

**Hamilton, Merrick, Nance & Polk Counties
Juvenile Services Comprehensive Community Plan
July 1st 2018 - June 30th 2021**

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SECTION II

COMMUNITY TEAM

Comprehensive Planning Team

Description of Team:

The Merrick, Hamilton, Nance, & Polk County Juvenile Services Team was established in 2014 to establish the previous comprehensive plan. There was a change in leadership at Central Nebraska Youth Services in February 2018 who had not been part of the planning process up to this point. It was the understanding that the team had been meeting to improve the current plan via email and in person meetings. The final planning committee met to finalize the 2018-2021 plan in July 2018 under the understanding the Juvenile Comprehensive Plan is a living breathing document. As a new team we plan to meet quarterly and make changes as we see fit in the future, as well as continue to reach out to community stakeholders to expand the team.

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SECTION III

COMMUNITY SOCIO-ECONMICS

Socio-Economics of Hamilton, Merrick, Nance, and Polk Counties

All four counties are similar in make-up and location. Several major transportation routes run through this area. Highway 30 runs the length of Merrick County, Highway 14 runs through Hamilton, Merrick and Nance, Highway 92 runs through Merrick and Polk, Highway 39 runs through Merrick Nance and Polk. Other transportation routes include Highway 66 and 81 in Polk County and Highway 22 in Nance. Interstate 80 crosses Hamilton County about three miles south of Aurora. The Union Pacific Railroad (UPRR) runs the length of Merrick County and the Nebraska Central Railroad Company's (NCRC) line runs through all four counties. There is a moderate amount of highway and railway traffic going through all counties; especially in Central City where Highway 30 and 14 and the UPRR intersect. There is also a high amount of traffic through Hamilton County on Interstate 80.

All counties are rural in nature and agriculture is the main industry; especially corn, cattle, and hogs. Major employers in Hamilton County include: MARS plant, Aurora Cooperative, Hamilton Communications, and Memorial Hospital. Merrick County major employers include Preferred Popcorn, Platte Valley Fuel Ethanol, and Bryan Health Merrick Medical. Nance County is home to several cattle feedlots, and a sand and gravel company. Polk County has Central Valley Ag, and a number of commercial livestock feeding facilities as well.

As you can see on the chart listed on the next page, all four counties have a low percentage of minority populations compared to Caucasian populations. Polk and Hamilton Counties have a slightly higher minority population than Merrick County and Nance's is even lower yet. Percentages of minority populations are slightly higher among the juvenile population compared to the general population. Larger communities and higher minority populations such as Platte, Hall and York counties surround the four counties. The county seats: Aurora, Central City, Fullerton, and Osceola have considerably larger population bases than other communities throughout the counties.

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| Gender, Race and Ethnicity | Total Population of Grant Area of Merrick, Nance Hamilton, & Polk Counties | Percent | Total Juvenile Population of Grant Area of Merrick, Hamilton Nance | Percentage |
|---|---|----------------|---|-------------------|
| Male | 9,881 | 49.52 | 3,109 | 51.18% |
| Female | 10,072 | 50.49 | 2,962 | 48.82% |
| White | 19,574 | 98.10 | 5,836 | 96.13% |
| Black | 115 | 0.58 | 97 | 1.4% |
| American Indian & Alaska Native | 104 | 0.52 | 51 | 0.84% |
| Native Hawaiian & other Pacific Islander | N/A | N/A | N/A | N/A |
| Asian | 82 | 0.41 | 63 | 1.04 |
| Other | N/A | N/A | N/A | N/A |
| Total | 19,953 | 100% | 6,071 | 100 |
| Hispanic | 658 | 3.3% | 421 | 6.93% |
| Non-Hispanic or Latino | 19,295 | 96.70% | 5,650 | 93% |
| Total | 19,953 | 100% | 6,071 | 100% |

*Source of data: http://ojidp.gov/ojstatbb/ezpop/asp/profile_selection.asp for 2014.

There are 14 school systems represented in the four counties. High Plains Community Schools have buildings located in both Merrick and Polk County. Twin River Public Schools also have buildings located in both Nance and Merrick County. Hamilton County has other educational assets including the Plainsmen Museum, the Edgerton Explorit Center, L' Eglise Art Center and the Prairie Plains Resource Institute. Each of these organizations provide opportunities through history, science, art, and natural resources and most offer programs for youth participation. The Edgerton Explorit Center has instituted "Wacky Wednesdays", offering education programming for school aged youth on Wednesday afternoons, as Aurora Public Schools has early dismissal. There are no local colleges in the communities, but the high schools in all four counties offer college credit classes via distance learning. Nearby, Grand Island, Columbus, Hastings, and York have a community college available. The Merrick County Youth Council provides an after school program twice a week at their facility in conjunction with Central City Public Schools. The University of Nebraska at Lincoln extension office offers after school programs throughout the region that focuses on STEM education.

Natural Resources of the Platte and Loup Rivers provide hunting, fishing, tubing, and other popular recreational activities. Merrick and Hamilton counties offer parks such as Bader & Tooley Parks for camping and recreation as well as Timberlake Ranch camp right outside of Central City. Nance County has camping at the Head Gates between Genoa & Fullerton. Polk County offers boating and camping at Buckley Park near Stromsburg. All four counties have golf courses to offer as well. Central City & Aurora have fairly new aquatic centers for swimming during the summer. Central City is home of the Merrick County Fitness Center which offers a gym, weight room, exercise equipment, youth sports leagues, and an indoor pool for year round swimming.

