in a
15 secure area of a jail or other facility intended or used for the
16 detention of adults for up to six hours before and six hours after
17 any court appearance;

18 ~~(4)~~ (2) When a juvenile is taken into temporary custody
19 pursuant to subdivision ~~(3)~~ (2) of section 43-248, the peace
20 officer shall deliver the custody of such juvenile to the
21 Department of Health and Human Services which shall make a
22 temporary placement of the juvenile in the least restrictive
23 environment consistent with the best interests of the juvenile as
24 determined by the department. The department shall supervise such
25 placement and, if necessary, consent to any necessary emergency
26 medical, psychological, or psychiatric treatment for such juvenile.
27 The department shall have no other authority with regard to such

1 temporary custody until or unless there is an order by the court
2 placing the juvenile in the custody of the department. If the
3 peace officer delivers temporary custody of the juvenile pursuant
4 to this subdivision, the peace officer shall make a full written
5 report to the county attorney within twenty-four hours of taking
6 such juvenile into temporary custody. If a court order of temporary
7 custody is not issued within forty-eight hours of taking the
8 juvenile into custody, the temporary custody by the department
9 shall terminate and the juvenile shall be returned to the custody
10 of his or her parent, guardian, custodian, or relative.

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

1 juvenile's placement. ~~or~~

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

5 ~~(6) Beginning July 1, 2010, a~~ (5) A juvenile taken into
6 custody pursuant to a legal warrant of arrest shall be delivered
7 to the probation officer who shall determine the need for detention
8 of the juvenile as provided in section 43-260.01. If detention is
9 not required, the juvenile may be released without bond if such
10 release is in the best interests of the juvenile, the safety of the
11 community is not at risk, and the court that issued the warrant is
12 notified that the juvenile has been taken into custody.

13 (6) In determining the appropriate temporary placement of
14 a juvenile under this section, the peace officer shall select the
15 placement which is least restrictive of the juvenile's freedom so
16 long as such placement is compatible with the best interests of the
17 juvenile and the safety of the community.

18 Sec. 15. Section 43-253, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 43-253 (1) Upon delivery to the probation officer of
21 a juvenile who has been taken into temporary custody under
22 sections 29-401, 43-248, or ~~and~~ 43-250, the probation officer
23 shall immediately investigate the situation of the juvenile and the
24 nature and circumstances of the events surrounding his or her being
25 taken into custody. Such investigation may be by informal means
26 when appropriate.

27 (2) The probation officer's decision to release the

1 juvenile from custody or place the juvenile in secure or nonsecure
2 detention shall be based upon the results of the standardized
3 juvenile detention screening instrument described in section
4 43-260.01.

5 (3) No juvenile who has been taken into temporary custody
6 under subdivision ~~(3)~~ (1)(c) of section 43-250 shall be detained
7 in any secure detention facility for longer than twenty-four hours,
8 excluding nonjudicial days, after having been taken into custody
9 unless such juvenile has appeared personally before a court of
10 competent jurisdiction for a hearing to determine if continued
11 detention is necessary. If continued secure detention is ordered,
12 such detention shall be in a juvenile detention facility, except
13 that a juvenile charged with a felony as an adult in county or
14 district court may be held in an adult jail as set forth in
15 subdivision ~~(3)(e)~~ (1)(c)(v) of section 43-250.

16 (4) When the probation officer deems it to be in the best
17 interests of the juvenile, the probation officer shall immediately
18 release such juvenile to the custody of his or her parent. If
19 the juvenile has both a custodial and a noncustodial parent and
20 the probation officer deems that release of the juvenile to the
21 custodial parent is not in the best interests of the juvenile,
22 the probation officer shall, if it is deemed to be in the best
23 interests of the juvenile, attempt to contact the noncustodial
24 parent, if any, of the juvenile and to release the juvenile to such
25 noncustodial parent. If such release is not possible or not deemed
26 to be in the best interests of the juvenile, the probation officer
27 may release the juvenile to the custody of a legal guardian, a

1 responsible relative, or another responsible person.

2 (5) The court may admit such juvenile to bail by bond in
3 such amount and on such conditions and security as the court, in
4 its sole discretion, shall determine, or the court may proceed as
5 provided in section 43-254. In no case shall the court or probation
6 officer release such juvenile if it appears that further detention
7 or placement of such juvenile is a matter of immediate and urgent
8 necessity for the protection of such juvenile or the person or
9 property of another or if it appears that such juvenile is likely
10 to flee the jurisdiction of the court.

11 Sec. 16. Section 43-254, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 43-254 Pending the adjudication of any case, if it
14 appears that the need for placement or further detention exists,
15 the juvenile may be (1) placed or detained a reasonable period of
16 time on order of the court in the temporary custody of either the
17 person having charge of the juvenile or some other suitable person,
18 (2) kept in some suitable place provided by the city or county
19 authorities, (3) placed in any proper and accredited charitable
20 institution, (4) placed in a state institution, except any adult
21 correctional facility, when proper facilities are available and the
22 only local facility is a city or county jail, at the expense of
23 the committing county on a per diem basis as determined from time
24 to time by the head of the particular institution, or (5) placed
25 in the temporary care and custody of the Department of Health and
26 Human Services when it does not appear that there is any need for
27 secure detention. The court may assess the cost of such placement

1 or detention in whole or in part to the parent of the juvenile as
2 provided in section 43-290.

