

Nebraska Legislative Review 2013

LB 103-Witnesses and Technology

- A judge, in any case with the consent of the parties, may permit any witness who is to be examined by oral examination to appear by telephonic, videoconferencing, or similar methods, with any costs thereof to be taxed as costs.

LB 216

Young Adult Voluntary Services and Support Act

• • •
Presentation to be provided by Sarah Helvey and Jenny Skala

LB 255

Sex Trafficking

- Affirmative defense to prostitution allegation if such person is under the age of 18
- A police officer may take such person into custody “and shall immediately report an allegation... to the Department of Health and Human Services which shall commence an investigation within 24 hours under the child Protection Act.”
- Under Section 43-247(3)(a) the list of allegations now includes, “...who is in a situation or engages in an occupation, including prostitution, dangerous to life or limb...”

LB 265-Definition of Kinship Care

- Defines kinship homes, provides for initial assessment of the residence, home visits to assure safety, background checks on adults who reside in the home, and the ability to establish a kinship placement without meeting license requirements of those designated as foster parents.
- Also imposes a Class I misdemeanor for violations of those subject to the Children's Residential Facilities and Placing Licensure Act

LB 269-Commission Expansion and Health Care for Court Youth

- Clean up bill from last legislative session
- Adds FCRO Director and Inspector General of Child Welfare (non-voting members) to legislative Children's Commission, creates policy analyst and moves offices to FCRO
- Children's Commission will analyze the Nebraska Juvenile Service Delivery Project
- Requires DHHS to apply for IV-E reimbursement for probation project costs

LB 269 continued

- Ensure adequate health care coverage for minors requiring case plan and court reports to include a minor's eligibility for health insurance, including Medicaid (this shall be updated every 6 months).
- Allows enrollment in the federal health care act (ACA) for those aging out of the system up to the age of 26

LB 530-Foster Care Reimbursement

- Requires DHHS to implement recommendations from a Foster Care Reimbursement Committee which is established through the Nebraska Children's Commission.
- Two pilot projects are also established regarding level of care assessment tools established by this committee and must make recommendations to the state legislature every four years beginning in 2016.

LB 561-Additional Provisions Unrelated to Service Delivery

- Excludes 43-247 (3)c's from any changes except that this population may not be placed in secure or non-secure detention.
- New definitions to reflect those previously adopted in the Parenting Act (note the ability of a juvenile court to appoint counsel).
- Creates two new position within the Crime Commission; a director of statewide diversion programs and a director of community based juvenile services aid program.
- Community aid has been increased by 1.8 million this year and 3.8 million next year (as compared to 1.4 million for the past year.)
- Courts no longer need an OJS evaluation prior to commitment to a YRTC if previous evaluations substantially meet the requirements previously provided in those evaluations.

Reentry from YRTC's

- "Upon discharge of the juvenile, the court shall hold a review hearing on the conditions of probation and enter any written order allowed under..." the juvenile code.
- "The Office of Juvenile Services shall work in collaboration with the Office of Probation Administration in developing individualized reentry plans as created in section 54 of this act and shall notify the committing court at least sixty days prior to discharge."

Re-Entry from YRTC's, Section 54

- “Individualized reentry plans shall be finalized 30 days prior to the juvenile leaving...should include specifics about the juvenile’s placement upon return to the community...shall review...with the juvenile and his or her support system within thirty days of juvenile’s discharge...”
- A juvenile’s support system includes, “the juvenile..., any immediate family members or guardians, informal and formal supports, the juvenile’s probation officer, Office of Juvenile Services personnel employed by the facility, and any additional personnel as appropriate.”

Re-Entry Time Frames:

- Family Team meetings every 30 days during commitment
- Within 60 days of discharge (or as soon as possible if discharge will occur earlier) a screening and needs assessment must be completed in order to determine re-offense risk needs
- Individualized plan finalized 30 days prior to discharge
- Probation officer must contact juvenile within 48 hours of discharge to assist in implementing the plan
- Courts will need to establish protocols as to when to schedule hearings upon discharge in conjunction with their respective probation offices

Upcoming Legislative Issues For The 2014 Session

•••
LB 464

Educational Best Interests
Recommendations for YRTC's
Other Recommendations from Legislature's Commission
Juvenile Code Guardianships
Additional Levels of Funding
Additional Judge in Douglas County Separate Juvenile Court