

Nebraska Court Improvement Project

2021 Legislative Review

Mary Pat Coe, JD

Project Specialist - Nebraska Court Improvement Project

Judge Lawrence Gendler

Separate Juvenile Court of Sarpy County, (Retired)

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Deputy Public Defender - Sarpy County

Bri McLarty

Deputy County Attorney - Dodge County

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Deputy Director Children and Family Services – Nebraska Department of Health and Human Services



What is CIP?

The Nebraska Court Improvement Project (CIP) is a federally funded department under the direction of the Nebraska Administrative Offices of Court and Probation. CIP facilitates a multi-disciplinary network of judge-led teams across the state known as "Through the Eyes of the Child" initiative. Members of these teams collaborate at the local level to improve issues in the juvenile court system. The teams are guided by the Resource Guidelines published by the National Council on Juvenile and Family Court Judges (NCJFCJ), which sets out best practice standards for the juvenile court processes.

Each team selects its own projects and goals based on the needs of its community and court system. The Court Improvement Project staff, under the guidance of Project Chair, Judge Larry Gendler, provides technical assistance to the local groups, data collection and reporting, develop resources for the local teams, and work on a statewide basis to address concerns within the juvenile court system. The Initiative also holds events, such as annual regional conferences, lecture series, webinars and trainings open to the public, court staff training, and a statewide Children's Summit every three years.

Subject Area	Bill/Resolution	Introducer	Description	Status
Education	LB 143	Speaker Priority Kolterman	Requires report/notice to court and notice to be sent out to school (by HHS) and all interested parties (siblings too)7 days prior to state ward changing placements; if school is changing requires new school get notice too; in emergency placement change situation notices to be sent to all same parties as above w/in 24 hr.	5/5 Signed by Gov
Juvenile Justice	LB 307	Cavanaugh, J. DeBoer Lathron +3	SCt to provide court rule to ensure youth are provided opportunity to consult w/ atty to assist youth in making decision to waive. less than 150,000 people youth alleged to have committed a felony = appt'd counsel, amended in LB 354 30 days for dist/cty judge to get order out in motion to transfer youth to juvenile court	5/24 Signed by Gov

Presenters' Legislation of Interest – Judge Lary Gendler (Ret.)

Subject Area	Bill/Resolution	Introducer	Description	Status
B2i			Tribal youth will be eligible as of July 1, 2021 due to the passage of LB 848 in 2020	
SS for foster kids and HHS	LR 198	Hunt	Interim study to examine Nebraska's practices relating to social security benefits owed to certain children in the foster care system	

Presenters' Legislation of Interest – Sarah Helvey, JD, Program Director / Staff Attorney – Child Welfare Program, Nebraska Appleseed

Subject Area	Bill/Resolution	Introducer	Description	Status
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YRTC	LB 273	Lowe - Priority	adds lang 'or any facility operated and utilized as a youth rehabilitation and treatment center in compliance with state law' to allow for changes in placement if needed for youth: new process for emergency hearing to take place in 24hrs pending full hearing later; if OJS wants to place a youth inan inpatient or subacute residential facility in NE a hearing must be held w/in 24hrs, court to provide notice to parties, facility to attempt to provide notice to parent; office of Public Counsel conducts yearly review of YRTCs	5/24 Signed by Gov
Juvenile Justice	LB 307	Pansing Brooks (Priority), Cavanaugh, J. DeBoer Lathrop +3	SCt to provide court rule to ensure youth are provided opportunity to consult w/ atty to assist youth in making decision to waive. less than 150,000 people youth alleged to have committed a felony = appt'd counsel, amended in LB 354 30 days for dist/cty judge to get order out in motion to transfer youth to juvenile court	5/24 Signed by Gov

Presenters' Legislation of Interest – Bri McLarty, *Deputy County Attorney* - Dodge County

Subject Area	Bill/Resolution	Introducer	Description	Status
Education (truancy)	LB 568		takes truancy out of juvenile court; kids can go to diversion programs if county has one, CBA dollars for funding stream; AM264 - changed some \$ on page 33: AM1209 \$\$; position of Director of Absenteeism created	Select File
Conflicts b/w CW system and custody orders	LR 167	Day	Interim study to examine possible solutions to address conflicts between the child welfare system and custody decisions made in civil cases	