All four counties have active community organizations although they each have different levels of involvement. Programs such as Region 3 & 5 Health Systems, county coalitions such as MAPS (Merrick County Meth and Addictions Prevention Services), Hamilton COPE (County Organization for Prevention and Education), PSAC (Polk County Substance Abuse Coalition), MCYC (Merrick County Youth Council), Teammates, & Big Brothers/Big Sisters Programs. The school administrations, county attorneys and county boards are all very supportive of the organizations and have open lines of communication.

While these counties do have a lot to offer residents for education, recreation, and transportation, they do not have much to offer in the terms of treatment and aid to families because of their rural location. It can sometimes be difficult to find the needed treatment for families that cannot afford to commute to a larger community. The Diversion Office offers classes through 3rd Millennium online for clients. On the other hand, all four counties are full of people who are willing to get involved to find solutions to these problems.

Section V

Identified Priority Areas & Corresponding Strategies

PRIORITY AREAS

Priority #1

Reduce the number of and provide alternatives for youth who find themselves in the justice system.

General Description

Drug and alcohol use, truancy, theft, criminal mischief, and other crimes are all on the rise in each county according to the Nebraska Juvenile Court Report. Most members of the team agreed that they feel this is a problem in our area. Law enforcement and probation's concern is that there is no location to detain juveniles in any of the four counties, leaving inadequate coverage when required to transport youth to facilities outside of the county. There is also a large amount of research that supports the idea that entering the justice system raises a juvenile's risk of recidivism. The rural nature of the communities does not allow for a lot of pro social activities to keep youth out of negative activities. As a result, they turn to criminal activities to occupy their time.

Strategies

1. Maintaining & enhancing the Juvenile Diversion Program. Often times, diversion offers the same benefits as probation, including: monitoring for drugs and alcohol, referrals to educational classes, and educational accountability. By the diversion program being offered, these youths will avoid entering the justice system entirely. Diversion is provided through the Central Nebraska Youth Services office which operates under the Merrick County Attorney's office but serves all four of the participating counties in the comprehensive plan.
2. Constructive pro-social activities are another way to combat youth becoming unnecessarily involved in the justice system. There are several organizations that could help provide youths with different activities including:
 - The Merrick County Health & Fitness Center, located in Central City, offers a pool & organized sports leagues for youth.
 - The Merrick County Youth Council offers high school youth opportunities to serve their community through activities, volunteer work, etc.
 - Area youth groups will begin conducting outreach to recruit more youth to their programs.
 - Area schools continue to offer a variety of extracurricular activities for youth including but not limited to sports, music, art programs, and organizations such as FFA & FBLA.

3. Detention Alternatives: Youth who are detained are more likely to engage in antisocial activities.

Often at the time of intake into the justice system, placement of the youth may be necessary, but not to the point of placing the youth into a detention facility. This scenario may occur even when the youth is not necessarily a danger to the community. Tracking Services & GPS electronic monitoring offer an alternative which is not a lockdown facility. The expected outcome is reduced detention rates if juveniles in each county, as deemed appropriate by the Probation Office. This will be accomplished by:

4. Contract with Owens Educational Services to provide Tracking & Electronic Monitoring Services to youth deemed appropriate for the intervention.

Law enforcement will participate in the Intake Screening trainings offered by the Probation Office as requested. Law enforcement will receive updated information as to changes in procedure, protocol, & legislation. Probation will have the opportunity to build relationships and offer guidance in the area of intake screening. Trainings will be ongoing, as requested. Resources needed are time commitment and ample conference space. Expected outcome is a strong relationship between local law enforcement and probation, as well as appropriate use of the intake screening process.

Members of the community plan team also felt the need to utilize the crisis intervention teams that are provided by the regions. We also felt that parents & guardians needed to be aware of the resource as well.

Timeline

Year One- By implementing these strategies, it is the hope of the Community Planning Team that in the first year of the comprehensive plan the number of youth that enter the justice system will, if not decrease, at least will not increase thanks to the proposed strategies. In the first year, the focus will be the continued funding and enhancement of the juvenile diversion program for the youth needing these services to stay out of the justice system. This will give much needed support of the youth of our counties.

Year Two: By implementing these strategies, it is the hope of the Community Planning Committee that in the second year of the comprehensive plan that the number of the youth will be entering the justice system will decrease by 3% or more. In the second year, the focus will be on providing opportunities for activities for the youth of our counties, such as the ones proposed in strategy two. Having these

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available for youth will give them the opportunities that have the potential to keep them from needing the services provided by the juvenile diversion program.

Year Three: By implementing these strategies, it is the hope of the Community Planning Team that the third year of the comprehensive plan that the number of youth will decrease by 6% thanks to the proposed strategies. In the third year, the focus will be to improve upon the proposed strategies that have been put in place the previous two years. The Community Planning Committee feels like these are valuable tools for the youth in our counties.

Priority #2

Create a commitment to learning by supporting community stakeholders that monitor attendance

General Description

Truancy, defined as missing twenty or more days, leads to negative consequences such as lowered test scores, increased risk of dropouts, the greater potential for criminal activity, teen pregnancies, and other negative effects. The youth of our community have benefited from the Attendance Matters program which was created as a strategy in the previous plan. The planning team felt that it is very important to maintain and enhance the Attendance Matters truancy program.

Strategies

1. To address this concern, the community planning team would like to maintain and enhance the Attendance Matters program. Due to this program there has been a 21 % drop in excessive absenteeism in the school district the Attendance Matters Program serves. This statistic reflects the drop in excessive absenteeism that Attendance Matters has seen program-wide. It is the Community Planning Team's hope that the Attendance Matters Program will continue to help the schools and other community stakeholders to further reduce truancy concerns.

