

On May 19, 2022, the Nebraska Supreme Court adopted the following new rules, Neb. Ct. R. §§ 6-1476 and 6-1708, with a delayed effective date of July 1, 2022:

CHAPTER 6: TRIAL COURTS

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Article 14: Uniform County Court Rules of Practice and Procedure.

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§ 6-1476. Waiver of right to counsel in juvenile cases.

This rule provides a process to ensure that a juvenile has consulted with counsel, and if not, is provided with the opportunity to consult with counsel prior to the juvenile exercising his or her right to waive his or her right to counsel.

At the first appearance, when the petition alleges the juvenile to be within the provisions of subdivision (1), (2), (3)(b), or (4) of Neb. Rev. Stat. § 43-247 and the juvenile appears without counsel, or expresses the desire to waive the right to counsel, the court shall explain to the juvenile that the juvenile has a right to consult with counsel prior to waiving his or her right to counsel. The court shall inquire if the juvenile consulted with counsel prior to the appearance. If the juvenile did not consult with counsel, the court shall inquire if the juvenile wishes to consult with counsel prior to waiving his or her right to counsel. If the juvenile did not consult with counsel and does not wish to consult with counsel, the court may accept the waiver, provided the waiver complies with Neb. Rev. Stat. § 43-3102. If the juvenile wishes to consult with counsel prior to waiving his or her right to counsel, the court shall recess or continue the proceeding for the limited purpose of consulting on the waiver of the right to counsel and, if appropriate, appoint counsel as provided in Neb. Rev. Stat. § 43-272, or otherwise provide the juvenile with the opportunity to consult with counsel.

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Article 17: Uniform Separate Juvenile Court Rules of Practice and Procedure.

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§ 6-1708. Waiver of right to counsel in juvenile cases.

This rule provides a process to ensure that a juvenile has consulted with counsel, and if not, is provided with the opportunity to consult with counsel prior to the juvenile exercising his or her right to waive his or her right to counsel.

At the first appearance, when the petition alleges the juvenile to be within the provisions of subdivision (1), (2), (3)(b), or (4) of Neb. Rev. Stat. § 43-247 and the juvenile appears without counsel, or expresses the desire to waive the right to counsel, the court shall explain to the juvenile that the juvenile has a right to consult with counsel prior to waiving his or her right to counsel. The court shall inquire if the juvenile consulted with counsel prior to the appearance. If the juvenile did not consult with counsel, the court shall inquire if the juvenile wishes to consult with counsel prior to waiving his or her right to counsel. If the juvenile did not consult with counsel and does not wish to consult with counsel, the court may accept the waiver, provided the waiver complies with Neb. Rev. Stat. § 43-3102. If the juvenile wishes to consult with counsel prior to waiving his or her right to counsel, the court shall recess or continue the proceeding for the limited purpose of consulting on the waiver of the right to counsel and, if appropriate, appoint counsel as provided in Neb. Rev. Stat. § 43-272, or otherwise provide the juvenile with the opportunity to consult with counsel.

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