

LEGISLATIVE BILL 424

Approved by the Governor June 4, 1997

Introduced by Landis, 46

AN ACT relating to juvenile services; to amend sections 43-2404, 43-2405, 43-2407, 43-2409, 43-2410, and 43-2412, Reissue Revised Statutes of Nebraska, and sections 43-2403, 43-2406, and 43-2411, Revised Statutes Supplement, 1996; to change Juvenile Services Act provisions; and to repeal the original sections.

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

Section 1. Section 43-2403, Revised Statutes Supplement, 1996, is amended to read:

43-2403. The Legislature hereby finds that the incarceration of juveniles in adult jails, lockups, and correctional facilities is contrary to the best interests and well-being of juveniles and frequently inconsistent with state and federal law requiring intervention by the least restrictive method. The Legislature further finds that the lack of available alternatives within local communities is a significant factor in the incarceration of juveniles in such adult jails, lockups, and correctional facilities.

To address such lack of available alternatives to the incarceration of juveniles, the Legislature declares it to be the policy of the State of Nebraska to aid local communities in the establishment of programs or services for juveniles under the jurisdiction of the juvenile or criminal justice system and to finance such programs or services on a continuing basis with appropriations from the General Fund. The purposes of the Juvenile Services Act shall be to (1) develop statewide criteria for programs or services for juveniles, including a description of factors to be considered in making placement decisions and a description of necessary components of programs or services, (2) assist in the provision of appropriate preventive, diversionary, and dispositional alternatives for juveniles, (3) encourage coordination of the elements of the juvenile services system, and (4) provide an opportunity for local involvement in developing community programs for juveniles so that the following objectives may be obtained:

(a) Preservation of the family unit whenever the best interests of the juvenile are served and such preservation does not place the juvenile at imminent risk;

(b) Limitation on intervention to those actions which are necessary and the utilization of the least restrictive yet most effective and appropriate resources;

(c) Encouragement of active family participation in whatever treatment is afforded a juvenile whenever the best interests of the juvenile require it;

(d) Treatment in the community rather than commitment to a youth rehabilitation and treatment center whenever the best interests of the juvenile require it; and

(e) Encouragement of and assistance to communities in the development of alternatives to secure temporary custody for juveniles who do not require secure detention.

All state agencies providing direct services to juveniles shall coordinate their efforts and work with the commission, members of the judiciary, and local political subdivisions in the development of a comprehensive juvenile services plan and the establishment and provision of such programs or services in such plan. Programs or services established pursuant to the act shall conform to the family policy tenets prescribed in sections 43-532 to 43-534.

Sec. 2. Section 43-2404, Reissue Revised Statutes of Nebraska, is amended to read:

43-2404. On and after July 15, 1992, and annually thereafter, the commission, solely on the recommendation of the committee, shall award grants in accordance with the Juvenile Services Act to assist communities in the implementation and operation of programs or services identified in their comprehensive juvenile services plan, including, but not limited to, programs for assessment and evaluation, programs for the prevention of delinquent behavior, diversion, detention, shelter care, intensive juvenile probation services, restitution, family support services, and community centers for the care and treatment of juveniles in need of services.

Sec. 3. Section 43-2405, Reissue Revised Statutes of Nebraska, is amended to read:

43-2405. (1) An eligible applicant may apply to the committee in a manner and form prescribed by the committee for funds made available under the Juvenile Services Act. The committee may require an eligible applicant to appear before the committee to explain its application in greater detail. The application shall include a comprehensive juvenile services plan. Grants shall be awarded to eligible applicants annually within the limits of available funds until programs are available statewide. On request, the commission may provide consultation and technical assistance to eligible applicants to aid in the development and implementation of such plans.