Priority #3

Address the issues with the youth in the community that pertain to lack of supervision & parenting skills

General Description

One of the important ways to keep youth out of trouble is to teach them how to be responsible adults before they become parents. Studies show that children who are raised in both abusive or apathetic environments are prone to suffer from psychological issues, depression, and low self-esteem, violence, behavioral problems, poor social adjustment, and potential problems with the law. Studies also show that parents who were juvenile law violators themselves tend to have children who are juvenile law violators. It's a continuous cycle that is hard to be broken. In order to break the cycle and help our youth either exit or stay out of the juvenile justice system entirely, our community has a need to educate parents on effective parenting strategies.

Strategies

1. Parenting classes can be a way to empower parents and give them the tools to implement more effective parenting strategies. The biggest obstacle that we face is getting parents to the class to participate. As a community planning team we need to work with parents that need extra help parenting to empower themselves and improve so they are not expecting the schools and the juvenile justice system to guide their children.
2. Finding connections for all youth through mentoring programs such as:
 - Teammates
 - Big Brother/Big Sisters
 - Boy/Girl Scouts
 - Extension Office/4H
 - Offering options such as job shadowing or internships with local businesses and professionals could provide opportunities for the youth of all four counties. It is also a beneficial opportunity for businesses and professionals who would provide this experience.

With these strategies, the Community Planning Team feels that the lack of supervision and parenting support can be addressed and changed for the betterment of the youth in all four counties.

Timeline

Year One: By implementing these strategies, it is the hope of the Community Planning Team that in the first year of the plan that there will be an increase in the participation of these programs thanks to the proposed strategies. In the first year the focus will be on education. There will be offering of parenting classes, to empower parents how to better guide their children as outlined in the strategies.

Year Two: By implementing these strategies, it is the hope of the Community Planning Team that in the second year of the comprehensive plan there will be a

continued increase of participation in these programs. In the second year building, creating, and continuing the programs as outlined in the above section.

Year Three: It is the hope of the Community Planning Team that in the third year of the comprehensive community plan there will still be a continued increase of participation in the programs that are proposed in the proposed strategies.

Priority #4

Educate our communities about the long term effects of alcohol, marijuana, opiates, and other substance abuse.

General Description

As data shows, our communities have long-standing problem with substance abuse. In Merrick County alone drug and alcohol charges account for 52% of all diversion referrals in the past four years. The Community Planning Team feels that by raising awareness about substance abuse, for both the youth and parents will help combat the issue of substance abuse among the youth in our counties.

Strategies

1. A strategy to help combat substance abuse is through drug and alcohol education for elementary and middle school aged youth to help make them more informed of their choices. One way is to reach out through programs such as D.A.R.E. (used in Polk & Hamilton counties)
2. Reaching out to the older youth in the communities can potentially break the cycle. The Merrick County Youth Council sponsors speakers who come to the middle and high schools making the youth aware of the risks and dangers of illegal substances. This is helpful in deterring the youth from making the decision to partake in these substances.
3. Additional strategy would be to include the education of parents about the dangers of drug and binge alcohol use in not only youth but adults too. The MAPS, COPE, and PSAC coalitions can provide trainings. The resources needed for this is educational material, marketing money, and personnel to administer the trainings. The results would be that vital information will be relayed to parents and leaders of our communities and the importance of prevention can be recognized.

Timeline

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Year One: Implementing these strategies, it is the hope of the Community Planning Committee that in the first year of the comprehensive community plan that the substance abuse rates of youth will if not decrease, remain steady thanks the proposed strategies. The first year, the focus will remain on educational programs in order to break the cycle of drug use at a young age. It is also the hope of the Planning Committee that starting the education in youth at a young age of the risks of use of illegal substances and the risks of social acceptance of marijuana it will help the decrease the amount of use at a young age.

Year Two: The hope of the Community Planning Team that the implementation of these strategies that by the second year of the comprehensive plan that the substance abuse rates of youth will decrease by 5% as a result of the strategies. The focus will be on the education and support of adults and older youth in the communities. The Community Planning Team feels that by spreading awareness among the youth of the communities of our counties, along with the adults the dangers of substance abuse will help decrease the amount of offenders in future years.

Year Three: With the implementation of these strategies, it is the hope of the Community Planning Team that the third year of the comprehensive plan that the substance abuse rates of youth will have decreased by as much as 10% as a result of these proposed strategies. In the third year by focusing on educating youth and adults of the communities in the counties about the dangers of substance abuse will decrease the amount of future offenders, in turn making the communities of our counties a safer place.

Appendix

A. Juvenile Justice System Points Analysis

B. Approval Letter from the Merrick County Board

C. MOUs

APPENDIX A:

SYSTEM POINT: ARREST/ CITATION

PARTY RESPONSIBLE: Police/Law Enforcement

STATUTE REFERENCE: NRS §§ 43-247 (1), (2), (4)

Decision: Whether an information report should be filed, or what offense, if any, with which juvenile should be cited or arrested.

Formal Determining Factors

- a. Sufficient factual basis to believe offense was committed.
- b. Underlying support for a particular offense

Informal Determining Factors

- a. Officer's inclination/patience
- b. Degree to which parent or service provider pushed the issue
- c. Youth's prior incidences with law enforcement
- d. Youth and/or youth's families perceived status in the community
- e. Attitude of juvenile (compliant or not)
- f. Age of juvenile
- g. Totality of circumstances

Notes:

In the case where a juvenile comes into contact with law enforcement for allegedly committing a law violation, it is customary for law enforcement to issue a citation to the juvenile for a law violation and forward a report to the county attorney. In the event that a citation is not issued, law enforcement may still submit a report to the county attorney who will then determine what charges, if any, should be filed. It is also the officer's discretion to issue a warning to the juvenile in lieu of a citation and not contact the county attorney's office.

