

TITLE 390 CHILD WELFARE AND JUVENILE SERVICES

CHAPTER 12-000 COUNTY JUVENILE SERVICES AID PROGRAM

12-001 SCOPE AND AUTHORITY: The County Juvenile Services Aid Program is authorized in the Juvenile Services Act, Neb. Rev. Stat. §§ 43-2401 to 43-2414, and was created by LB 640, Laws 2001. The purpose of the Program is to prevent the increasing number of juveniles in secure or more restrictive settings by:

1. Developing community-based non-secure juvenile services that will prevent inappropriate placements in more restrictive settings distant from a juvenile's family and community; and
2. Increasing capacity for non-secure community-based services to juveniles.

Funding must be used for the establishment and provision of community-based programs and services for juveniles cited by law enforcement for law violation(s) and adjudicated juvenile offenders, and to increase capacity for community-based services to juveniles as identified in a Comprehensive Juvenile Services Plan.

12-002 DEFINITIONS

Commission means the Nebraska Commission on Law Enforcement and Criminal Justice.

Department means the Nebraska Department of Health and Human Services.

HHS-OJS means the Department's Office of Juvenile Services.

YRTC means Youth Rehabilitation and Treatment Center.

12-003 ELIGIBILITY CRITERIA

1. Only individual counties or groups of counties within the State of Nebraska are eligible for funding under the County Juvenile Services Aid Program.
2. Counties must develop and adopt a Comprehensive Juvenile Services Plan that meets the requirements of 390 NAC 12-004. The plan must be approved by the Commission and submitted to the Department to make a county or group of counties eligible for funding through the Program.
3. Counties must submit an application that meets the requirements of 390 NAC 12-005.
4. Starting on June 1, 2002, counties must apply for Program funding no later than June 1 of each year.
5. Counties choosing not to apply for funds in a given fiscal year may make application for funding the following year. Funds not applied for will go unspent and be returned to the state's General Fund at the end of the fiscal year.

12-004 COMPREHENSIVE JUVENILE SERVICES PLAN:

12-004.01 Plan Requirements: The Comprehensive Juvenile Services Plan must be prepared in accordance with the U.S. Juvenile Justice and Delinquency Prevention Act of 1974 and the requirements in Neb. Rev. Stat. §§ 43-2405 and 43-2406.

12-004.02 Plan Development

12-004.02A: A county may develop its own individual Comprehensive Juvenile Services Plan or develop a plan with a group of counties.

12-004.02B: Any portion of a plan dealing with administration, procedures, and programs of the juvenile court must not be submitted to the Department without the concurrence of the presiding judge(s) of the court(s) having jurisdiction in juvenile cases for the geographic area(s) to be served.

12-004.02C: Programs or services established by Comprehensive Juvenile Services Plans must conform to the family policy tenets prescribed in Neb. Rev. Stat. §§ 43-532 to 43-534.

12-004.02D: A county or group of counties may apply to the Commission in fiscal year 2001-02 or fiscal year 2002-03 for a county planning grant to aid in the development and adoption of the Comprehensive Juvenile Services Plan.

12-004.03 Plan Revision: Any county/group of counties making a revision to its Comprehensive Juvenile Services Plan must submit to the Commission and the Department a revised plan that specifies the revision and reasons for the revision, including how the change impacts desirable outcomes.

12-004.04 Program Design: In the Comprehensive Juvenile Services Plan, counties must design programs that satisfy the following objectives:

1. Address the preventive, diversionary, and disposition needs of juveniles;
2. Encourage coordination of the elements of the juvenile service system; and
3. Provide an opportunity for local involvement in developing community programs for juveniles with the objectives of family preservation, least restrictive yet most effective interventions, active family participation, local treatment, and alternatives to secure detention.

12-005 APPLICATION REQUIREMENTS: The application must contain all information requested on the "Application for LB 640 County Juvenile Services Aid Funds", attached and incorporated into these regulations. (See Attachment 1.)

12-006 DISTRIBUTION OF FUNDS: The Department will distribute funds to counties meeting the eligibility criteria in 390 NAC 12-003 based upon the following:

1. A formula based solely on the total number of residents per county who are twelve years of age through eighteen years of age, as provided by the most recently available federal Census data.
2. Aid provided to a county or group of counties will be reduced by the cost to the state for care of juveniles from that county or group of counties who, as determined by a risk and needs assessment instrument of HHS-OJS, do not meet the criteria established by rule and regulation under Neb. Rev. Stat. § 43-406 that identifies the types of offenders appropriate for YRTC or more restrictive placement, but who are in fact committed to HHS-OJS for placement at a YRTC or more restrictive level.
3. Funds will be distributed upon confirmation that the county or group of counties has met the eligibility criteria.
4. Any unclaimed funds by a county cannot be applied for by any other county or group of counties.

12-007 REQUIREMENTS OF COUNTIES RECEIVING PROGRAM FUNDS

12-007.01 Match Requirements: Counties must provide a 40% local match from non-state sources for aid funds received from the state. Any local expenditure for community-based programs for delinquent juveniles may be applied toward the local match requirement. Counties acting as a group must provide a 40% match to the group's total distribution, not a 40% match from each individual county. It is the responsibility of each county or group of counties to provide and verify their 40% match funds. A copy of the 40% match verification must be included with the required annual report.

12-007.02 Use of Funds: Funding received by counties must be used exclusively to assist counties in the implementation and/or operation of non-secure programs or services identified in their Comprehensive Juvenile Services Plan, including programs or services for assessment and evaluation, prevention of delinquent behavior, diversion, non-secure shelter care, intensive juvenile probation services, restitution, family support services, and family group conferencing. A county may develop, enhance, or expand non-secure programs or services. Funding must not be used for construction of secure detention facilities, secure youth treatment facilities, secure youth confinement facilities, capital construction, or the lease or acquisition of facilities.

12-007.03 Site Visits: Counties must allow periodic site visits at the Department's discretion by HHS-OJS staff for the purpose of review and evaluation of expenditures and programming supported by Program funds.

12-007.04 Reporting Requirements: Counties must submit annual reports. Failure to submit the annual report will result in the withholding of future funds until the required report is submitted. The report must be submitted by September 1 of each year and must include:

1. Total number of youth served by all programming and services funded by the County Juvenile Services Aid Program within a county or region of counties, the number of youth served by each service, and the location of services.
2. Description of the youth served: age; grade level; gender; race; status in juvenile system (i.e. HHS-OJS, probation, law violator); type of law violation committed; adjudication finding (i.e. Neb. Rev. Stat. § 43-247 (1), (2), (4); pending; none); any substance abuse or mental health need diagnosed or known.
3. Total number of units/hours of service provided, specific type of service and average length of service for each type.
4. Total number of youth placed in detention and residential treatment.
5. Total number of youth committed to the YRTC's – Kearney and Geneva.
6. Total number of youth placed in out-of-state facilities, programs, or services.
7. Evaluation of programs/services including:
 - a. Statistical measurement of the program(s) or service(s) to assess goal accomplishment in accordance with outcomes as noted in the Comprehensive Juvenile Services Plan.
 - b. Narrative of program accomplishments focusing on effectiveness of program components in relationship to meeting outcomes as identified in the Comprehensive Juvenile Services Plan.
 - c. Projection or forecast of youth and program resource needs for the following year.
8. Total expenditures for the reporting year and the previous fiscal year for all juvenile programming, percentage of county operating budget expended on juveniles, and a breakdown of expenditures by service or program.
9. Total expenditures for the reporting year and the previous fiscal year for detention, residential treatment, and non-residential treatment.
10. Request for any technical assistance needed from the Department in the upcoming months.