

LB 800: Addressing the Needs of At-Risk Children

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Background

- ✓ Senator Ashford introduced LB 800 to address the needs of at risk youth through early intervention and prevention.
- ✓ During the past four years the Judiciary Committee has identified inefficiencies in the processing of juvenile cases and strategies to keep non-violent offenders out of detention while ensuring that juveniles do not remain in detention unnecessarily; the new law adopted under LB 800 is the culmination of this work.

Overview

- ✓ LB 800 contains several provisions to encourage alternatives to detention including the authority for probation to impose graduated sanctions and the civil citation pilot program.
- ✓ The new law encourages greater collaboration on matters of truancy and established the Truancy Intervention Task Force.
- ✓ The process of sealing juvenile records, which often create barriers to employment, scholarships and admission to schools or the military, was streamlined and expanded.
- ✓ The Legislature reauthorized \$350,000.00 for grants to grassroots organizations working with at risk youth in our communities. The State Office of Violence Prevention and the Nebraska Crime Commission is administering the grants.

Provisions of LB 800

- ✓ **Provisions to keep offenders who are not a danger to themselves or others out of the juvenile court and out of secure detention**
 - Authorizing the establishment of a civil citation pilot project in Omaha
 - Phasing out the practice of sending status offenders into secure detention for violating a court order by January 1, 2013
 - Codifying the authority for probation officers to impose graduated sanctions on juveniles who violate their conditions of probation
 - Prioritizing the use of grant money awarded under the County Juvenile Services Aid Program for programs that will reduce the juvenile detention population
- ✓ **Provisions to enhance efficiency**
 - Imposing a timeline on the court to hold hearings on the results of evaluations within 10 days after the court receives a completed evaluation
 - Authorizing the use of videoconferencing for juvenile proceedings if the court approves and both parties agree
 - Eliminating the use of the three-judge review panel for appeals of juvenile cases in which the court order implements a plan different from the plan recommended by DHHS

- Adding language to emphasize the need to place juveniles in the least restrictive environment possible
- ✓ **Provisions for truancy intervention and prevention**
 - School districts must report truancy cases to the county attorney after 20 days of absence regardless of whether any of the absences were excused
 - School districts must collaborate with the county attorney in developing their truancy policies
 - School districts must report to the Department of Education on a monthly basis indicating the occurrence of and reason for excessive absence, suspension, expulsion, referral to the county attorney and contact with law enforcement
 - Establishing the Truancy Intervention Task Force to examine the data collected by the department and to make recommendations to the Legislature on how to reduce truancy
 - Authorizing the juvenile court to suspend driving privileges of truant juveniles and other law violators and to issue fines not exceeding \$500 or order community service for parents and truant juveniles
 - Allowing law enforcement to take a juvenile into temporary custody when there are reasonable grounds to believe the juvenile is truant in order to deliver the juvenile back to school
- ✓ **Sealing of juvenile records**
 - Uses provisions of LB923 to provide a clear and comprehensive process for sealing records of interaction with juvenile justice system as such records create barriers to employment, receiving scholarships, and admissions to schools or the military
 - Allows more juveniles to have their records sealed and clarifies the process by defining what it means to have a record sealed and provides guidance on how to respond to questions about the records once they are sealed
 - Sealed records are not available to the public except by court order after good cause shown
 - However, sealed records would be available to the court, law enforcement and prosecuting attorneys for the purpose of prosecuting and sentencing criminal defendants
 - When applying for jobs, the person whose record has been sealed may respond to questions as if no record exists
- ✓ **Using technology to identify at risk youth and address their needs**
 - LB 800 requires frequent reporting of data to the Department of Education involving truancy, suspensions, expulsions, and other in-school driven risk factors
 - Other data exists in law enforcement agencies, DHHS and the justice system that is critical to the effective response to needs of at-risk youth
 - It is critical to develop a plan for the implementation of real time data analysis software to address at-risk youth