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

11 Sec. 17. Section 43-254.01, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 43-254.01 (1) Any time a juvenile is temporarily placed
14 at a mental health facility pursuant to ~~subdivision (5)~~ subsection
15 (3) of section 43-250 or by a court as a juvenile who is mentally
16 ill and dangerous, a mental health professional as defined in
17 section 71-906 shall evaluate the mental condition of the juvenile
18 as soon as reasonably possible but not later than thirty-six hours
19 after the juvenile's admission, unless the juvenile was evaluated
20 by a mental health professional immediately prior to the juvenile
21 being placed in temporary custody and the temporary custody is
22 based upon the conclusions of that evaluation. The mental health
23 professional who performed the evaluation prior to the temporary
24 custody or immediately after the temporary custody shall, without
25 delay, convey the results of his or her evaluation to the county
26 attorney.

27 (2) If it is the judgment of the mental health

1 professional that the juvenile is not mentally ill and dangerous or
2 that the harm described in section 71-908 is not likely to occur
3 before the matter may be heard by a juvenile court, the mental
4 health professional shall immediately notify the county attorney
5 of that conclusion and the county attorney shall either proceed
6 to hearing before the court within twenty-four hours or order the
7 immediate release of the juvenile from temporary custody. Such
8 release shall not prevent the county attorney from proceeding on
9 the petition if he or she so chooses.

10 (3) A juvenile taken into temporary protective custody
11 under ~~subdivision (5)~~ subsection (3) of section 43-250 shall
12 have the opportunity to proceed to adjudication hearing within
13 seven days unless the matter is continued. Continuances shall be
14 liberally granted at the request of the juvenile, his or her
15 guardian ad litem, attorney, parents, or guardian. Continuances
16 may be granted to permit the juvenile an opportunity to obtain
17 voluntary treatment.

18 Sec. 18. Section 43-256, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 43-256 When the court enters an order continuing
21 placement or detention pursuant to section 43-253, upon request
22 of the juvenile, or his or her parent, guardian, or attorney,
23 the court shall hold a hearing within forty-eight hours, at which
24 hearing the burden of proof shall be upon the state to show
25 probable cause that such juvenile is within the jurisdiction of the
26 court. Strict rules of evidence shall not apply at the probable
27 cause hearing. The juvenile shall be released if probable cause is

1 not shown. At the option of the court, it may hold the adjudication
2 hearing provided in section 43-279 as soon as possible instead
3 of the probable cause hearing if held within a reasonable period
4 of time. This section and section 43-255 shall not apply to a
5 juvenile (1) who has escaped from a commitment or (2) who has been
6 taken into custody for his or her own protection as provided in
7 subdivision ~~(3)~~ (2) of section 43-248 in which case the juvenile
8 shall be held on order of the court with jurisdiction for a
9 reasonable period of time.

10 Sec. 19. Section 43-258, Reissue Revised Statutes of
11 Nebraska, is amended to read:

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

21 (2) Pending the adjudication of any case under the
22 Nebraska Juvenile Code and after a showing of probable cause that
23 the juvenile is within the court's jurisdiction, for the purposes
24 of subsection (1) of this section, the court may order such
25 juvenile to be placed in one of the facilities or institutions
26 of the State of Nebraska. Such juvenile shall not be placed
27 in an adult correctional facility, the secure youth confinement

1 facility operated by the Department of Correctional Services, or
2 a youth rehabilitation and treatment center. Any placement for
3 evaluation may be made on a residential or nonresidential basis for
4 a period not to exceed thirty days except as provided by section
5 43-415. The head of any facility or institution shall make a
6 complete evaluation of the juvenile, including any authorized area
7 of inquiry requested by the court. Any temporary placement of a
8 juvenile made under this section shall be in the least restrictive
9 environment consistent with the best interests of the juvenile and
10 the safety of the community.

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

20 (4) In order to encourage the use of the procedure
21 provided in this section, all costs incurred during the period the
22 juvenile is being evaluated at a state facility or program funded
23 by the Office of Juvenile Services shall be the responsibility of
24 the state unless otherwise ordered by the court pursuant to section
25 43-290. The county in which the case is pending shall be liable
26 only for the cost of delivering the juvenile to the facility or
27 institution and the cost of returning him or her to the court for

1 disposition.

2 Sec. 20. Section 43-272.01, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 43-272.01 (1) A guardian ad litem as provided for in
5 subsections (2) and (3) of section 43-272 shall be appointed
6 when a child is removed from his or her surroundings pursuant to
7 subdivision ~~(3) or (4)~~ (2) or (3) of section 43-248, ~~subdivision~~
8 ~~(4)~~ subsection (2) of section 43-250, or section 43-251. If removal
9 has not occurred, a guardian ad litem shall be appointed at the
10 commencement of all cases brought under subdivision (3)(a) or (8)
11 of section 43-247 and section 28-707.

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

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

22 (b) Is not appointed to defend the parents or other
23 custodian of the protected juvenile but shall defend the legal
24 and social interests of such juvenile. Social interests shall
25 be defined generally as the usual and reasonable expectations of
26 society for the appropriate parental custody and protection and
27 quality of life for juveniles without regard to the socioeconomic

1 status of the parents or other custodians of the juvenile;

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

8 (d) Shall make every reasonable effort to become
9 familiar with the needs of the protected juvenile which (i) shall
10 include consultation with the juvenile within two weeks after the
11 appointment and once every six months thereafter and inquiry of
12 the most current caseworker, foster parent, or other custodian
13 and (ii) may include inquiry of others directly involved with
14 the juvenile or who may have information or knowledge about the
15 circumstances which brought the juvenile court action or related
16 cases and the development of the juvenile, including biological
17 parents, physicians, psychologists, teachers, and clergy members;

18 (e) May present evidence and witnesses and cross-examine
19 witnesses at all evidentiary hearings. In any proceeding under this
20 section relating to a child of school age, certified copies of
21 school records relating to attendance and academic progress of such
22 child are admissible in evidence;

23 (f) Shall be responsible for making recommendations to
24 the court regarding the temporary and permanent placement of the
25 protected juvenile and shall submit a written report to the court
26 at every dispositional or review hearing, or in the alternative,
27 the court may provide the guardian ad litem with a checklist

1 that shall be completed and presented to the court at every
2 dispositional or review hearing;

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

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

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

11 (4) For purposes of subdivision (2)(d) of this section,
12 the court may order the expense of such consultation, if any, to be
13 paid by the county in which the juvenile court action is brought
14 or the court may, after notice and hearing, assess the cost of
15 such consultation, if any, in whole or in part to the parents of
16 the juvenile. The ability of the parents to pay and the amount
17 of the payment shall be determined by the court by appropriate
18 examination.