Decision: Whether to cite or arrest juvenile for juvenile or adult offense.

Formal Determining Factors

- a. Seriousness of Offense
- b. Is there a warrant?
- c. In accordance with state statute
- d. Age of juvenile

Informal Determining Factors

- a. Degree to which juvenile cooperates with officer
- b. Victim's desire
- c. Youth is already in the HHS or juvenile system
- d. Age of the juvenile
- e. Criminal history of the juvenile

Notes:

The juvenile is treated as a juvenile throughout any and all law enforcement actions. It is the responsibility of the County Attorney to determine if charges should be adult or juvenile. The major considerations are how much trouble the youth is getting into, how serious the crime is, and involved of the parents.

- f. Availability/cost of law enforcement to transport juvenile
- g. Too much time elapses from first contact with juvenile and when he/she enters juvenile court
- h. Legal status of family (if known)

Notes:

Law enforcement generally will cite and release a juvenile unless the above formal issues exists. If law enforcement decides to detain, the probation office determines whether or not the juvenile will remain in detention, be placed back into the home or placed in out-of-home placement. A mental health case may result in temporary custody being placed with the Department of Health and Human Services, and the juvenile is then taken to a youth mental health facility for safekeeping and to undergo an evaluation.

SYSTEM POINT: INITIAL DETENTION

PARTY RESPONSIBLE: State of Nebraska Probation

STATUTE REFERENCE: NRS § 43-250(3), § 43-260, § 43-260.01

Decision: Whether juvenile should be detained, placed in an alternative or released.

Formal Determining Factors

- a. Risk assessment outcome
- b. Accessibility of placement options:
 - i. Parent/Guardian
 - ii. Alternatives for Detention
 - iii. Staff Secure Facility
 - iv. Secure Detention Facility

Informal Determining Factors

- a. Detention screening instrument requires approval for override by a supervisor
- b. In cases involving a mental health crisis, law enforcement will contact the local crisis response team or conduct an EPC, if applicable.

Notes:

Secure detentions are a last resort for law enforcement and probation. The probation office conducts a risk assessment. According to the results of the assessments, the juvenile can be placed in a staff secure facility, an emergency shelter or placed back with the parents or other family members or friends that would be appropriate. If the juvenile is released, he may be placed on tracking and electronic monitoring services through the Probation Office.

SYSTEM POINT: CHARGE JUVENILE

PARTY RESPONSIBLE: County Attorney

STATUTE REFERENCE: NRS § 43-274(1), § 43-275, § 43-276

Decision: Whether to prosecute juvenile.

Formal Determining Factors

- a. Factors under NRS § 43-276
 - i. The type of treatment such juvenile would most likely be amenable to
 - b. Whether there is evidence that the alleged offense included violence

Informal Determining Factors

- a. After reviewing police reports, examining the nature of the County Attorney will make decision made as to whether to refer to Pre-trial Diversion or file petition. Enrolling youth

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- c. The motivation or the commission of the offense in Pre-trial Diversion is a more immediate path for intervention.
- d. The age of the juvenile and the ages and circumstances of any others involved in the offense
- e. The previous history of the juvenile, including whether he or she has been convicted of any previous offenses or adjudicated in juvenile court
- f. The best interests of the juvenile
- g. Consideration of public safety
- h. Consideration of the juvenile's ability to appreciate the nature and seriousness of his or her conduct
- i. Whether the best interests of the juvenile and the security of the public may require that the juvenile continue in secure detention or under supervision for a period extending beyond his or her minority and if so, the available alternative best suited to this purpose
- j. Whether the victim agrees to participate in mediation
- k. Whether there is a juvenile pretrial diversion program established pursuant to section 43-260.02 to 43-260.07
- l. Whether the juvenile has been convicted of or has acknowledged unauthorized use or possession of a firearm
- m. Whether a juvenile court order has been issued for the juvenile pursuant to section 43-2, 106.03
- n. Whether the juvenile is a criminal street gang member
- o. Such other matters as the parties deem relevant to aid in the decision

Notes:

If the County Attorney finds that there is a sufficient amount of evidence, the case will be referred to Pre-trial Diversion or a petition will be filed in juvenile court. The County Attorney will have the final decision if the case goes to a diversion program or court. If there is an insufficient amount of evidence to prosecute, the juvenile does not participate in either. If the juvenile participates in the Pre-trial Diversion program, a Pretrial Diversion Case Manager conducts a risk assessment on the juvenile.

Decision: Whether youth should be prosecuted as juvenile or adult.

Formal Determining Factors

- a. Reference NRS § 43-276 for guidelines
- b. Age of youth

Informal Determining Factors

- a. Nature of offense and age
- b. Mental capabilities
- c. Which judicial system would best serve needs if youth but also be accountable for actions but protect the safety of the community.
- d. Juvenile's prior criminal record
- e. Degree of accountability
- f. Public Safety

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h. Resource issue

Notes:

The ultimate decision to prosecute a juvenile as an adult with rest entirely on the discretion of the county attorney taking into consideration the above determining factors.

and/or the juvenile, the court can order that the juvenile (1) remain in detention pending another hearing, (2) be released to the custody of the parent or custodian, or (3) authorize probation to find suitable placement. If the juvenile is released to the parent, the court can issue Conditions of Release which are temporary court orders that govern the behavior and whereabouts of the juvenile AN electronic monitor can be ordered through the juvenile court. If the juvenile remains in detention, the youth is placed in the Northeast Nebraska Juvenile Services detention center in Madison until his next court appearance date.