(2) All plans shall comply with rules and regulations adopted and promulgated by the committee pursuant to the act and shall include, but not be limited to:

(a) An identification of the geographic area to be served by the proposed program and the target population to be served;

(b) A description of the programs of public and private agencies within the geographic area to be served which offer services to juveniles at various age levels, including those programs which have a significant prevention aspect or objective;

(c) The manner in which each proposed program in the plan will be provided and a demonstration of the need for each program and its purpose, administrative structure, staffing, proposed budget, degree of community involvement, client participation, and duration. A demonstration of the need for each program or service and its purpose;

(d) A demonstration of the commitment of the eligible applicant and other participants in the plan, including, but not limited to, a commitment of matching funds, either in cash or in kind, by public or private resources within the community, county, or region;

(e) A description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems and the juvenile needs of the geographic area to be served;

(f) The manner in which the policies and requirements of the act will be met. A description of the manner in which the proposed programs or services are expected to meet the purposes of the act;

(g) The manner in which an eligible applicant will operate a coordinated program with other agencies or organizations. Evidence of coordination and cooperation between service agencies or community organizations in the development of the plan;

(h) A detailed strategy explaining how the community will implement proposed programs or services during the first year of the plan; task plan for the first year of the plan. The task plan shall include an identification of the major goals to be accomplished, the tasks related to each goal, the agency responsible for completion of the task, and the timeframe for completion of the task;

(i) An identification of those individuals and organizations involved in the plan;

(j) A description of the manner in which the programs interrelate with other similar state or local programs;

(k) Provisions for administering money awarded under the act; and

(l) Criteria to be used by the eligible applicant in evaluating programs in the plan funded pursuant to the act; and

(m) The information required by section 43-2406.

(3) Any portion of the plan dealing with the administration, procedures, and programs of the juvenile court shall not be submitted to the commission without the concurrence of the presiding judge of the court having jurisdiction in juvenile cases for the geographic area to be served.

(4) Eligible applicants may give consideration to contracting with private nonprofit agencies for the provision of programs.

(5) An eligible applicant receiving money under the act shall not make any amendment or modification which involves more than two thousand dollars of approved funding to an approved plan without first seeking approval from the commission. An eligible applicant making an amendment or modification which involves two thousand dollars or less of approved funding shall notify the commission within thirty days after making such amendment or modification. Failure to notify the commission shall result in the withdrawal of the funding involved in the amendment or modification.

Sec. 4. Section 43-2406, Revised Statutes Supplement, 1996, is amended to read:

43-2406. (1) From amounts appropriated to the commission for programs by the Legislature, the commission shall award grants on a competitive basis to eligible applicants identified in the plan based upon criteria to be determined by the committee. Such criteria shall include, but

not be limited to, the following information which shall be provided in the plan:

(a) (1) Availability of programs or services in the geographic area to be served;

(b) (2) A description in the plan of the juvenile crime problems and the needs of juveniles within the geographic area to be served, including an analysis of the leading causes of juvenile crime in the geographic area to be served, trends in juvenile crime in the geographic area to be served, and proposals for addressing juvenile crime and juvenile needs in the geographic area to be served;

(c) (3) An analysis of how well the plan will address the needs of the geographic area to be served; and

(d) (4) An analysis of the overall commitment of the eligible applicant and other participants to the plan, including the commitment of matching funds; -

(2) In awarding competitive grants, the committee shall give priority to those plans that fulfill the following minimum criteria:

(a) In (5) An explanation of how, in rural areas, plans that are multicity, multicounty, or regional in scope or that utilize interlocal agreements or contracts for the provision of services;

(b) Plans that demonstrate (6) A demonstration of collaboration and cooperation between interested agencies or parties in the geographic area to be served;

(c) Plans that (7) An explanation of how plans comprehensively address the needs of juveniles in the geographic area to be served as defined in the plan; and

(d) Plans that (8) An explanation of how plans aid in reducing the number of commitments to the youth rehabilitation and treatment centers or placements in other long-term, out-of-home care for juvenile offenders; and

(9) A demonstration that the following programs are provided or will be provided within the community, county, or region by public or private agencies:

(a) Twenty-four-hour intake screening services or accessibility to such services;

(b) Family crisis intervention services;

(c) A program to divert juveniles from the juvenile justice system;

(d) A program of options to juvenile detention; and

(e) A program to provide nonrestrictive services to juveniles who are alleged to have committed acts which would not be offenses if committed by adults.