19 Sec. 21. Section 43-278, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 43-278 Except as provided in sections 43-254.01 and
22 43-277.01, all cases filed under subdivision (3) of section 43-247
23 shall have an adjudication hearing not more than ninety days after
24 a petition is filed. Upon a showing of good cause, the court may
25 continue the case beyond the ninety-day period. The court shall
26 also review every case filed under such subdivision which has
27 been adjudicated or transferred to it for disposition not less

1 than once every six months. All communications, notices, orders,
2 authorizations, and requests authorized or required in the Nebraska
3 Juvenile Code; all nonevidentiary hearings; and any evidentiary
4 hearings approved by the court and by stipulation of all parties
5 may be heard by the court telephonically or by videoconferencing
6 in a manner that ensures the preservation of an accurate record.
7 ~~with the exception of any adjudication hearing, disposition~~
8 ~~hearing, or hearing to terminate parental rights, may be made by~~
9 ~~telephone when other means of communication are impractical as~~
10 ~~determined by the court. All of the orders generated by way of~~
11 ~~a telephonic or videoconference hearing shall be recorded as if~~
12 ~~the judge were conducting a hearing on the record. Telephonic and~~
13 ~~videoconference hearings allowed under this section shall not be in~~
14 ~~conflict with section 24-734.~~

15 Sec. 22. Section 43-285, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 43-285 (1) When the court awards a juvenile to the care
18 of the Department of Health and Human Services, an association,
19 or an individual in accordance with the Nebraska Juvenile Code,
20 the juvenile shall, unless otherwise ordered, become a ward and
21 be subject to the guardianship of the department, association,
22 or individual to whose care he or she is committed. Any such
23 association and the department shall have authority, by and
24 with the assent of the court, to determine the care, placement,
25 medical services, psychiatric services, training, and expenditures
26 on behalf of each juvenile committed to it. Such guardianship shall
27 not include the guardianship of any estate of the juvenile.

1 (2) Following an adjudication hearing at which a juvenile
2 is adjudged to be under subdivision (3) of section 43-247, the
3 court may order the department to prepare and file with the
4 court a proposed plan for the care, placement, services, and
5 permanency which are to be provided to such juvenile and his
6 or her family. The health and safety of the juvenile shall be
7 the paramount concern in the proposed plan. The department shall
8 include in the plan for a juvenile who is sixteen years of
9 age or older and subject to the guardianship of the department
10 a written proposal describing programs and services designed to
11 assist the juvenile in acquiring independent living skills. If
12 any other party, including, but not limited to, the guardian
13 ad litem, parents, county attorney, or custodian, proves by a
14 preponderance of the evidence that the department's plan is not
15 in the juvenile's best interests, the court shall disapprove the
16 department's plan. The court may modify the plan, order that an
17 alternative plan be developed, or implement another plan that is
18 in the juvenile's best interests. In its order the court shall
19 include a finding regarding the appropriateness of the programs and
20 services described in the proposal designed to assist the juvenile
21 in acquiring independent living skills. Rules of evidence shall not
22 apply at the dispositional hearing when the court considers the
23 plan that has been presented. ~~The department or any other party~~
24 ~~may request a review of the court's order concerning the plan by a~~
25 ~~juvenile review panel as provided in section 43-287.04.~~

26 (3) Within thirty days after an order awarding a juvenile
27 to the care of the department, an association, or an individual

1 and until the juvenile reaches the age of majority, the department,
2 association, or individual shall file with the court a report
3 stating the location of the juvenile's placement and the needs of
4 the juvenile in order to effectuate the purposes of subdivision
5 (1) of section 43-246. The department, association, or individual
6 shall file a report with the court once every six months or at
7 shorter intervals if ordered by the court or deemed appropriate
8 by the department, association, or individual. The department,
9 association, or individual shall file a report and notice of
10 placement change with the court and shall send copies of the
11 notice to all interested parties at least seven days before the
12 placement of the juvenile is changed from what the court originally
13 considered to be a suitable family home or institution to some
14 other custodial situation in order to effectuate the purposes of
15 subdivision (1) of section 43-246. The court, on its own motion
16 or upon the filing of an objection to the change by an interested
17 party, may order a hearing to review such a change in placement
18 and may order that the change be stayed until the completion of
19 the hearing. Nothing in this section shall prevent the court on
20 an ex parte basis from approving an immediate change in placement
21 upon good cause shown. The department may make an immediate change
22 in placement without court approval only if the juvenile is in a
23 harmful or dangerous situation or when the foster parents request
24 that the juvenile be removed from their home. Approval of the court
25 shall be sought within twenty-four hours after making the change in
26 placement or as soon thereafter as possible. ~~The department or any~~
27 ~~other party may request a review of the change in placement by a~~

1 ~~juvenile review panel in the manner set out in section 43-287.04.~~
2 The department shall provide the juvenile's guardian ad litem with
3 a copy of any report filed with the court by the department
4 pursuant to this subsection.

5 (4) The court shall also hold a permanency hearing if
6 required under section 43-1312.

