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INTRODUCTION

On July 11, 2016, Voices for Children and Christine Henningsen, Director of Nebraska Youth Advocates filed a *Motion for Leave to File an Amicus Curiae Brief*. This Court sustained the motion on July 13, 2016. The *amici curiae* refer the Court to the Statement of Interest set forth in the *Motion for Leave to File an Amicus Curiae Brief*.

SUMMARY OF ARGUMENT

This is a case of first impression in Nebraska, concerning changes made in 2014 to our statutory scheme for transferring cases between the juvenile and criminal courts. Because it affects the substantial rights of the child to have his best interests considered in a juvenile rather than criminal proceeding and to a full, fair consideration with ceremony and process, the order transferring the case from juvenile to criminal court was a final, appealable order. The procedure and statutory factors to be considered in such an order should be interpreted in the context of adolescent development and the legislative intent to maximize juvenile court involvement for non-violent juvenile offenders. Public policy demands that transfer from juvenile to criminal court be rare, and a holding liberally construing the statutory transfer scheme to keep juveniles in the rehabilitative juvenile court will best serve the general welfare.

BACKGROUND

I. SUPREME COURT JURISPRUDENCE AND SCIENTIFIC RESEARCH REINFORCE THAT CHILDREN MUST BE TREATED DIFFERENTLY THAN ADULTS.

A. The purpose of juvenile court is to provide accountability for children and protection for society, by focusing on treatment and rehabilitation of the child.

The first juvenile court was established in Illinois in 1899 in response to harsh treatments and long sentences in criminal court: “The early reformers were appalled by adult procedures and penalties and by the fact that children could be given long prison sentences and mixed in jails

with hardened criminals.” *In re Gault*, 387 U.S. 1, 15 (1967). Every state has recognized the need for juvenile courts that have specialized knowledge regarding children and the services available to them and their families. See Ira M. Schwartz et al., *Nine Lives and Then Some: Why the Juvenile Court Does Not Roll Over and Die*, 33 Wake Forest L. Rev. 533, 536 (1998). This specialized knowledge includes the recognition that children are different from adults in several ways: 1) children are more amenable to treatment than adults; 2) children have less ability to consistently make mature judgments; and 3) children are more likely than adults to engage in risk-taking behavior. See Elizabeth S. Scott & Thomas Grisso, *The Evolution of Adolescence: A Developmental Perspective on Juvenile Justice Reform*, 88 J. Crim. L. & Criminology 147, 172-76 (1997); Howard N. Snyder, *The Juvenile Court and Delinquency Cases*, 6 Fut. Child. 3, 53 (1996) 53 (“Almost all juveniles commit at least one delinquent act before turning 18, but most are never arrested.”).

The foundational philosophy of the juvenile court system is that if children are protected from the harmful features of the criminal justice system, they can outgrow their criminal behavior and be rehabilitated regardless of the crime committed. See Franklin E. Zimring, *American Juvenile Justice* 35-39 (2005); David S. Tanenhaus, *The Evolution of Juvenile Courts in the Early Twentieth Century; Beyond the Myth of Immaculate Conception* in A CENTURY OF JUVENILE JUSTICE 42-69 (Rosenheim, Zimring, Tanenhaus, & Dohrn, eds. 2002). Advances in neuroscience and developmental research have provided strong evidence both why this specialized approach is necessary and how to effectively work with youth to achieve best outcomes.

B. The process of adolescent development is complex and developmental systems (biological, cognitive & psychosocial) mature at different rates.

Adolescence is itself a transitional period, “marked by rapid and dramatic change within the individual in the realms of biology, cognition, emotion and interpersonal relationships.”

Elizabeth S. Scott & Laurence Steinberg, *Rethinking Juvenile Justice* 31 (2008). As more is learned about adolescent development, more is understood about why it is both normal and necessary that adolescent behavior includes risk-taking, impulsivity, poor judgment, increased vulnerability to negative influences, and capacity for change. Further, research shows that this behavior is temporary, and “[m]ost teenagers desist from criminal behavior . . . [as they] develop a stable sense of identity, a stake in their future, and mature judgment.” *Id.* at 53. The risk-taking, impulsivity and poor judgment is linked to the different realms of maturity not developing at the same rate. The different rates of development lead to an imbalance between brain systems wherein “the brain system that influences pleasure-seeking and emotional reactivity develops more rapidly than the brain system that supports self-control.” Richard J. Bonnie et al., *Reforming Juvenile Justice: A Developmental Approach* 97 (2013). While this does not excuse behavior, it helps explain why youth often engage in impulsive and risky behavior, because their decision-making capacities differ from adults. Additionally, given the rapid development that occurs during adolescence and increased vulnerability to negative influences, the interventions the justice system has with youth can profoundly effect their psychosocial development.

These “average” or “normal” developmental patterns of youth may also be delayed due to intellectual disabilities, mental health disorders, maltreatment, and a youth’s exposure to trauma. This is important because youth involved in the juvenile court system tend to have higher exposure to traumatic events as compared to general population youth. Abram et al., (2004) *Posttraumatic stress disorder and trauma in youth in juvenile detention*. 61 Arch. Gen.