Presenters' Legislation of Interest – Bri McLarty, *Deputy County Attorney* - Dodge County

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Education (truancy)	LB 568	Judiciary Priority Pansing Brooks	takes truancy out of juvenile court; kids can go to diversion programs if county has one, CBA dollars for funding stream; AM264 - changed some \$ on page 33: AM1209 \$\$; position of Director of Absenteeism created	Select File

Presenters' Legislation of Interest – Dennis Marks, Deputy Public Defender - Sarpy County

Subject Area	Bill/Resolution	Introducer	Description	Status
Child Welfare	LB 485	DeBoer	Change provisions relating to child care assistance - expand eligibility for the Child Care Subsidy program to families whose income is less than 185% of the federal poverty level. The bill would also seek to address the child care cliff effect by allowing families to qualify for transitional child care assistance if their income is less than 200% of the federal poverty level. The increased eligibility would be in effect through September 30, 2023.	Approved by Governor on May 24, 2021
Child Welfare	LB 108	Brandt	This bill increases the gross income limit for the Supplemental Nutrition Assistance Program (SNAP). The gross income limit would be increased to 165% of the Federal Poverty Limit (FPL) but the net income eligibility limit remains the same. The increased eligibility would be in effect through September 30, 2023	Presented to Secretary of State on

Presenters' Legislation of Interest – Roger Robinson, *Deputy Director Children and Family Services* – DHHS

Subject Area	Bill/Resolution	Introducer	Description	Status
Child Welfare	LB 306	Brandt	Provide eligibility requirements for the low-income home energy assistance program - expand eligibility to the Low Income Home Energy Assistance Program (LIHEAP) program from 130% of the federal poverty level to 150%, making more Nebraska households eligible. LIHEAP provides federal financial assistance to those in need to offset the costs of heating and cooling. It would also stipulate that not less than 10% of LIHEAP funds be allocated to weatherization assistance	Presented to Secretary of State on May 26, 2021
Education	LB 143	Speaker Priority Kolterman	Requires report/notice to court and notice to be sent out to school (by HHS) and all interested parties (siblings too)7 days prior to state ward changing placements; if school is changing requires new school get notice too; in emergency placement change situation notices to be sent to all same parties as above w/in 24 hr.	5/5 Signed by Gov

Presenters' Legislation of Interest – Roger Robinson, *Deputy Director Children and Family Services* – DHHS

Subject Area	Bill/Resolution	Introducer	Description	Status
Add Juveniles (adj'd out of state) to Sex Offender registry	LR 189	McCollister	Interim study to examine sex offender registration in Nebraska	
Problem solving courts, juvenile court and other courts	LR 164	Wishart	Interim study to examine problem solving courts	
Mental Health	LR 143	Stinner	Interim study to examine the mental and behavioral health needs of Nebraskans, assess the shortages of providers, and determine what is needed to ensure an adequate behavioral health service delivery system	

Presenters' Legislation of Interest – Mary Pat Coe, JD, Project Specialist – CIP

Subject Area	Bill/Resolution	Introducer	Description	Status
YRTC oversight	LR 25	•	Provide for appointment by the Executive Board of a special committee of the Legislature to be known as the Youth Rehabilitation and Treatment Center Special Oversight Committee of the Legislature	Speaker Signed
	LR 29		Provide for appointment by the Executive Board of a special committee to be known as the Eastern Service Area Child Welfare Contract Special Investigative and Oversight Committee of the Legislature. AM595 - oversight committee, report to Leg by 12/31/21; AM771 Exec Bd must authorize any subpoenas the committee issues	Speaker signed

Subject Area	Bill/Resolution	Introducer	Description	Status
Criminal Code	LB 34	Pansing Brooks	change provisions relating to sentences for certain offenses committed by under 21 yr old (was 18); added the court shall consider mitigating factors	Judiciary 2/17 1:30
Child Support lang	LB 47	Hansen	all orders to include language re show cause how to and form at sct website; added 'any known obligee shall be joined as party' - this makes any obligee (custodial parent/usually mom) a party in interest to child support or paternity cases. Important for legal remedy issues. AM64 filed	General File
Juvenile Justice	LB 49	Hansen	change underage smoking from class V Misd to Infraction; AM531- makes it clear that this doesn't apply to legally dispensed nicotine therapies to stop smoking	General File
Child Welfare	LB 68	Day	DHHS pays child care (fed child care subsidy program) based on enrollment not attendance	Health and Human Service 2/10 9:30