7 (5) When the court awards a juvenile to the care of the
8 department, an association, or an individual, then the department,
9 association, or individual shall have standing as a party to file
10 any pleading or motion, to be heard by the court with regard to
11 such filings, and to be granted any review or relief requested in
12 such filings consistent with the Nebraska Juvenile Code.

13 (6) Whenever a juvenile is in a foster care placement as
14 defined in section 43-1301, the State Foster Care Review Board may
15 participate in proceedings concerning the juvenile as provided in
16 section 43-1313 and notice shall be given as provided in section
17 43-1314.

18 (7) Any written findings or recommendations of the State
19 Foster Care Review Board or any designated local foster care
20 review board with regard to a juvenile in a foster care placement
21 submitted to a court having jurisdiction over such juvenile shall
22 be admissible in any proceeding concerning such juvenile if such
23 findings or recommendations have been provided to all other parties
24 of record.

25 (8) Any member of the State Foster Care Review Board,
26 any of its agents or employees, or any member of any local foster
27 care review board participating in an investigation or making any

1 report pursuant to the Foster Care Review Act or participating in a
2 judicial proceeding pursuant to this section shall be immune from
3 any civil liability that would otherwise be incurred except for
4 false statements negligently made.

5 Sec. 23. (1) When a juvenile is adjudged to be a juvenile
6 described in subdivision (1), (2), or (3)(b) of section 43-247, the
7 juvenile court may:

8 (a) If such juvenile has one or more licenses or permits
9 issued under the Motor Vehicle Operator's License Act impound any
10 such licenses or permits for thirty days; or

11 (b) If such juvenile does not have a permit or license
12 issued under the Motor Vehicle Operator's License Act prohibit
13 such juvenile from obtaining any permit or any license pursuant to
14 the act for which such juvenile would otherwise be eligible until
15 thirty days after the date of such order.

16 (2) A copy of an abstract of the juvenile court's
17 adjudication shall be transmitted to the Director of Motor Vehicles
18 pursuant to sections 60-497.01 to 60-497.04 if a license or permit
19 is impounded under subsection (1) of this section. If a juvenile
20 whose operator's license or permit has been impounded by a juvenile
21 court operates a motor vehicle during any period that he or she
22 is subject to the court order not to operate any motor vehicle or
23 after a period of impoundment but before return of the license or
24 permit, such violation shall be handled in the juvenile court and
25 not as a violation of section 60-4,108.

26 (3) When a juvenile is adjudged to be a juvenile
27 described in subdivision (3)(a) of section 43-247 for excessive

1 absenteeism from school, the juvenile court may issue the parents
2 or guardians of such juvenile a fine not to exceed five hundred
3 dollars for each offense or order such parents or guardians
4 to complete specified hours of community service. For community
5 service ordered under this subsection, the juvenile court may
6 require that all or part of the service be performed for a public
7 school district or nonpublic school if the court finds that service
8 in the school is appropriate under the circumstances.

9 Sec. 24. Section 43-2,106.01, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 43-2,106.01 (1) Any final order or judgment entered by a
12 juvenile court may be appealed to the Court of Appeals in the same
13 manner as an appeal from district court to the Court of Appeals.
14 The appellate court shall conduct its review ~~within the same time~~
15 ~~and in the same manner prescribed by law for review of an order~~
16 ~~or judgment of the district court, except as provided in sections~~
17 ~~43-287.01 to 43-287.06 and except that when appeal is taken from~~
18 ~~a finding by the juvenile court terminating parental rights, the~~
19 ~~cause shall be advanced for argument before the appellate court~~
20 ~~and the appellate court shall, in order to expedite the preferred~~
21 ~~disposition of the case and the juvenile, in an expedited manner~~
22 and shall render the judgment and write its opinion, if any, as
23 speedily as possible.

24 (2) An appeal may be taken by:

25 (a) The juvenile;

26 (b) The guardian ad litem;

27 (c) The juvenile's parent, custodian, or guardian. For

1 purposes of this subdivision, custodian or guardian shall include,
2 but not be limited to, the Department of Health and Human Services,
3 an association, or an individual to whose care the juvenile has
4 been awarded pursuant to the Nebraska Juvenile Code; or

5 (d) The county attorney or petitioner, except that in
6 any case determining delinquency issues in which the juvenile has
7 been placed legally in jeopardy, an appeal of such issues may only
8 be taken by exception proceedings pursuant to sections 29-2317 to
9 29-2319.

10 (3) In all appeals from the county court sitting as
11 a juvenile court, the judgment of the appellate court shall
12 be certified without cost to the juvenile court for further
13 proceedings consistent with the determination of the appellate
14 court.

15 Sec. 25. Sections 25 to 29 of this act apply only
16 to persons who were under the age of eighteen years when the
17 offense took place and the county attorney or city attorney offered
18 juvenile pretrial diversion or mediation to the juvenile under
19 the Nebraska Juvenile Code or filed a juvenile court petition
20 describing the juvenile as a juvenile described in subdivision (1),
21 (2), (3)(b), or (4) of section 43-247 or the county attorney or
22 city attorney filed a criminal complaint in county court against
23 such juvenile for a misdemeanor or infraction, other than for a
24 traffic offense that may be waived, under the laws of this state or
25 a city or village ordinance.

26 Sec. 26. For a juvenile described in section 25 of this
27 act, the county attorney or city attorney shall, in addition to the

1 filings or actions described in such section, provide the juvenile
2 with written notice that:

3 (1) States in plain language that the juvenile may
4 petition the court to seal the record when the juvenile has
5 satisfactorily completed the diversion, mediation, probation,
6 supervision, or other treatment or rehabilitation program provided
7 to the juvenile under the Nebraska Juvenile Code or has
8 satisfactorily completed the diversion or sentence ordered by a
9 county court; and

10 (2) Explains in plain language what sealing the record
11 means.