Often times, the Juvenile Court Judge who may preside at detention hearing believe the law does not allow juveniles to be in detention longer than necessary. This same standard is also applied to any other out-of-home placement. As a result, most juveniles who have met the criteria for detention are returned to the car and custody of their parents/guardians.

Decision: Offense for which juvenile should be charged.

Formal Determining Factors

a. Seriousness of offense

b. Charge must be supported by sufficient evidence to establish proof beyond a reasonable doubt

Informal Determining Factors

a. Determined by police reports

b. Prosecutorial discretion

c. Nature of offense

Notes:

SYSTEM POINT: PRE-ADJUDICATION DETENTION

PARTY RESPONSIBLE: Juvenile Court Judge

STATUTE REFERENCE: NRS § 43-253(2)

Decision: Whether juvenile detained at the time of citation/arrest should continue in detention or out-of-home placement pending adjudication.

Options:

1. Parents/Guardians

2. Emergency Shelter

3. Staff Secure Facility

4. Secure Detention Facility

5. Electronic Monitoring

Formal Determining Factors

a. Whether there is an “immediate and urgent necessity for the protection of such juvenile”

b. Whether there is an “immediate and urgent necessity for the protection of the person or property of another”

c. Whether juvenile is likely to flee the jurisdiction of the court

Informal Determining Factors

Notes:

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Juveniles in detention are brought before the judge within 48 hours at which time the court decides whether the juvenile shall remain in detention. Based on the seriousness of the offense and the need to protect the public

and/or the juvenile, the court can order that the juvenile (1) remain in detention pending another hearing, (2) be released to the custody of the parent or custodian, or (3) authorize probation to find suitable placement. If the juvenile is released to the parent, the court can issue Conditions of Release which are temporary court orders that govern the behavior and whereabouts of the juvenile AN electronic monitor can be ordered through the juvenile court. If the juvenile remains in detention, the youth is placed in the Northeast Nebraska Juvenile Services detention center in Madison until his next court appearance date.

Often times, the Juvenile Court Judge who may preside at detention hearing believe the law does not allow juveniles to be in detention longer than necessary. This same standard is also applied to any other out-of-home placement. As a result, most juveniles who have met the criteria for detention are returned to the car and custody of their parents/guardians.

SYSTEM POINT: PROBABLE CAUSE HEARING

PARTY RESPONSIBLE: Juvenile Court Judge

STATUTE REFERENCE: NRS § 43-256

Decision: Whether state can show that probable cause exists that juvenile is within the jurisdiction of the court.

Formal Determining Factors

- a. Police investigation/Reports
- b. Sworn Affidavit
- c. NRS § 43-256. When the court enters an order continuing placement or detention pursuant to section 43-253, upon request of the juvenile, or his or her parent, guardian, or attorney, the court shall hold a hearing within forty-eight hours, at which hearing the burden of proof shall be upon the state to show probable cause that such juvenile is within the jurisdiction of the court. Strict rules of evidence shall not apply at the probable cause hearing. The juvenile shall be released if probable cause is not shown. At the option of the court, it may hold the adjudication hearing provided in section 43-279 as soon as possible instead of the probable cause hearing if held within a reasonable period of time. This section and section 43-255 shall not apply to a juvenile (1) who has escaped from a commitment or (2) who has been taken into custody for his or her own protection as provided in subdivision (2) of section 43-248 in

Informal Determining Factors

- a. Parent or other agencies
- b. Petitions and motions filed
- c. Evidence submitted to by state, guardian-ad-litem, other attorneys appointed or designated by

which case the juvenile shall be held on order of the court with jurisdiction for a reasonable period of time.

Notes:

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The Judge takes the County Attorney's advice into consideration. The County Attorney knows the facts about the juvenile and it helps when the Judge knows as much about the juvenile as possible

SYSTEM POINT: COMPETENCY EVALUATION

PARTY RESPONSIBLE: Juvenile Court Judge

STATUTE REFERENCE: NRS § 43-258(1(b))

Decision: Whether juvenile is competent to participate in the proceedings.

Formal Determining Factors

- a. Outlined in statute
- b. Pending the adjudication of any case under the Nebraska Juvenile Code, the court may offer the juvenile to be examined by a physician, surgeon, psychiatrist, duly authorized community mental health service program, or psychologist to aid the court in determining (a) a material allegation in the petition relating to the juvenile's physical or mental condition, (b) the juvenile's competence to participate in the proceedings, (c) the juvenile's responsibility for his or her acts, or (d) whether or not to provide emergency medical treatment.

Informal Determining Factors

- a. Evidence submitted to by state, guardian-ad-litem, other attorneys appointed or designated by juvenile.

Notes:

If a competency hearing is ordered, which is rare, factors considered would be whether the juvenile is suicidal, whether the juvenile is addicted to any substances, and whether the county could provide services. What type of legal representation the juvenile had would also be a concern.

Decision: Whether juvenile is "responsible" for his/her acts.

Formal Determining Factors

- a. "Complete evaluation of the juvenile including any authorized area of inquiry requested by court" (NRS § 43-258(2))
- b. Opinion of physician, psychiatrist, community mental health program, psychologist
- c. Pending the adjudication of any case under the Nebraska Juvenile

Informal Determining Factors

- a. CASA
- b. DHHS
- c. Adequate investigation of pre-placement behavior to ensure evaluation is correct

Code, the court may offer the juvenile examined by a physician, surgeon, psychiatrist, duly authorized community mental health service program, or psychologist to aid the court in determining (a) a material allegation in the petition relating to the juvenile's physical or mental condition, (b) the juvenile's competence to participate in the proceedings, (c) the juvenile's responsibility for his or her acts, or (d) whether or not to provide emergency medical treatment.

