

## LEGISLATIVE BILL 353

Approved by the Governor March 2, 1982

Introduced by Nichol, 48

AN ACT to amend sections 43-284 and 43-287, Revised Statutes Supplement, 1981, relating to juvenile courts; to provide powers and duties of the Department of Public Welfare; to provide an operative date; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 43-284, Revised Statutes Supplement, 1981, be amended to read as follows:

43-284. When any juvenile is adjudged to be under subdivision (3) of section 43-247, the court may permit such juvenile to remain in his or her own home subject to supervision or may make an order committing the juvenile to the (1) care of some suitable institution, (2) care of some reputable citizen of good moral character, (3) care of some association willing to receive the juvenile embracing in its objects the purpose of caring for or obtaining homes for such juveniles, which association shall have been accredited as provided in section 43-296, (4) care of a suitable family, except that under subdivision (1), (2), (3), or (4) of this section upon a determination by the court that there are no private or other public funds available for the care, custody, education, and maintenance of a juvenile, the court may order a reasonable sum for the care, custody, education, and maintenance of the juvenile to be paid out of a fund which shall be appropriated annually by the county where the petition is filed until suitable provisions may be made for the juvenile without such payment, or (5) care and custody of the Department of Public Welfare. The Department of Public Welfare shall file with the court a written report within thirty days of the commitment of any child to the department. The report shall contain the Department of Public Welfare's initial plan of care, placement, and services which are to be provided to such child. The Department of Public Welfare shall file with the court a progress report on each child at regular six-month intervals or shorter intervals if ordered by the court or deemed appropriate by the department. The Department of Public Welfare shall have the authority to determine the care, placement, medical services, psychiatric services, training, and expenditures on behalf of each child committed to it. The amount to be paid by a county for

education pursuant to this section shall not exceed the average cost for education of a public school student in the county in which the juvenile is placed, and shall be paid only for education in kindergarten through grade twelve.

Sec. 2. That section 43-287, Revised Statutes Supplement, 1981, be amended to read as follows:

43-287. Notwithstanding the provisions of subdivision (2) of section 43-286, when any juvenile is found by the court to be a juvenile defined by subdivision (3) (b) of section 43-247, the court may (1) enter such order as it is empowered to enter in the case of a juvenile described in subdivision (1) or (2) of section 43-247, except that no such juvenile shall be committed to the Youth Development Centers at Kearney or Geneva, or (2) enter an order committing or placing the juvenile to the care and custody of the Department of Public Welfare.

The Department of Public Welfare shall file with the court a written report within thirty days of the commitment of any child to the department. The report shall contain the Department of Public Welfare's initial plan of care, placement, and services which are to be provided to such child. The Department of Public Welfare shall file with the court a progress report on each child at regular six-month intervals or shorter intervals if ordered by the court or deemed appropriate by the department. The Department of Public Welfare shall have the authority to determine the care, placement, medical services, psychiatric services, training, and expenditures on behalf of each child committed to it.

Sec. 3. This act shall become operative on July 1, 1982.

Sec. 4. That original sections 43-284 and 43-287, Revised Statutes Supplement, 1981, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.