12 Sec. 27. (1) Notwithstanding subsection (2) of this
13 section, if the juvenile was taken into custody or arrested but
14 no juvenile petition or criminal complaint was filed against the
15 juvenile with respect to the arrest or custody, the county attorney
16 or city attorney shall notify the appropriate public office or
17 agency responsible for the arrest or custody that no criminal
18 charge or juvenile court petition was filed.

19 (2) If the county attorney or city attorney has offered
20 and the juvenile has agreed to pretrial diversion or mediation,
21 the county attorney or city attorney shall notify the appropriate
22 public office or agency responsible for the arrest or custody that
23 the juvenile has satisfactorily completed the resulting diversion
24 or mediation.

25 (3) Upon receiving notice under subsection (1) or (2)
26 of this section, the public office or agency shall immediately
27 seal all original records housed at that public office or agency

1 pertaining to the citation, arrest, record of custody, complaint,
2 disposition, diversion, or mediation.

3 (4) If a juvenile described in section 25 of this act has
4 satisfactorily completed such juvenile's probation, supervision,
5 or other treatment or rehabilitation program provided under
6 the Nebraska Juvenile Code or has satisfactorily completed such
7 juvenile's diversion or sentence in county court and the juvenile
8 has attained at least the age of seventeen years, the court
9 shall initiate proceedings to seal the record pertaining to such
10 disposition, adjudication, or diversion or sentence of the county
11 court.

12 (5) At any time after a juvenile described in section 24
13 of this act has satisfactorily completed probation, supervision,
14 or other treatment or rehabilitation program under the code or has
15 satisfactorily completed diversion or sentence of the county court,
16 the court may, upon the motion of the juvenile or the court's own
17 motion, initiate proceedings to seal the record pertaining to such
18 disposition, dismissal following pretrial diversion under section
19 43-260.04, disposition under section 43-286, or any county court
20 records pertaining to such county court diversion or sentence.

21 Sec. 28. (1) The county attorney or city attorney
22 involved in the case that is the subject of the proceeding to
23 seal the record shall be promptly notified of the proceedings, and
24 the Department of Health and Human Services shall also be promptly
25 notified of the proceedings if the juvenile whose record is the
26 subject of the proceeding to seal the record is a ward of the state
27 or if the department was a party in the case.

1 (2) A party notified under subsection (1) of this section
2 may file a response with the court within thirty days after
3 receiving such notice.

4 (3) If a party notified under subsection (1) of this
5 section does not file a response with the court or files a response
6 that indicates there is no objection to the sealing of the record,
7 the court may order the record of the juvenile under consideration
8 be sealed without conducting a hearing on the motion. If the court
9 decides in its discretion to conduct a hearing on the motion, the
10 court shall conduct the hearing within thirty days after making
11 that decision and shall give notice, by regular mail, of the date,
12 time, and location of the hearing to the parties receiving notice
13 under subsection (1) of this section and to the juvenile who is the
14 subject of the record under consideration.

15 (4) If a party receiving notice under subsection (1) of
16 this section files a response with the court objecting to the
17 sealing of the record, the court shall conduct a hearing on the
18 motion within thirty days after the court receives the response.
19 The court shall give notice, by regular mail, of the date, time,
20 and location of the hearing to the parties receiving notice under
21 subsection (1) of this section and to the juvenile who is the
22 subject of the record under consideration.

23 (5) After conducting a hearing in accordance with this
24 section, the court may order the record of the juvenile that is the
25 subject of the motion to be sealed if it finds that the juvenile
26 has been rehabilitated to a satisfactory degree. In determining
27 whether the juvenile has been rehabilitated to a satisfactory

1 degree, the court may consider all of the following:

2 (a) The age of the juvenile;

3 (b) The nature of the offense and the role of the
4 juvenile in the offense;

5 (c) The behavior of the juvenile after the adjudication
6 and the juvenile's response to treatment and rehabilitation
7 programs;

8 (d) The education and employment history of the juvenile;
9 and

10 (e) Any other circumstances that may relate to the
11 rehabilitation of the juvenile who is the subject of the record
12 under consideration.

13 (6) If, after conducting the hearing in accordance with
14 this section, the juvenile is not found to be satisfactorily
15 rehabilitated such that the record is not ordered to be sealed, a
16 juvenile who is a person described in section 25 of this act may
17 not move the court to seal the record for a period of one year,
18 unless waived by the court.

19 (7) The juvenile court or county court shall provide
20 verbal notice to a juvenile whose record is sealed, if that
21 juvenile is present in the court at the time the court issues a
22 sealing order, and explain what sealing a record means.

23 (8) The juvenile court or county court shall provide
24 written notice to a juvenile whose record is sealed under this
25 section by regular mail to the juvenile's last-known address, if
26 that juvenile is not present in the court at the time the court
27 issues a sealing order, that explains what sealing a record means.

1 Sec. 29. (1) If the court orders the records of a
2 juvenile sealed pursuant to section 28 of this act, the juvenile
3 who is subject of the order properly may, and the court, county
4 attorneys, city attorneys, and institutions, persons, or agencies
5 shall, reply that no record exists with respect to the juvenile
6 upon any public inquiry in the matter, and the court shall do all
7 of the following:

8 (a) Order that any information or other data concerning
9 any proceedings relating to the arrest, taking into custody,
10 petition, complaint, indictment, information, trial, hearing,
11 adjudication, correctional supervision, dismissal, or disposition
12 be deemed never to have occurred; and

13 (b) Send notice of the order to seal the record to any
14 law enforcement agencies and county attorneys or city attorneys and
15 institutions, persons, or agencies, including treatment providers,
16 therapists, or other service providers, referenced in the court
17 record and order that all original records of the case be sealed.