Subject Area	Bill/Resolution	Introducer	Description	Status
Education	LB 87	Morfeld	mental health first aid training for teachers/personnel; lottery \$ use; innovation grant changes	Education 3/2 1:30
Health Care - age of maj	LB 89	Morfeld	persons 18 and older can make health care decisions; allows under 19 who are committed to Dept of Corr to consent to mental health, medical care and related services	Judiciary 1/28 9:30
Adoption	LB 97	DeBoer	Change provisions relating to adoptions: allows adults to adopt children together without regard to marital status, allows children to be adopted by the spouse of their parent, or a second adult when child has a sole legal parent. Also allows for adoption of adult children by spouse of child's parent or someone they have a parent child relationship with. Lays out what must be filed with a petition for adoption.	General File
Protection Orders	LB 118	Morfeld	changes the duration of harassment, sexual assault and domestic abuse p.o.s from 1 yr to 5 yrs; no notary needed for petition/aff just certain lang	Judiciary 2/5 9:30

Subject Area	Bill/Resolution	Introducer	Description	Status
Juvenile Justice Incarcerated pregnant	LB 119	Cavanaugh, M., Blood	Provides for breastfeeding/pumping, living together up to 2yrs, requires parent separation policy; applies to YRTC	Judiciary 2/11 1:30
Child Welfare	LB 127	Cavanaugh, M.	Alllows for changes in former wards payments by the Dept	Health and Human Service 1/29
Medicaid Eligibility for minors	LB 129	McCollister	Once child is on medicaid the child stays eligible regardless of changes in resources or income	Health and Human Service 2/18 1:30
Education	LB 136	Vargas	Changes procedures re short term suspensions if kiddo has been suspended before in the semester and missed 9+ days	General File

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Education	LB 143	Speaker Priority Kolterman	Requires report/notice to court and notice to be sent out to school (by HHS) and all interested parties (siblings too)7 days prior to state ward changing placements; if school is changing requires new school get notice too; in emergency placement change situation notices to be sent to all same parties as above w/in 24 hr.	5/5 Signed by Gov
Education	LB 154	Speaker Priority Wayne	statewide data tracking system for school discipline; type of disc, race, poverty, high mobility, attendance, disability, esl, etc	5/5 Signed by Gov
Paternity	LB 155	Wayne	defined a term; paternity action allows complaint to intervene filed by alleged bio dad for child 'under 18'regardless of a legal dad. AM69	General File
Criminal Code	LB 186	Hilkemann	Lowered the age for child enticement from 14 to 16 in section 28-311.	Judiciary 2/24

Subject Area	Bill/Resolution	Introducer	Description	Status
Education	LB 198	Vargas Hunt Morfeld Pansing Brooks	Student Disc Act; student shall be given oppor to complete classwk/homework, testsnot have to attend alt school to complete class/home wk; school must accept credits from NE accrd'd insti; voice in hearing officer choice; various timelines given for notice, reports, etc: AM645 makes it clear that a school shall accept credits earned during suspension from accrediated school	General File
Juvenile Justice	LB 201	Pansing Brooks	Establishes that the juvenile court shall have original jurisdiction over all juvenile cases; some case can be transferred to county/district per new provisions; 14-less than 18 w/ alleged offense of felony, includes traffic 11+, or if 16 or 17 when offense committed	Judiciary 1/28 1:30
Child Welfare	LB 202	Pansing Brooks Rostar Brower Hunt	B2i for probation kiddos who are in court ordered out of home placement 6months before turning 19; possible hearing for contrary to the welfare lang to be heard and other provisions for kiddo to qualify for b2i, and prob and hhs responsibilities; added defense counsel as option for b2i appt'mt	Health and Human Service 2/11 9:30
Education	LB 203	Pansing Brooks	No public funded university/college can ask about criminal history or juv court record on application unless otherwise required by ne law	General File