The committee may specify additional criteria as it deems necessary. It is the intent of the Legislature that competitive grants shall be distributed statewide from available funds.

(3) An eligible applicant who has received a grant may apply for continued funding by submitting a proposed budget along with an annual performance report which describes the progress of the eligible applicant in implementing programs contained in the original plan to the commission by August 1 of each year. The commission shall review the budget in consultation with the committee and determine whether the grant shall be continued.

Sec. 5. Section 43-2407, Reissue Revised Statutes of Nebraska, is amended to read:

43-2407. An eligible applicant which accepts funds under the Juvenile Services Act shall, within -

(1) Within a reasonable time, comply or show substantial progress toward compliance with the criteria and reporting procedures established by the committee pursuant to section 43-2412, - and

(2) Demonstrate that the following programs are provided or will be provided within the community, county, or region by public or private agencies:

(a) Twenty-four-hour intake screening services or accessibility to such services;

(b) Family crisis intervention services;

(c) A program to divert juveniles from the juvenile justice system;

(d) A program of options to juvenile detention; and

(e) A program to provide nonrestrictive services to juveniles who are alleged to have committed acts which would not be offenses if committed by adults.

Sec. 6. Section 43-2409, Reissue Revised Statutes of Nebraska, is amended to read:

43-2409. (1) The commission shall review periodically the performance of eligible applicants participating under the Juvenile Services Act. If the committee or commission determines that there are reasonable

grounds to believe that an eligible applicant is not in substantial compliance with its plan, the committee or commission, after giving the eligible applicant not less than one hundred twenty thirty days' notice, shall conduct a public hearing to ascertain whether there is substantial compliance or satisfactory progress being made toward compliance. In its notice, the committee or commission shall identify the reasons for believing that the eligible applicant is out of compliance. After the hearing, the commission may suspend any portion of those funds made available to the eligible applicant under the act until the required compliance occurs or may rescind any portion of such funds. The commission, in adopting and promulgating rules and regulations pursuant to the act, shall establish criteria for defining substantial compliance.

(2) Funds received by an eligible applicant under the act shall not be used to replace or supplant any funds, other than federal or state funds, currently being used to support existing programs for juveniles.

(3) Funds received under the act shall not be used for capital construction or the lease or acquisition of facilities unless such uses have been approved.

Sec. 7. Section 43-2410, Reissue Revised Statutes of Nebraska, is amended to read:

43-2410. Each eligible applicant submitting a plan shall demonstrate that the plan has community-wide, interdisciplinary support. At a minimum, the plan shall have the support of a representative of social services the Department of Health and Human Services, a representative of the community mental health agency, a representative of the schools, the sheriff, the county attorney, and the district probation office. When the plan utilizes a multicounty, multicounty, or regional approach, support shall be representative of the geographic area to be served. Support may be demonstrated through letters of support or commitment, the adoption of a resolution, or any other manner deemed acceptable by the committee. The committee may exercise discretion in determining whether the plan has community-wide, interdisciplinary support and may request additional documentation from the eligible applicant to demonstrate such support.

Sec. 8. Section 43-2411, Revised Statutes Supplement, 1996, is amended to read:

43-2411. (1) The Juvenile Services Grant Committee is hereby created. The committee shall be comprised of:

(a) The probation administrator or his or her designee Three members in good standing of the Nebraska State Bar Association, each experienced in practice before the juvenile court, one to be selected from each congressional district by the president of the Nebraska State Bar Association;

(b) The State Court Administrator or his or her designee One director of a secure juvenile detention facility, or his or her designee, to be selected by the chairperson of the Jail Standards Board;

(c) The Director of Correctional Services or his or her designee;

(d) The Director of Health and Human Services or his or her designee;

(e) The Executive Director of the Nebraska Commission on Law Enforcement and Criminal Justice or his or her designee;

(f) The Commissioner of Education or his or her designee;

(g) The Executive Director of the Nebraska Association of County Officials or his or her designee;