18 (2) Except as provided in subsection (3) of this section,
19 an order to seal the record applies to every public office or
20 agency that has a record relating to the case, regardless of
21 whether it receives notice of the hearing on the sealing of the
22 record or a copy of the order. Upon the written request of a person
23 whose record has been sealed and the presentation of a copy of such
24 order, a public office or agency shall seal all original records
25 relating to the case.

26 (3) A sealed record is still accessible to law
27 enforcement officers, county attorneys, city attorneys, and the

1 sentencing judge in the investigation of crimes and in the
2 prosecution and sentencing of criminal defendants. Inspection of
3 records that have been ordered sealed under section 28 of this act
4 may be made only by the following persons or for the following
5 purposes:

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

8 (b) By the Nebraska Probation System for purposes of
9 juvenile intake services, for presentence and other probation
10 investigations, and for the direct supervision of persons placed on
11 probation;

12 (c) By the Department of Health and Human Services for
13 purposes of juvenile intake services, the preparation of case plans
14 and reports, the preparation of evaluations, the supervision and
15 protection of persons placed with the department, or for licensing
16 or certification purposes under sections 71-1901 to 71-1906.01 or
17 the Child Care Licensing Act;

18 (d) Upon application, by the juvenile who is the subject
19 of the sealed record and by the person that is named in that
20 application;

21 (e) At the request of a party in a civil action that is
22 based on a case the record for which is the subject of a sealing
23 order issued under section 28 of this act, as needed for the civil
24 action. The party also may copy the record as needed for the civil
25 action. The sealed record shall be used solely in the civil action
26 and is otherwise confidential and subject to this section; or

27 (f) By persons engaged in bona fide research, with

1 the permission of the court, only if the research results
2 in no disclosure of a juvenile's identity and protects the
3 confidentiality of the record.

4 (4) No person shall knowingly release, disseminate, or
5 make available, for any purpose involving employment, bonding,
6 licensing, or education, to any person or to any department,
7 agency, or other instrumentality of the state or of any of
8 its political subdivisions, any information or other data
9 concerning any arrest, taking into custody, petition, complaint,
10 indictment, information, trial, hearing, adjudication, correctional
11 supervision, dismissal, or disposition, the record of which has
12 been sealed pursuant to section 28 of this act and the release,
13 dissemination, or making available of which is not expressly
14 permitted by this section or court order. Nothing in this section
15 shall prohibit a department from releasing, disseminating, or
16 making available information from sealed records in the performance
17 of its duties with respect to the supervision and protection of
18 persons placed with the department. Any person who violates this
19 section may be held in contempt of court.

20 (5) In any application for employment, license, or other
21 right or privilege, any appearance as a witness, or any other
22 inquiry, a person cannot be questioned with respect to any arrest
23 or taking into custody for which the record is sealed. If an
24 inquiry is made in violation of this subsection, the person may
25 respond as if the sealed arrest or taking into custody did not
26 occur, and the person is not subject to any adverse action because
27 of the arrest or taking into custody or the response. Applications

1 for employment shall contain specific language that states that the
2 applicant is not obligated to disclose a sealed juvenile record
3 or sentence. Employers shall not ask if an applicant has had
4 a juvenile record sealed. The Department of Labor shall develop
5 a link on the department's web site to inform employers that
6 employers cannot ask if an applicant had a juvenile record sealed
7 and that application for employment shall contain specific language
8 that states that the applicant is not obligated to disclose a
9 sealed juvenile record of arrest, custody, complaint, disposition,
10 diversion, adjudication, or sentence.

11 Sec. 30. Section 43-2,129, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 43-2,129 Sections 43-245 to 43-2,129 and sections 9, 10,
14 23, 25, 26, 27, 28, and 29 of this act shall be known and may be
15 cited as the Nebraska Juvenile Code.

16 Sec. 31. Section 43-415, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 43-415 A juvenile placed for evaluation with the Office
19 of Juvenile Services shall be returned to the court upon the
20 completion of the evaluation or at the end of thirty days,
21 whichever comes first. When the office finds that an extension of
22 the thirty-day period is necessary to complete the evaluation, the
23 court may order an extension not to exceed an additional thirty
24 days. The court shall hold a hearing within ten days after the
25 evaluation is completed and returned to the court by the office.

26 Sec. 32. Section 43-2404.02, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 43-2404.02 (1) There is created a separate and distinct
2 budgetary program within the commission to be known as the County
3 Juvenile Services Aid Program. Funding acquired from participation
4 in the federal act, state General Funds, and funding acquired
5 from other sources which may be used for purposes consistent with
6 the Juvenile Services Act and the federal act shall be used to
7 aid counties in the establishment and provision of community-based
8 services for accused and adjudicated juvenile offenders and to
9 increase capacity for community-based services to juveniles.

10 (2) The annual General Fund appropriation to the County
11 Juvenile Services Aid Program shall be apportioned to the counties
12 as aid in accordance with a formula established in rules and
13 regulations adopted and promulgated by the commission. The formula
14 shall be based on the total number of residents per county who
15 are twelve years of age through eighteen years of age and other
16 relevant factors as determined by the commission. The commission
17 may require a local match of up to forty percent from counties
18 receiving aid under such program. Any local expenditures for
19 community-based programs for juveniles may be applied toward such
20 match requirement.

