

TITLE 390 JUVENILE SERVICES

CHAPTER 1 JUVENILE SERVICES

001. AUTHORITY. State law provides for the supervision of juveniles by employees of the Nebraska Department of Health and Human Services - Office of Juvenile Services (DHHS-OJS). The Office of Juvenile Services Act (Neb. Rev. Stat. §§ 43-401 to 43-424) describes the duties and responsibilities for the Office of Juvenile Services. The Nebraska Juvenile Code (Neb. Rev. Stat. §§ 43-245 to 43-2,129) authorizes the Nebraska Department of Health and Human Services – Office of Juvenile Services to accept for treatment or commitment juveniles who have been so ordered by a juvenile court.

002. LEVELS OF PLACEMENT. There are three levels of placement for juvenile offenders. From least restrictive to most restrictive, the three levels of placement are:

1. In the juvenile's home;
2. Out of the home (but still in the community); or
3. At a Youth Rehabilitation and Treatment Center (YRTC), or a similar setting identified by the Department, which may be a self-contained, staff secure, or secure facility.

002.01 PLACEMENT CHANGE. A juvenile committed to the Department of Health and Human Services – Office of Juvenile Services for community supervision shall only have a change in placement under the conditions outlined in this section.

002.01(A) CHANGE TO MORE RESTRICTIVE SETTING. A placement change that moves a juvenile offender to a more restrictive setting must be approved by the juvenile court, unless one of the exceptions outlined in 390 Nebraska Administrative Code (NAC) 1-002.02(A)(i) applies.

002.01(A)(i) EXCEPTIONS. The Department of Health and Human Services – Office of Juvenile Services may make an immediate temporary change of placement without prior approval by the court if the juvenile is:

1. In a harmful or dangerous situation;
2. Suffering a medical emergency;
3. Exhibiting behaviors which warrant temporary removal; or
4. Has been placed in a non-state-owned facility and such facility has requested that the juvenile be removed.

If such placement change is made, court approval shall be sought within 15 days of the placement change.

002.01(B) CHANGE TO EQUAL OR LESS RESTRICTIVE SETTING. The Nebraska Department of Health and Human Services – Office of Juvenile Services may move a juvenile offender to a new placement at the same level of treatment or at a less restrictive level of treatment without court approval. Written notice must be given to the court and the involved parties 15 days before the proposed change. The juvenile offender may request an administrative hearing within 15 days of the notice. The hearing will be held in accordance with the Administrative Procedure Act, Neb. Rev. Stat. § 84-901 et seq. and 465 NAC 6.