SYSTEM POINT: ADJUDICATION

PARTY RESPONSIBLE: Juvenile Court Judge
STATUTE REFERENCE: NRS § 43-279 (2) and (3)

Decision: Whether the juvenile is, beyond a reasonable doubt, "a person" described by section 43-247.

Formal Determining Factors

Informal Determining Factors

- a. Legal sufficiency of evidence presented during adjudication hearing
- b. Whether juvenile admits the allegations of the petition (or, "pleads to the charge")
- c. Residency
- d. Age

Notes:

The statute sufficiently describes the factors that must go into this decision. If the court believes it needs additional information in order to make a decision at disposition, then the juvenile is often ordered to submit to a pre-disposition investigation (PDI) with the probation office. Probation will then utilize the PDI to determine the risk level and supervision level needed for the juvenile. PDI's are not ordered in every case.

SYSTEM POINT: DISPOSITION

PARTY RESPONSIBLE: Juvenile Court Judge
STATUTE REFERENCE: NRS § 43-286 (1)

Decision: Whether to place juvenile on probation

Formal Determining Factors

Informal Determining Factors

- a. As outlined in statute

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Community Plan 2018-2021

Notes:

Determining factors are parental influences, family structure, the juvenile's socialization skills, and friends. Other significant factors include answering these questions: what agency is best suited to help the juvenile – Probation or OJS? What impact can the probation officer/OJS personnel have regarding the juveniles family situation, peer influence, the juvenile's social abilities, the best ability to oversee the juvenile during the evening/nighttime hours, and the ability to track and assist the juvenile with their school attendance/classroom performance? Can the probation officer provide the services needed to meet expected goals?

Notes: Most dispositions in the area end with an order of probation. It is the preferred option because it is the least restrictive rehabilitation plan. The court takes the recommendations of the County Attorney's Office, the juvenile's counsel and/or guardian ad litem and even the parents into consideration when making a decision on disposition. In the event that the juvenile has been continuously unsuccessful in previous probations or the State has exhausted all community based programs to rehabilitate the juvenile, the juvenile may be committed to a Youth Treatment Center. The county attorney must file a motion to court requesting that the juvenile be placed in a youth treatment facility and that all efforts has been exhausted to rehabilitate the juvenile.

SYSTEM POINT: ADMINISTRATIVE SANCTIONS

PARTY RESPONSIBLE: Probation

STATUTE REFERENCE: NRS § 29-2266

Decision: Whether to impose administrative sanctions on a probationer

Formal Determining Factors

Informal Determining Factors

- a. Probation officers has reasonable cause to believe that probationer has committed a non-criminal violation
- b. Substance abuse violation refers to a positive test for drug or alcohol use, failure to report for such a test, or failure to comply with substance abuse evaluation or treatment
- c. Non-criminal violation means
 - i. Failure to report to his or her probation officer;
 - ii. Leaving the jurisdiction of the court or leaving the state without the permission of the court or his or her probation officer
 - iii. Failure to work regularly or attend training schools.
 - iv. Failure to notify his or her probation officer of change of address or employment.
 - v. Frequenting places where controlled substances are illegally sold, used, distributed or administered
 - vi. Failure to perform community service as directed
 - vii. Failure to pay fines, court costs, restitution or any fees imposed pursuant to section 29-2262.06 a. Whether violation can be handled informally through an administrative sanction

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- b. Whether juvenile cooperates in agreeing to the administrative sanction
- c. Whether parent agrees to assist juvenile in complying with sanction
- d. Whether an extension of probation is needed to handle the violation.
- e. Nature and seriousness of the violation
- f. Past history of administrative sanctions files and reasons for sanctions.
- g. Offender's perceived danger or threat to himself, or the community

Notes:

The State Probation Office Nebraska law and its own rules and regulations regarding whether to impose an administrative sanction. If the probationer has violated the probation order but the type of violation can be handled informally, then the probation officer has the authority to request that the probationer submit to the administrative sanction. The probationer would sign a standard administrative sanctions form that requires them to agree that they violated their probation and requires them to agree to comply with an additional request of the probation officer. Administrative sanctions have proved useful in handling minor probation violations rather than needing to go to back to court for every issue.

SYSTEM POINT: MOTION TO REVOKE PROBATION

PARTY RESPONSIBLE: County Attorney

STATUTE REFERENCE: NRS § 43-286(4)(b)(i)

Decision: Whether to file a motion to revoke probation.

Formal Determining Factors

Informal Determining Factors

a. Outlined in statute

- b. Current probation order requires modification and/or change in disposition.
- c. Probation office files alleged violation
- d. Law enforcement citation is a violation

- a. Law violation occurs that is being filed in court and/or if Probationer continues to violate probation conditions even after sanctions have been issued and steps have been taken to try and correct the conditions the probationer has violated.
- b. Nature of violation
- c. Severity of violation
- d. Necessity for accountability
- e. Need for alternative disposition
- f. Appropriateness of administrative sanctions for minor violations
- g. Recommendation from probation officer
- h. County Attorney prosecute merit assessment
- i. If a Motion to Revoke is based on a new law violation which has yet to be adjudicated, the

matter is often continued to allow that adjudication. In the event the disposition of both matters is often handled at the same time.

j. If a PDI was not ordered at the time of the original disposition it may well be ordered at the time of re-disposition.

k. Judge will use a continuum of care approach as a result of a revocation

Notes:

The County Attorney's Office is notified of probation violations generally in one of two ways. The State Probation office may send an alleged probation violation to the County Attorney's Office, the County Attorney's Office may be notified if there is a citation and/or report from a law enforcement agency and the internal records show that the juvenile is still on probation. In any of these circumstances, the County Attorney's Office may file a motion to revoke probation alleging which conditions of probation have been violated. A hearing is set up by the juvenile court and the juvenile has a first hearing similar to the first hearing conducted on the original petition. In other words, the juvenile will be advised of his or her rights, possible consequences and possible pleas.

