

# In re Interest of Keyanna R.

**Caselaw No.**

No. S-17-659

**Filed on**

Friday, March 16, 2018

**Summary:** Keyanna appeals her disposition order from the Separate Juvenile Court of Lancaster County placing her in a group home. This appeal looks at whether the out of home placement complied with Neb. Rev. Stat. § 43-251.01(7), which requires an exhaustion of all available community based resources and that there be a significant risk of harm to the juvenile or community if the child remains at home. The Court here affirms the Juvenile Court's decision.

Keyanna entered a no contest plea to a Class III misdemeanor and was placed at the Boys Town PRTF. She began treatment there in February 2017 after reports that she was suicidal, had been running away, was expelled from two high schools, and refused to attend programs. At the PRTF, there were safety concerns for Keyanna, but she successfully completed the program in June 2017.

Keyanna's disposition hearing was held on June 12, 2017 and she was placed on probation for two years and ordered to reside at Boys Town with a review in six months. Her probation officer testified that the treatment team and Keyanna's mother believed that she would do better participating in a group home level of care, even though some services would be available to her in Lincoln. There was also testimony that Boys Town would be a step down from the PRTF and allow Keyanna to transition home. The Court's order from that hearing found that all efforts had been exhausted and that it would be contrary to her welfare to reside at home due to her needs.

Keyanna assigns error that there was not sufficient evidence to support that community based resources had been exhausted and that there was no evidence to support that she would be at risk of harm in her home.

An appellate court reviews juvenile cases de novo on the record. *In re Interest of Lilly S. & Vincent S.*, 298 Neb. 306 (2017).

The parties agree that § 43-251.01(7) applies to this situation. This Court has recently examined the exhaustion requirement and found that evidence must establish that no community based resources have a reasonable probability of success. *In re Interest of Dana H.*, 299 Neb. 197 (2018). In this case, evidence showed that the options available in the community would not be sufficient for Keyanna and that the group home would step down her level of care and help her transition home.

Regarding the requirement of a showing that there would be a risk to Keyanna's safety or the community's safety were she to return home, the evidence of her history of self-harm and running away show that she needs structure.

Therefore, the order is affirmed.

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