Subject Area	Bill/Resolution	Introducer	Description	Status	
Child Welfare	LB 231	Hunt Cavanaugh J., Hansen	prohibits conversion therapy. AM358 filed	Judiciary 2/26 1:30	
DMV Gender	Bill w/drawn LB 232	Hunt Hansen	no documentation of gender need be specified on license/permit or state id (F, M or X); gender neutral lang thru out bill; probably not Fed REAL id compliant	Transportation and Telecommunication Bill w/drawn	
Adoptions - Juvenile Court	LB 245	DeBoer Wayne Wishart	changes some provisions/procedures when child is under jurisdiction of juv court; pretty minor. AM166 filed	General File	
DMV Organ Donor	LB 251	Cavanaugh, M. DeBoer Flood Hansen +7	lowers the age to from 16 to 14 that you can choose to be donor	General File	
B2i	LB 262	Vargas Pansing Brooks	b2i available to young adults not lawfully present in US if qualify otherwise; medical coverage too if qualified under fed law; medical coverage if young adult adjudicated under 43-247(3)(a) as minor; includes tribal young adults	Health and Human Service 2/11 9:30	

Subject Area	Bill/Resolution	Introducer	Description	Status
YRTC	LB 273	Lowe - Priority	adds lang 'or any facility operated and utilized as a youth rehabilitation and treatment center in compliance with state law' to allow for changes in placement if needed for youth: new process for emergency hearing to take place in 24hrs pending full hearing later; if OJS wants to place a youth inan inpatient or subacute residential facility in NE a hearing must be held w/in 24hrs, court to provide notice to parties, facility to attempt to provide notice to parent; office of Public Counsel conducts yearly review of YRTCs	5/24 Signed by Gov
Education	LB 281	Albrecht - Priority	All new lang - each school district to adopt a child sexual abuse prevention instructional program for K-5. AM 298 adopted - K-12, defines grooming, NDE to provide framework	Select File & E/R
Juvenile Justice	LB 307	Pansing Brooks (Priority), Cavanaugh, J. DeBoer Lathrop +3	SCt to provide court rule to ensure youth are provided opportunity to consult w/ atty to assist youth in making decision to waive. less than 150,000 people youth alleged to have committed a felony = appt'd counsel, amended in LB 354 30 days for dist/cty judge to get order out in motion to transfer youth to juvenile court	5/24 Signed by Gov
Juvenile Justice	LB 308	Pansing Brooks	creates the Juvenile Indigent Defense Fund; money used to provide legal services to juveniles in juvenile court, resources to assist counties in fulfilling their obligation to provide legal counsel, and pay the costs of administering the program. The money will be in the form of grants that counties apply for. One dollar is added filing fee of cases in county court, separate juvie, district, including appeals to such courts, and for each appeal and original action filed in the Ct of A and SCt.	Judiciary 1/28 1:30

Subject Area	Bill/Resolution	Introducer	Description	Status
Juvenile Justice	LB 330	Wayne	Raised the age in juvenile court to 21; changes age of charge of prostitution to under 21; firearm - raised age to 22 to petition juvenile court if adjuc for the underly offense; raised age from 18 to 21 (at time of offense); for arraingnment in county court; allows persons under 21 prior to the effective date of this act to file a motion for transfer to juvenile court under certain conditions; extends age to less than 21 to stay under juv prob officer; changes definition of juvenile in Juvenile Code to person under 21, except when the context requires it to be 19yrs of age - 43-247 added language 'under nineteen years of age' in variuos parts of statute; 43-247 makes clear highest age limit wins if juv court has jurisdiction under multiple sections; applies the new age to the sealing of records; age of juvenile raised from 18 to 21 in the Juvenile Services Act: <i>AM filed changing bill dramatically - now extending age to 21 only on the backend of probation (amendmt not available yet 1/29)</i>	Judiciary 1/28 1:30
Motion to Transfer to Juv Ct	LB 354	Lathrop	County or District Court judge would have 30 days after the hearing to get an order out	Amended in/LB 307 and signed by gov
Youth in Care Bill of Rights	LB 357	Hunt	all new lang.; I have some concerns with gal responsibilities when youth would also have a def atty; also YRTC kiddos are delinquencies not adju'ed under 43-247(3)(a) - I'm checking into this more but I thnk language should be changed. AM 54 filed, made some needed changes but still issue with lang regarding gal and def atty responsibilities in my opinion	General File

