

Judiciary Committee
LB 893
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Good afternoon Senator Seiler and members of the Judiciary Committee. My name is Doug Weinberg (D-O-U-G W-E-I-N-B-E-R-G). I am the Director of the Division of Children and Family Services in the Department of Health and Human Services. I am here to offer neutral testimony regarding this bill.

LB 893 prevents youth under the age of 11 from being adjudicated for misdemeanors, felonies and traffic offenses. It also prevents adjudication for youth under 11 years old who are uncontrollable. Instead, these youth would be adjudicated under the abuse and neglect statutes.

The Department understands the intent of this bill and is able to serve this population; however, there are questions with the implementation of LB 893 as drafted, which we have shared with Senator Pansing-Brooks. I would also like to thank the Senator for being sensitive to these questions and her willingness to continue working with us.

If youth are adjudicated under the abuse and neglect statutes contained in Nebraska Revised Statutes section 43-247, 3(a), parents potentially could be placed on the Central Registry as “court substantiated” abuse or neglect. The Department will work with Senator Pansing-Brooks office to revise language to ensure this does not happen.

Additionally, if a youth commits an action that requires him or her to be placed with DHHS at 10 years old, and then turns 11, who is to provide services? Is it, the Administrative Office of Probation or DHHS? Again, the Department will work with Senator Pansing-Brooks office to revise language to clarify language for consistency of the children.

Finally, the largest obstacle to implementation of LB 893 regards funding for this population. The fiscal note is unclear, and should this bill pass, it will not work without funding. When the Office of Juvenile Services was moved to the Administrative Office of Probation, the funding for this population was also transferred. The Department will work with Senator Pansing-Brooks office to revise language proposing the Administrative Office of Probation reimburse DHHS quarterly for all costs associated with this population.

It is important to the Department, as well, to ensure this population receives the care they need.

I'm happy to answer any questions you may have.