SYSTEM POINT: MODIFICATION/REVOCATION OF PROBATION

PARTY RESPONSIBLE: Juvenile Court Judge

STATUTE REFERENCE: NRS § 43-286(4)(b)(v)

Decision: Whether to modify or revoke probation.

Formal Determining Factors

a. NRS § 43-286. When it is alleged that the juvenile has exhausted all levels of probation supervision and options for community-based services and section 43-251.01 has been satisfied, a motion for commitment to a youth rehabilitation and treatment center may be filed and proceedings held as

Informal Determining Factors

a. Recommendations by probation office
b. Recommendations by counsel
c. Recommendations by other professionals

d. The court usually modifies probation with additional terms and conditions rather than revoke or unsatisfactorily discharge the Order of Probation depending on age and services available.

follows: (a) The motion shall set forth specific factual allegations that support the motion and a copy of such motion shall be served on all persons required to be served by section 43-262 to 43-267; and (b) The juvenile shall be entitled to a hearing before the court to determine the validity of the allegations. At such hearing the burden is upon the state by a preponderance of the evidence to show that: (I) All levels of probation supervision have been exhausted.

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Notes:

Once a juvenile has been found in violation of the probation order, then the juvenile court has a limited amount of options. The critical question is whether the juvenile is a good candidate to remain on some form of probation. Often, the juvenile court will order a letter report from the Probation Office in order to obtain recommendations. In addition, letters of recommendation from professionals (counselors, social workers, school officials) working with the juvenile will be obtained. During the disposition hearing, counsel of record will make recommendations to the court. If the juvenile court is under the belief that the juvenile is still making progress and making amends for the probation violation, then the court is more than likely going to keep the juvenile on some form of probation. That order can include an extension on probation. The probation order can be modified to include an additional condition such as counseling. There are also times where a probation order can be made more restrictive by either tightening the curfew conditions or implementing an order of intensive supervised probation. In the event that probation is revoked by the court, the juvenile court can either terminate the probation or institute a new order such as commitment to a Youth Treatment Center.

- a. Juvenile's post adjudication behavior and response to treatment and rehabilitation programs
- b. Whether setting aside adjudication will depreciate seriousness of juvenile's conduct or promote disrespect for law
- c. Whether failure to set aside adjudication may result in disabilities disproportionate to the conduct upon which the adjudication was based.

Notes:

This decision is based on how the juvenile has progressed. The Judge will set a specific time period for probation. The probation officer can request early termination if the juvenile has improved in the areas indicated above. If the juvenile's environment was positive during probation there is a better chance they will stay out of trouble. The juvenile's character will be a big indicator as to whether they have progressed or not. The goal is for them t

successfully complete probation and make better decisions after probation.

Decision: Whether juvenile should be discharged from the custody and supervision of OJS

Formal Determining Factors

- a. Presumably same as those for probation under NRS § 43-2, 103

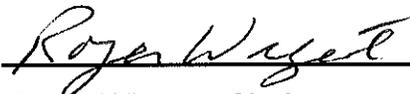
APPENDIX B

Merrick, Nance, Polk, and Hamilton County Juvenile Services

Comprehensive Services Plan

2018-2021

APPROVED BY THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF
MERRICK, THIS 28TH DAY OF AUGUST, 2018.



Roger Wiegert, Chairman

Merrick County Board of Supervisors

Lead County

APPENDIX C

INTERLOCAL COOPERATION AGREEMENT
FOR JUVENILE SERVICES
BY AND BETWEEN
THE COUNTIES OF MERRICK, NANCE, POLK, AND HAMILTON

This agreement is made by and between the County of Merrick, a body politic and corporate and a political subdivision of the State of Nebraska, the County of Nance, a body politic and corporate and a political subdivision of the State of Nebraska, the County of Polk, a body politic and corporate and a political subdivision of the State of Nebraska, and the County of Hamilton, a body politic and corporate and a political subdivision of the State of Nebraska,

WITNESSETH:

WHEREAS, Neb. Rev. Stat. 13-804 provides that any power or powers, privileges, or authority exercised or capable of exercise by a public agency of the state may be exercised and enjoyed jointly with any other public agency of this state and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of state government, when acting jointly with any public agency, may exercise and enjoy all the powers, privileges, and authority conferred by the Interlocal Cooperation Act upon a public agency; and

WHEREAS, the purpose of this agreement is to make the most efficient use of each county's taxing authority and other powers by enabling them to cooperate with each other on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of all four counties.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties hereto agree as follows:

1. Purpose. The purpose of this agreement is to establish an agreement between Merrick, Nance, Polk, and Hamilton in regards to a contract for Youth Services (diversion and truancy programs).
2. Duration. This contract will begin July 1, 2018 and remain in effect through June 30, 2019, unless the parties hereto agree in writing to modify, extend, or terminate this agreement prior to that time.
3. Organization. There shall be no separate legal or administrative agency created pursuant to this Interlocal Cooperation Agreement.
4. Agency. Merrick County, through its Central Nebraska Youth Services program, will provide diversion services for juveniles who reside in or have committed any type of criminal action in

Nance, Polk, and Hamilton Counties and who are referred for services as per the discretion of the respective County Attorney.