Subject Area	Bill/Resolution	Introducer	Description	Status
Developmental Disabilities	LB 376	HHS Priority Cavanaugh, M. Walz	all new lang.: AM 1307 It is a family support program for families with kids with disabilities, this includes kiddos with mental and behavioral health issues; requires HHS to apply for 3yr medicaid waiver; limits # of families; \$10,000/fam - hopefully some of these can be used as preventive services to keep kiddos in the home	Select File
Education	LB 417	Halloran	Authorizes possession of gun on school grounds for off-duty LE officer	Judiciary 3/3 1:30
Adolescent Psyshiatric Unit - amended into LB 428	LB 425	HHY COMM	HHS to contract for the completion of a needs assessment/cost analysis for the establishment of an inpatient adoles psych unit w/in Lincoln Regional Center.	Health and Human Service 2/3 9:30
YRTC-Kearney	LB 426	HHY COMM	HHS to contract for the completion of a cost analysis for improvements/changes to YRTC Kearney	Appropriations 2/25 1:30
CW/JJ substance abuse behavioral health trmt - amended into LB 428	LB 427	HH\ comm	no delay of trmt to juvenile when necessary under 43-407(2) or when ordered by juvenile court by an institution under HHS supervision	Health and Human Service 2/3 9:30

Subject Area	Bill/Resolution	Introducer	Description	Status
YRTC	LB 490	Cavanaugh, M.	yrtc shall obtain license from div of public health	Health and Human Service 2/3 1:30
Child Welfare - elims cw pilot in dc	LB 491	Cavanaugh, M.	seems to get rid of 'pilot project' (st fran) in the ESA and puts HHS back in place for all cases; operative date Oct 2021	Health and Human Service 2/18 9:30
Juvenile Data System	LB 492	Cavanaugh, M.	creates the NE Integrated Juvenile Data Governing Body; this will set up a unified data system for youth involved cw and jj systems; data will come from NDE, HHS, probation, case mgmt system used by CBA juvie services, juve detention centers, state trial courts case mgtmt systems, state/local LE agencies, NE Commis on LE and Crim Jus, relevant data from cty atty offices; UNO's JJ Institute to manage	Judiciary 2/5 1:30
Disability wait list	LB 493	Cavanaugh, M.	funds for developmental disability services waiver wait list (1M every biennium) , and also program 424 and developmental disability aid	Amended on LB 380 4/26 Signed by Gov
Child Welfare - foster paymts	LB 495	Hilkemann	increase foster care payments;e-clause	Health and Human Service 1/29 1:30

Subject Area	Bill/Resolution	Introducer	Description	Status	
DMV	LB 517	Hunt	gender neutral designation on operator's license and state id cards. AM 333	Judiciary 2/26 9:30	
Student Discipline Act	LB 518	Morfeld	adds to the act - prohibits surreptitious electronic surveillance at school, includes remote learning	Appropriations 2/9 1:30	
Education	LB 527	Speaker Priority Walz	transition services for students w/ devel disability starts at 14 yrs of age (rather than 16)	5/24 Signed by Gov	
Education, hotline #	LB 528	Education Priority Walz	hotline # on student id cards (Atty Gen opinion 21-003 given to Walz): AM1190 (w/drawn) termed enrollment option program	5/24 Signed by Gov	
Child Welfare, public asst \$	LB 533	Day	extends the \$4000 per year exclusion in income received for participation in grant-funded research on child development when determining eligibility for TANF (aka ADC), SNAP, low-income home energy assistance program and the child care subsidy program. It moves the sunset date from December 31, 2022 to December 31, 2026.	4/7 Signed by Gov	

Subject Area	Bill/Resolution	Introducer	Description	Status	
Juvenile Justice	LB 537	Geist	new lang that undoes the 2018 legis; a 14yr old can go to YRTC if risk to physical safety of others; creates more avenues for detention of youth(gun charge, certain felony offenses, felony plus where abouts unknown/missing/capias, run away from cust home/ct ordered placemt/unsuccful disch, any offense coupled with youth whereabouts unknown/missing/capais, poses threat to self or property of others); opens the door to put 12 and under into detention if threat to others, community or self; 43-253 - seems to take away the ability of def counsel to waive this hearing for detention if youth is already placed in an alt to detention, as well as youth not entitled to formal service of hearing probation shall ensure notice	Judiciary 2/5 1:30	
Education	LB 538	Walz	Creates the Community Schools Act; allows for establishment of some juvenile crime prevention and rehab programming but schools only have to choose 2 types of programming and there are 20+ to choose from.	Education 2/16 1:30	
Foster Care Reimbursement	LB 541	Walz	Implement treatment family care level of reimbursement (makes a 4th tier of reimbursement). This applies to division of medicaid and long term care too.	Health and Human Services 1/29 1:30	