(h) The Executive Director of the Office of Child and Family Policy; Three county judges, one to be selected from each congressional district by the Nebraska County Judges Association Three representatives of community-based, not-for-profit agencies solely dedicated to serving the needs of youth and families, one from each congressional district, to be selected by nomination and a majority vote of approval of the members of the committee;

(j) (i) A member of the Juvenile Justice Advisory Committee to the Nebraska Commission on Law Enforcement and Criminal Justice to be selected by the Juvenile Justice Advisory Committee;

(k) A separate juvenile court judge to be selected by the separate juvenile court judges of the State of Nebraska;

(l) (j) Three representatives of community mental health, one from each congressional district to be selected by the Nebraska Association of Community Mental Health Providers; and

(m) (k) Three county officials, one to be selected from each congressional district by the Nebraska Association of County Officials.

(2) The terms of members appointed pursuant to subdivisions (l)(a) and (l)(h) (i)(i) through (i)(m) (l)(k) of this section shall be three years. Any vacancy on the committee shall be filled in the same manner in which the original appointment was made. Appointments Any new appointments to the

committee ~~required by this legislative bill~~ shall be made within sixty days after ~~July 10, 1990~~ the effective date of this act. The committee shall select a chairperson, a vice-chairperson, and such other officers as it deems necessary.

(3) Members of the committee shall be reimbursed for their actual and necessary expenses pursuant to sections 81-1174 to 81-1177.

(4) The committee shall meet at least four times a year and at other times deemed necessary to perform its functions.

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

(6) The coordinator of the Juvenile Services Act established pursuant to section 43-2413 shall serve as staff to the committee.

Sec. 9. Section 43-2412, Reissue Revised Statutes of Nebraska, is amended to read:

43-2412. (1) Consistent with the purposes and objectives of the Juvenile Services Act, the committee shall:

(a) Make recommendations to the commission on the awarding of grants to eligible applicants ~~for with~~ plans;

(b) Establish minimum statewide criteria for programs, including a description of factors to be considered in making placement decisions and a description of the necessary components of such programs;

~~(c)~~ Develop a uniform system of reporting and collecting statistical data from eligible applicants and other participants in the plan;

~~(d)~~ (c) Develop or contract for the development of a statewide system to monitor and evaluate the effectiveness of plans provided under the act in preventing persons from entering the juvenile justice system and in rehabilitating juvenile offenders;

~~(e)~~ (d) Recommend guidelines to be used for the diversion of juveniles from the juvenile justice system;

~~(f)~~ (e) Prepare an annual report to the Governor and the Legislature on the criteria, recommendations, and guidelines, ~~and rules and regulations~~ developed under this section, including recommendations on administrative and legislative actions which would improve the juvenile justice system;

~~(g)~~ (f) Ensure widespread citizen involvement in all phases of its work; and

~~(h)~~ (g) Meet at least once every three months, ~~and~~
~~(i)~~ (h) Adopt and promulgate rules and regulations necessary to carry out its duties.

(2) Consistent with the purposes and objectives of the act and within the limits of available time and appropriations, the committee may:

(a) Recommend criteria for administrative procedures, including, but not limited to, procedures for intake, detention, petition filing, and probation supervision;

(b) Recommend minimum professional standards, including requirements for continuing professional training, for employees of community-based, youth-serving agencies;

(c) Recommend curricula for and cause to have conducted training sessions for juvenile court judges and employees of other community-based, youth-serving agencies;

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

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

(f) Provide consultation services or technical assistance to eligible applicants.

(3) In formulating, adopting, and promulgating the standards, recommendations, ~~and guidelines, and rules and regulations~~ provided for in this section, the committee shall consider the differences among counties in population, in geography, and in the availability of local resources.

Sec. 10. Original sections 43-2404, 43-2405, 43-2407, 43-2409, 43-2410, and 43-2412, Reissue Revised Statutes of Nebraska, and sections 43-2403, 43-2406, and 43-2411, Revised Statutes Supplement, 1996, are repealed.