Nebraska Supreme Court Online Library
www.nebraska.gov/apps-courts-epub/
11/05/2026 06:04 AM CST

of the State's 19 witnesses. A "confrontation between adversaries" clearly occurred at trial. See *Untied States v. Cronic, supra*. There is thus no merit to this claim.

CONCLUSION

Because we find that Meduna's assigned errors are without merit or were not prejudicial to him or are procedurally barred, we affirm Meduna's convictions and sentences.

AFFIRMED.

IN RE INTEREST OF EMILY R., A CHILD UNDER 18 YEARS OF AGE. STATE OF NEBRASKA, APPELLEE, V. EMILY R., APPELLEE, AND NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES, APPELLANT.

793 N.W.2d 762

Filed January 11, 2011. No. A-10-374.

1. **Juvenile Courts: Appeal and Error.** An appellate court reviews juvenile cases de novo on the record and reaches its conclusions independently of the juvenile court's findings.
2. **Statutes: Appeal and Error.** To the extent an appeal calls for statutory interpretation or presents questions of law, an appellate court must reach an independent conclusion irrespective of the determination made by the court below.
3. ____: ____. Statutory language is to be given its plain and ordinary meaning, and an appellate court will not resort to interpretation to ascertain the meaning of statutory words which are plain, direct, and unambiguous.
4. **Juvenile Courts: Jurisdiction: Statutes.** As a statutorily created court of limited and special jurisdiction, a juvenile court has only such authority as has been conferred on it by statute.

Appeal from the Separate Juvenile Court of Lancaster County: TONI G. THORSON, Judge. Reversed and remanded for further proceedings.

Sarah E. Sujith, Special Assistant Attorney General, of Department of Health and Human Services, for appellant.

No appearance for appellees.

INBODY, Chief Judge, and MOORE and CASSEL, Judges.

INBODY, Chief Judge.

INTRODUCTION

The Nebraska Department of Health and Human Services (DHHS) appeals from a March 9, 2010, order of the separate juvenile court of Lancaster County simultaneously committing Emily R. to the custody of DHHS' Office of Juvenile Services (OJS) and placing her on probation.

STATEMENT OF FACTS

In April 2007, Emily was adjudicated as a child within the meaning of Neb. Rev. Stat. § 43-247(1) (Cum. Supp. 2006) on the basis that Emily had committed certain law violations. In August, the juvenile court committed her to the custody of OJS. Regular review and permanency hearings were held, and Emily remained committed to the custody of OJS.

In November 2009, a supplemental adjudication petition was filed alleging that Emily was a child within the meaning of § 43-247(1) (Reissue 2008) on the basis that Emily had committed additional criminal law violations, and she was again adjudicated as a child within the meaning of § 43-247(1). On March 9, 2010, the juvenile court continued custody of Emily in OJS for in-home placement, but also placed her on probation for the remaining period of her minority. It is from this order that DHHS has appealed.

ASSIGNMENT OF ERROR

DHHS contends that the juvenile court erred in committing Emily to the OJS and simultaneously placing her on probation.

STANDARD OF REVIEW

[1,2] An appellate court reviews juvenile cases de novo on the record and reaches its conclusions independently of the juvenile court's findings. *In re Interest of Jorge O.*, 280 Neb. 411, 786 N.W.2d 343 (2010); *In re Interest of Dakota M.*, 279 Neb. 802, 781 N.W.2d 612 (2010). To the extent an appeal calls for statutory interpretation or presents questions of law, an appellate court must reach an independent conclusion irrespective of the determination made by the court below.

In re Interest of Jorge O., supra; *In re Interest of Dakota M., supra*.

ANALYSIS

DHHS contends that the juvenile court erred in simultaneously committing Emily to the OJS and placing her on probation. DHHS argues that Neb. Rev. Stat. § 43-286 (Reissue 2008) provides for a number of dispositions in cases arising under § 43-247(1), but that such dispositions are provided for in the alternative, and consequently, the juvenile court lacked the statutory authority to order more than one disposition at the same time in the same case.

Section 43-286 provides, in pertinent part:

> (1) When any juvenile is adjudicated to be a juvenile described in subdivision (1), (2), or (4) of section 43-247:
>
> (a) The court may continue the dispositional portion of the hearing, from time to time upon such terms and conditions as the court may prescribe, including an order of restitution of any property stolen or damaged or an order requiring the juvenile to participate in community service programs, if such order is in the interest of the juvenile's reformation or rehabilitation, and, subject to the further order of the court, may:
>
> (i) Place the juvenile on probation subject to the supervision of a probation officer;
>
> (ii) Permit the juvenile to remain in his or her own home or be placed in a suitable family home, subject to the supervision of the probation officer; or
>
> (iii) Cause the juvenile to be placed in a suitable family home or institution, subject to the supervision of the probation officer. If the court has committed the juvenile to the care and custody of [DHHS], the department shall pay the costs of the suitable family home or institution which are not otherwise paid by the juvenile's parents.
>
> Under subdivision (1)(a) of this section, upon a determination by the court that there are no parental, private, or other public funds available for the care, custody, and maintenance of a juvenile, the court may order a

> reasonable sum for the care, custody, and maintenance of the juvenile to be paid out of a fund which shall be appropriated annually by the county where the petition is filed until a suitable provision may be made for the juvenile without such payment; or
>
> (b) The court may commit such juvenile to the [OJS], but a juvenile under the age of twelve years shall not be placed at the Youth Rehabilitation and Treatment Center-Geneva or the Youth Rehabilitation and Treatment Center-Kearney unless he or she has violated the terms of probation or has committed an additional offense and the court finds that the interests of the juvenile and the welfare of the community demand his or her commitment. This minimum age provision shall not apply if the act in question is murder or manslaughter.

These options are provided for in the alternative. *In re Interest of Torrey B.*, 6 Neb. App. 658, 577 N.W.2d 310 (1998).

[3] Statutory language is to be given its plain and ordinary meaning, and an appellate court will not resort to interpretation to ascertain the meaning of statutory words which are plain, direct, and unambiguous. *In re Interest of Matthew P.*, 275 Neb. 189, 745 N.W.2d 574 (2008).

[4] The language of § 43-286(1)(a)(iii) authorizes a juvenile court to place care and custody of a juvenile with DHHS while also causing the juvenile to be placed in a suitable family home or institution subject to the supervision of a probation officer; however, the plain language of this statute does not extend to a juvenile permitted to remain in his or her own home. When a juvenile court permits the juvenile to remain in his or her own home, § 43-286(1)(a)(ii) provides that this placement is subject to the supervision of a probation officer. "As a statutorily created court of limited and special jurisdiction, a juvenile court has only such authority as has been conferred on it by statute." *In re Interest of Gabriela H.*, 280 Neb. 284, 288, 785 N.W.2d 843, 846 (2010). In this case, the juvenile court, by simultaneously committing Emily to the care and custody of DHHS for in-home placement and placing her on probation, combined two of the subsections of § 43-286(1)(a) without strictly

applying either. Such a disposition is beyond the authority granted by statute.

CONCLUSION

Because the juvenile court lacked the statutory authority to simultaneously commit Emily to the care and custody of DHHS for in-home placement and place her on probation, we reverse the order of the district court and remand the cause for further proceedings.

REVERSED AND REMANDED FOR FURTHER PROCEEDINGS.