

LB 561 OVERVIEW

Overarching:

Expansion of the Nebraska Juvenile Services Delivery Project to Statewide Juvenile Probation. Juvenile Probation would be expanded statewide in a 3-step process starting July 1, 2013, and ending July 1, 2014. Juvenile Probation would be expanded to include all community supervision, evaluations and the re-entry function for youth leaving the YRTCs.

DHHS/OJS direct commitment supervision, evaluations and parole supervision will now become the function of the Office of Probation Administration to include the payment for all associated services.

Additional recommendations will be required from the Children's Commission OJS Sub-Committee regarding the role of the YRTCs in the juvenile justice system and the need for mental and behavioral health services for juveniles in Nebraska. Provide for appropriation for reimbursement of expenses and a consultant.

The Inspector General investigative authority over private agencies that contract with Probation for the delivery of juvenile services when there is a death or serious injury of a juvenile or a complaint against such agency. The Inspector General would also have authority to investigate deaths or serious injuries occurring at juvenile detention facilities or staff-secure juvenile detention facilities. The amendment would also give the Ombudsman authority to investigate juveniles committed to and discharged from a YRTC to the Community Re-entry Program.

Removed -- LB 463 (Ashford) - Add a juvenile judge to Douglas County Separate Juvenile Court.

Removed - Social Impact Project language.

LB 471 (Coash) - Would provide that a juvenile committed by the court to the Office of Juvenile Services does not need to be evaluated prior to commitment if the court finds that a substantially equivalent evaluation has been done in the previous 12 months or if an addendum to a previous evaluation would be appropriate. (Doesn't apply after July 1, 2013.)

LB 86 (McGill) - Would provide that staff secure juvenile detention facilities be placed under the general oversight of the Jail Standards Board.

Provision of LB 562 (Ashford) – Would provide probation officers with more access to information to make decisions regarding crossover youth.

LB 342 (Coash) – Clarify that a custodian, guardian or step-parent of a child does not have a default right to court-appointed counsel unless an allegation is made against such person in a petition alleging abuse and neglect or a petition for termination of parental rights.

AM 1351 (Coash) -- The alternative response for reports of child abuse or neglect model will be developed and implemented in sites under the Child Protection Act.

Funding will be added to the county designated Juvenile Services Aid Program yearly and will be renamed the Community-based Juvenile Services Aid Program to promote the development of community-based care across the state. The grants would remain in the Crime Commission and a Director position would be created to oversee meaningful, effective management and disbursement of aid dollars to expand and encourage the use of diversion and community-based services to treat youth on the front end of the system.

The position of the Director of Juvenile Diversion Programs will be created in the Crime Commission to assist in the creation and maintenance of juvenile pre-trial diversion programs to keep more kids out of the judicial system and in community-based services.

Information Sharing Process -- \$250,000 would be appropriated to Probation to facilitate the establishment of an electronic information sharing process between DHHS, Probation and the Crime Commission.

July 1, 2013:

Intensive Supervised Probation will be utilized for youth in which all levels of Probation supervision and options for community-based services have been exhausted and the commitment of the juvenile to OJS for placement at a YRTC is necessary for the protection of the juvenile and the public.

Limitation on sending juveniles to secure detention or YRTC: A juvenile cannot be sent unless it is a matter of immediate and urgent necessity for the protection of the juvenile or the person or property of another or the juvenile is likely to flee the jurisdiction of the court.

All new commitments to YRTC will be placed on intensive supervised probation and therefore subject to juvenile court jurisdiction and the new re-entry process upon discharge from YRTC.

October 1, 2013:

OJS authority for new community supervision and evaluations will be eliminated.

DHHS as a dispositional option for status offenders will be eliminated.

Probation Administration will be responsible for the cost of detention for any juvenile who is post-disposition pending placement, held on a motion to revoke, or on probation at the time of an intake.

Changes to the juvenile evaluation requirements: Evaluations must be completed and the juvenile returned to the court within 21 days. OJS evaluations will no longer be required and more single-focus evaluations will be utilized when appropriate. These evaluations will be ordered by the court and be less time-consuming and less expensive.

A Community and Family Re-entry Process for juveniles leaving a YRTC will be created to more effectively re-enter their communities with the involvement of their families. The program will be implemented by the Office of Probation Administration in cooperation with the Office of Juvenile Services. There will be a minimum 60-day notice to the courts and Probation that a youth will be ready for transition from YRTC and the transition planning process between Probation and DHHS/OJS will start.

All new dispositions of law violators and status offenders will be placed with Probation for supervision and service delivery. Probation will assume all service delivery costs for this population including evaluations. There will be no more new commitments to DHHS / OJS.

The court will have the authority to order needed voluntary services through Probation supervision or service delivery for juveniles charged with law violations and/or 3Bs.

No later than April 1, 2014:

A formal transition process will be implemented and any cases involving law violators or status offenders remaining with DHHS / OJS will be reviewed on a case-by-case basis by Probation and DHHS / OJS and an individual transition will be created and adopted with court approval.

July 1, 2014:

Expansion will be fully implemented.

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May 28, 2013