21 (3) Funds provided to counties under the County Juvenile
22 Services Aid Program shall be used exclusively to assist counties
23 in implementation and operation of programs or services identified
24 in their comprehensive juvenile services plan, including, but not
25 limited to, programs for assessment and evaluation, prevention of
26 delinquent behavior, diversion, shelter care, intensive juvenile
27 probation services, restitution, family support services, and

1 family group conferencing. In distributing funds provided under
2 the County Juvenile Services Aid Program, counties shall prioritize
3 programs and services that will reduce the juvenile detention
4 population. No funds appropriated or distributed under the County
5 Juvenile Services Aid Program shall be used for construction of
6 secure detention facilities, secure youth treatment facilities,
7 or secure youth confinement facilities. Aid received under this
8 section shall not be used for capital construction or the lease or
9 acquisition of facilities and shall not be used to replace existing
10 funding for programs or services. Any funds not distributed to
11 counties under this subsection shall be retained by the commission
12 to be distributed on a competitive basis under the County Juvenile
13 Services Aid Program.

14 (4) Any county receiving funding under the County
15 Juvenile Services Aid Program shall file an annual report as
16 required by rules and regulations adopted and promulgated by the
17 commission. The report shall include, but not be limited to,
18 information on the total number of juveniles served, the units of
19 service provided, a listing of the county's annual juvenile justice
20 budgeted and actual expenditures, and a listing of expenditures for
21 detention, residential treatment, and nonresidential treatment.

22 (5) The commission shall report annually to the Governor
23 and the Legislature on the distribution and use of funds
24 appropriated under the County Juvenile Services Aid Program.

25 (6) The commission shall adopt and promulgate rules and
26 regulations to implement this section.

27 Sec. 33. Section 60-4,108, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 60-4,108 (1) It shall be unlawful for any person to
3 operate a motor vehicle during any period that he or she is subject
4 to a court order not to operate any motor vehicle for any purpose
5 or during any period that his or her operator's license has been
6 revoked or impounded pursuant to conviction or convictions for
7 violation of any law or laws of this state, by an order of any
8 court, or by an administrative order of the director. Except as
9 otherwise provided by subsection (3) of this section or by other
10 law, any person so offending shall (a) for a first such offense, be
11 guilty of a Class II misdemeanor, and the court shall, as a part
12 of the judgment of conviction, order such person not to operate any
13 motor vehicle for any purpose for a period of one year from the
14 date ordered by the court and also order the operator's license
15 of such person to be revoked for a like period and (b) for each
16 subsequent such offense, be guilty of a Class II misdemeanor, and
17 the court shall, as a part of the judgment of conviction, order
18 such person not to operate any motor vehicle for any purpose for
19 a period of two years from the date ordered by the court and also
20 order the operator's license of such person to be revoked for a
21 like period. Such orders of the court shall be administered upon
22 sentencing, upon final judgment of any appeal or review, or upon
23 the date that any probation is revoked, whichever is later.

24 (2) It shall be unlawful for any person to operate a
25 motor vehicle (a) during any period that his or her operator's
26 license has been suspended, (b) after a period of revocation
27 but before issuance of a new license, or (c) after a period of

1 impoundment but before the return of the license. ~~Any~~ Except as
2 provided in subsection (3) of this section, any person so offending
3 shall be guilty of a Class III misdemeanor, and the court may, as
4 a part of the judgment of conviction, order such person not to
5 operate any motor vehicle for any purpose for a period of one year
6 from the date ordered by the court, except that if the person at
7 the time of sentencing shows proof of reinstatement of his or her
8 suspended operator's license, proof of issuance of a new license,
9 or proof of return of the impounded license, the person shall only
10 be fined in an amount not to exceed one hundred dollars. If the
11 court orders the person not to operate a motor vehicle for a period
12 of one year from the date ordered by the court, the court shall
13 also order the operator's license of such person to be revoked for
14 a like period. Such orders of the court shall be administered upon
15 sentencing, upon final judgment of any appeal or review, or upon
16 the date that any probation is revoked, whichever is later.

17 (3) If a juvenile whose operator's license or permit
18 has been impounded by a juvenile court operates a motor vehicle
19 during any period that he or she is subject to the court order
20 not to operate any motor vehicle or after a period of impoundment
21 but before return of the license or permit, such violation shall
22 be handled in the juvenile court and not as a violation of this
23 section.

24 Sec. 34. Section 79-209, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 79-209 In all school districts in this state, any
27 superintendent, principal, teacher, or member of the school board

1 who knows of any violation of section 79-201 on the part of any
2 child of school age, his or her parent, the person in actual or
3 legal control of such child, or any other person shall within
4 three days report such violation to the attendance officer of
5 the school, who shall investigate the case. When of his or her
6 personal knowledge, by report or complaint from any resident of the
7 district, or by report or complaint as provided in this section,
8 the attendance officer believes that any child is unlawfully absent
9 from school, the attendance officer shall immediately investigate.

10 All school districts shall have a written policy on
11 excessive absenteeism developed in collaboration with the county
12 attorney of the county in which the district is located. The policy
13 shall state the number of absences or the hourly equivalent upon
14 the occurrence of which the school shall render all services in
15 its power to compel such child to attend some public, private,
16 denominational, or parochial school, which the person having
17 control of the child shall designate, in an attempt to ~~remediate~~
18 ~~the child's truant behavior.~~ address the problem of excessive
19 absenteeism. The number of absences in the policy shall not exceed
20 five days per quarter or the hourly equivalent. School districts
21 may use excused and unexcused absences for purposes of the policy.
22 Such services shall include, but need not be limited to:

23 (1) One or more meetings between a school attendance
24 officer, school social worker or other person designated by the
25 school administration if such school does not have a school
26 social worker, the child's parent or guardian, and the child, if
27 necessary, to report and to attempt to solve the ~~truancy~~ problem,

1 ~~unless the officer or worker has documented the refusal of the~~
2 ~~parent or guardian to participate in such meetings;~~ of excessive
3 absenteeism;