5. Consideration. Nance, Polk, and Hamilton shall let Merrick County act as the “lead county” in the application and administration of the 2018 Community-Based Juvenile Services Aid Grant money for each county. Hamilton shall refer juveniles to participate in the diversion program. Hamilton, Nance, and Polk shall refer juveniles to participate in the diversion and truancy programs. Program participants shall be required to pay recommended programming fees to Merrick County.
 - The Nance County grant funds in an amount of no more than \$13,358 plus the programming fees collected by Merrick County will be used for the administration, supplies, travel expenses and other overhead expenses.
 - The Polk County grant funds in an amount of no more than \$18,856 plus the programming fees collected by Merrick County will be used for the administration, supplies, travel expenses and other overhead expenses.
 - The Hamilton County grant funds in an amount of no more than \$33,062 plus the programming fees collected by Merrick County will be used for the administration, supplies, travel expenses and other overhead expenses.
6. Consideration. Applicants for the Community-Based Juvenile Services Aid Grant are required to provide a 10% match of the total amount requested through the Community-Based Aid Program. Total match for the 2018 grant application is \$11,238. Each county will agree to pay for ¼ of the match requirement of the grant. Nance, Polk, and Hamilton Counties shall each pay a minimum of \$2,809 to Merrick County or provide documentation that this amount will be paid by the county, with non-grant money, for community-based programs for juveniles during the project’s stated grant period.
7. Services Provided. Through its Central Nebraska Youth Services program, Merrick County agrees to screen, enroll, monitor, and supervise each counties’ program participants in a similar manner that Merrick County participants are screened, enrolled, monitored, and supervised. At minimum, Merrick County will provide the following services to youth from participating counties:
 - Screen youth referred for diversion from Nance, Polk, and Hamilton Counties to determine the best course of action (e.g. warning letter, diversion, filing, etc.) and to establish the individual needs and risks for each youth.

- Screen youth referred for truancy from Nance, Polk, and Hamilton Counties to help determine the best services available to alleviate the reason(s) the referred Juvenile is missing school excessively.
 - Administer and/or refer appropriate offense-specific educational courses;
 - Monitor school attendance and behavior, if required under diversion contract;
 - Monitor community service work, if required under diversion contract;
 - Monitor restitution payment, if required under Diversion contract;
 - Monitor counseling or other rehabilitative treatments, if required under diversion contract;
 - Verify that apology letters have been sent to victims, if required under diversion contract;
 - Report violations of Diversion contracts to and successful completions to the Nance, Polk, and Hamilton County Attorneys about their respective referrals.
8. Financing. Each party shall be responsible for financing their respective obligations herein, including the levying, collecting and accounting for any tax required and establishing and maintaining required budgets.
9. Property. Any property utilized by this program shall be acquired, held and/or disposed of at the discretion of Merrick County
10. Administration. The Central Nebraska Youth Services Office shall provide information reporting on this program.
11. Entire Agreement. It is agreed that the above represents the entire agreement for juvenile services between the parties for the period of July 1, 2018, through June 30, 2019.

THIS INTERLOCAL COOPERATION AGREEMENT FOR JUVENILE SERVICES APPROVED BY THE
COUNTY BOARD OF SUPERVISORS
OF THE COUNTY OF NANCE, THIS 10th DAY OF July, 2018.

Timothy C. Cowell

Nance County Chairman of the Board of Supervisors

Nanette Zurek

Nance County Clerk

Rodney M. Wetorick

Nance County Attorney

THIS INTERLOCAL COOPERATION AGREEMENT FOR JUVENILE SERVICES
APPROVED BY THE COUNTY BOARD OF COMMISSIONERS
OF THE COUNTY OF POLK, THIS 26th DAY OF June, 2018.

Michael L. Simonsen

Polk County Chairman of the Board of ~~Supervisors~~ Commissioners

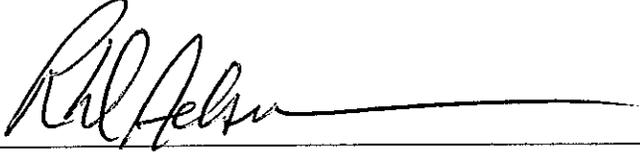
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Polk County Clerk

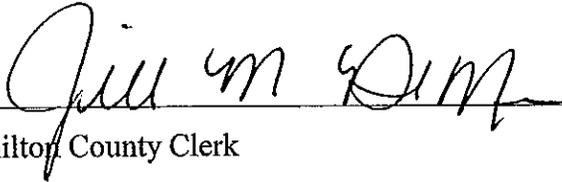
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Polk County Attorney

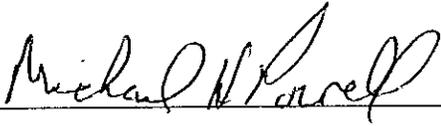
THIS INTERLOCAL COOPERATION AGREEMENT FOR JUVENILE DIVERSION
APPROVED BY THE COUNTY BOARD OF COMMISSIONERS
OF THE COUNTY OF HAMILTON, THIS 14th DAY OF May, 2018.



Hamilton County Chairman of the Board of Commissioners



Hamilton County Clerk



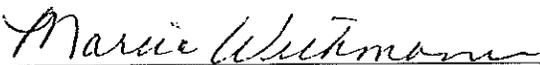
Hamilton County Attorney

FINAL
VERSION (43)

THIS INTERLOCAL COOPERATION AGREEMENT FOR JUVENILE SERVICES
APPROVED BY THE COUNTY BOARD OF SUPERVISORS
OF THE COUNTY OF MERRICK, THIS 26th DAY OF June, 2018.



Merrick County Chairman of the Board of Supervisors



Merrick County Clerk



Merrick County Attorney