Subject Area	Bill/Resolution	Introducer	Description		Status	
Marijuana Control Act, impact on tprs	LB 546	Wayne	created the Marijuana Control Act and Marijuana Conviction Clean Slate Act; no tpr if parents actions are lawful under the new act absent clear evidence of unreasonable danger to safety of child; no denial of cust/visits/parenting time based only on fact of person's lawful actions under new act unless unreasonable danger to child or otherwise contrary to best interests	Judiciary	2/19	1:30
Education	LB 565	McDonnell	NDE to develop youth-intiated mentoring pilot projects in high poverty area in each congressional district	Education	3/	/1 1:30
Education (truancy)	LB 568	Judiciary Priority Pansing Brooks	takes truancy out of juvenile court; kids can go to diversion programs if county has one, CBA dollars for funding stream; AM264 - changed some \$ on page 33: AM1209 \$\$; position of Director of Absenteeism created		Select File	
Pilot project eval - amended into LB 428	LB 570	HHS comm	Change certain HHS model pilot project eval periods; Leg would have to complete an eval of ESA by 12/31/2021	(General File	
Remote Instruction Act	LB 623	Vargas	Sets out requirements of school districts when making a virtual learning policy. This includes who must approve and using public hearings. This also includes things the policy must include and rights of the family as it pertains to digital learning.	Education	2/8	3 1:30

Subject Area	Bill/Resolution	Introducer	Description	Status	
YRTC reports by Ct Admin	LB 638	HHS comm	Annual report on juveniles in the justice system will now include information on youth discharges from YRTC - specifically info on these youth's rate of recidivism, number of these youth completing, probation, number of motions to revoke, and actual revocations. Number of such juveniles accessing services provided through Program 437 (what is this?), types of services received and how many kids received each type of service.	Judiciary 2/5 1:30	
Internet	LB 656	Wayne	a city may provide internet/broadband service on a retail/wholesale basis	Indefinitely Postponed	

2021 Legislative Resolutions related to CIP goals

Subject Area	Bill/Resolution	Introducer	Description	Status
Voting	LR 3CA	Slama	verification of picture id prior to voting	Gov/Military/Veteran 2/17 1:30
Term Limits in Legislature	LR 18CA	Exec Bd Priority resolution Wayne	increase to 3 consecutive terms	Executive Bd 2/17 noon
YRTC oversight	LR 25	•	Provide for appointment by the Executive Board of a special committee of the Legislature to be known as the Youth Rehabilitation and Treatment Center Special Oversight Committee of the Legislature	Speaker Signed
	LR 29	Exec Bd Priority resolution M. Cavanaugh	Provide for appointment by the Executive Board of a special committee to be known as the Eastern Service Area Child Welfare Contract Special Investigative and Oversight Committee of the Legislature. AM595 - oversight committee, report to Leg by 12/31/21; AM771 Exec Bd must authorize any subpoenas the committee issues	Speaker signed

2021 Legislative Interim Studies related to CIP goals

Subject Area	Bill/Resolution	Introducer	Description
Mental Health	LR 143	Stinner	Interim study to examine the mental and behavioral health needs of Nebraskans, assess the shortages of providers, and determine what is needed to ensure an adequate behavioral health service delivery system
Problem solving courts, juvenile court and other courts	LR 164	Wishart	Interim study to examine problem solving courts
Conflicts b/w CW system and custody orders	LR 167	Day	Interim study to examine possible solutions to address conflicts between the child welfare system and custody decisions made in civil cases
Add Juveniles (adj'd out of state) to Sex Offender registry	LR 189	McCollister	Interim study to examine sex offender registration in Nebraska
SS for foster kids and HHS	LR 198	Hunt	Interim study to examine Nebraska's practices relating to social security benefits owed to certain children in the foster care system



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CLE Credit Activity Number:

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1.0 Credit Hours Approved by Nebraska Attorney Services





Nebraska Court Improvement Project

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