4 (2) Educational counseling to determine whether
5 curriculum changes, including, but not limited to, enrolling the
6 child in an alternative education program that meets the specific
7 educational and behavioral needs of the child, would help solve the
8 ~~truancy problem~~ of excessive absenteeism;

9 (3) Educational evaluation, which may include a
10 psychological evaluation, to assist in determining the specific
11 condition, if any, contributing to the ~~truancy problem~~ of excessive
12 absenteeism, supplemented by specific efforts by the school to help
13 remedy any condition diagnosed; and

14 (4) Investigation of the ~~truancy problem~~ of excessive
15 absenteeism by the school social worker, or if such school does not
16 have a school social worker, by another person designated by the
17 administration, to identify conditions which may be contributing
18 to the ~~truancy~~ problem. If services for the child and his or
19 her family are determined to be needed, the school social worker
20 or other person performing the investigation shall meet with
21 the parent or guardian and the child to discuss any referral
22 to appropriate community agencies for economic services, family
23 or individual counseling, or other services required to remedy
24 the conditions that are contributing to the ~~truancy problem~~ of
25 excessive absenteeism.

26 If the child continues to be or becomes habitually
27 ~~truant~~, the attendance officer shall serve a written notice to

1 ~~the person violating section 79-201,~~ warning him or her to comply
2 ~~with its provisions. If within one week after the time such notice~~
3 ~~is given such person is still violating the section,~~ is absent
4 more than twenty days per year or the hourly equivalent, the
5 attendance officer shall file a report with the county attorney
6 of the county in which such person resides. All school districts
7 shall have a written policy describing notification of habitual
8 truancy to the county attorney. The number of absences in the
9 policy shall not exceed twenty days cumulative per year or the
10 hourly equivalent. School districts may use excused and unexcused
11 absences for purposes of the policy. The county attorney may
12 file a complaint against such person a person violating section
13 79-201 before the judge of the county court of the county in
14 which such person resides charging such person with violation of
15 section 79-201. If after such notice has been sent to any person
16 violating such section such person again violates the same section,
17 no written notice shall be required but a complaint may be filed
18 at once. or may file a petition under the Nebraska Juvenile
19 Code alleging the person violating section 79-201 is a juvenile
20 described in subdivision (3)(a) or (3)(b) of section 43-247.
21 Nothing in this section shall preclude a county attorney from
22 being involved at any stage in the process to address excessive
23 absenteeism.

24 Sec. 35. Section 79-527, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 79-527 (1) The superintendent or head administrator of a
27 public school district or a nonpublic school system shall annually

1 report to the Commissioner of Education in such detail and on
2 such date as required by the commissioner the number of students
3 who have dropped out of school, ~~or were for any reason suspended,~~
4 ~~expelled,~~ ~~or excluded from school during the year.~~ School districts
5 that are members of learning communities shall also provide the
6 learning community coordinating council with a copy of the report
7 to the commissioner on or before the date the report is due
8 to the commissioner. Each learning community coordinating council
9 shall annually report to the commissioner in such detail and on
10 such date as required by the commissioner the number of students
11 who have dropped out of school ~~or were for any reason suspended,~~
12 ~~expelled,~~ ~~or excluded from school during the year~~ for all of the
13 member school districts. The due date for reports from learning
14 communities shall be established by the commissioner to provide a
15 reasonable period of time for the learning community coordinating
16 councils to compile the information from the member school district
17 reports.

18 (2) The superintendent or head administrator of a public
19 school district or a nonpublic school system shall report on a
20 monthly basis to the Commissioner of Education as directed by the
21 commissioner regarding the number of and reason for any suspension,
22 expulsion, or excessive absenteeism of a student; referral of
23 a student to the office of the county attorney for excessive
24 absenteeism; or contacting of law enforcement officials by the
25 district or system relative to a student enrolled in the district
26 or system. The State Department of Education shall provide a
27 learning community coordinating council with a copy of such reports

1 from school districts that are members of the learning community
2 promptly after the reports are filed with the commissioner.

3 Sec. 36. (1) The Truancy Intervention Task Force is
4 created. The task force shall consist of:

5 (a) The probation administrator or his or her designee;

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

7 and

8 (c) The chief executive officer of the Department of
9 Health and Human Services or his or her designee.

10 (2) The task force shall study and evaluate the data
11 contained in the reports required by subsection (2) of section
12 79-527 and shall develop recommendations to reduce incidents of
13 excessive absenteeism. The task force may contact a school district
14 or a county attorney for additional information. The task force
15 shall report to the Legislature on or before July 1, 2011, and each
16 July 1 thereafter.

17 Sec. 37. The Revisor of Statutes shall assign section 36
18 of this act within Chapter 79, article 5.

19 Sec. 38. Original sections 24-313, 25-2701, 25-2728,
20 29-1816, 29-2258, 29-2269, 43-246, 43-248, 43-253, 43-254,
21 43-254.01, 43-256, 43-258, 43-272.01, 43-278, 43-285, 43-2,106.01,
22 43-2,129, 43-415, 43-2404.02, 60-4,108, 79-209, and 79-527, Reissue
23 Revised Statutes of Nebraska, sections 43-245 and 43-250, Revised
24 Statutes Supplement, 2009, and section 29-2262.07, Reissue Revised
25 Statutes of Nebraska, as amended by section 15, Legislative Bill
26 3, One Hundred First Legislature, First Special Session, 2009, are
27 repealed.

1 Sec. 39. The following sections are outright repealed:
2 Sections 43-287.01, 43-287.02, 43-287.03, 43-287.04, 43-287.05,
3 43-287.06, 43-2,102, 43-2,103, 43-2,104, and 43-2,105, Reissue
4 Revised Statutes of Nebraska.