Psychiatry 4, 403-410 (2004). In such cases, the court must take special care in examining the youth's intellectual and social capacities. See Kimberly Larson & Thomas Grisso, *Developing Statutes for Competence to Stand Trial in Juvenile Delinquency Proceedings: A Guide for Lawyers* 12-13 (2011). The individual youth's capacity is relevant to appropriateness of transfer, i.e. whether the youth should be held to a higher standard of culpability in criminal court.

C. United States Supreme Court jurisprudence recognizes decreased culpability of youth and the need to take individual developmental differences into account when applying constitutional principles.

The United States Supreme Court has emphasized that youth in the juvenile court system have at least the due process rights afforded adults. See *Kent v. United States*, 384 U.S. 541, 554 (1966) (finding a transfer order to criminal court invalid because it was done without hearing, effective assistance of counsel and without a statement of reasons); *In re Gault*, 387 U.S. 1, 12 (1967) (“neither the Fourteenth Amendment nor the Bill of Rights is for adults alone”). More recently, the Supreme Court has issued a series of decisions which incorporate neurological and social science research to highlight fundamental differences between youths and adults that courts must take into account when applying constitutional principles to youth. Due to the developmental differences between adults and children, “children are constitutionally different from adults in their level of culpability.” *Montgomery v. Louisiana*, 577 U.S. ____ (slip op., at 22) (2016). Just as these differences need to be considered when examining the 8th Amendment prohibition on cruel and unusual punishment or whether a youth is “in custody”, they must be taken into account when making any decision which substantially impacts the child.

In *Roper v. Simmons*, the Court noted the lack of maturity of juveniles, the increased vulnerability of juveniles to negative influences and outside pressures and the still-developing character of juveniles. 543 U.S. 551, 569-70 (2005). The Court in *Graham v. Florida* noted that

psychology and brain science show us that there are not just differences in the youth and adult mind, but that these differences are “fundamental.” 560 U.S. 48, 68 (2011). These fundamental differences make juveniles both less culpable and less deserving of the most severe punishments. *Id.* The Supreme Court also recognizes that youth are more capable of change because, “a child’s character is not as ‘well formed’ as an adult’s; his traits are ‘less fixed’ and his actions less likely to be ‘evidence of irretrievabl[e] deprav[ity].” *Miller v. Alabama*, 132 S. Ct. 2455, 2464 (2012) (quoting *Roper*, 545 U.S. at 570). The capacity for change is true even of youth who “commit even heinous crimes” *Montgomery v. Louisiana*, 577 U.S. ____ (2016). Indeed, these decisions affirm the need for a differential jurisprudence for youth with greater procedural protections, appropriate to their developmental status.

II. NEBRASKA LAW AND PRACTICE RECOGNIZES THAT MINORS ARE FUNDAMENTALLY DIFFERENT FROM ADULTS

A. Nebraska juvenile court proceedings are fundamentally different from criminal proceedings.

Nebraska offers differential jurisprudence between youth and adults, in part through a juvenile code that is rehabilitative in nature. The juvenile code is intended to provide individualized accountability and individualized treatment for juveniles in a manner consistent with public safety. *Neb. Rev. Stat.* §43-402. To that end, the goal of the juvenile justice system is to provide a range of programs and services which, among other factors, hold juveniles accountable for their unlawful behavior in a manner consistent with their long-term needs, stressing the offender’s responsibility to the victim and community. *Id.* The code must be construed to effectuate the removal of juveniles who fall within it from the criminal justice system “whenever possible” and to reduce the possibility of their committing future law violations through the provision of social and rehabilitative services. *Neb. Rev. Stat.* §43-246(3). Juvenile code provisions must be liberally construed to effectuate its purpose of securing the best

interests of those juveniles who fall within it. *In re Interest of R.A. and V.A.*, 225 Neb. 157, 403 N.W.2d 357 (1981).

In juvenile delinquency proceedings, courts and juvenile probation officers have access to multiple rehabilitative options throughout the pendency of a case. Juveniles may undergo evaluations pre-adjudication to assess needs and provide recommendations for long-term care and services, arranged and paid for by the state. *Neb. Rev. Stat.* §43-259. Such care and services may be offered to juveniles pre- or post-adjudication, arranged and paid for by the county or state. *Neb. Rev. Stat.* §43-290-290.01. An adjudication in the juvenile court may not be deemed a conviction nor operate to impose any civil liabilities that ordinarily resulting from a conviction. *Neb. Rev. Stat.* §43-281.

By contrast, the Nebraska Criminal Code defines offenses and sets penalties to subject to public control persons whose conduct indicates that they are disposed to commit crimes. *Neb. Rev. Stat.* §28-102. For minors tried in Nebraska's criminal court, no statutory provision offers individualized evaluations, plans, or services pre-trial. Instead, statutory sentencing schemes tie charges to specified recommended or mandatory minimum and maximum penalties. *Neb. Rev. Stat.* §28-106 -107. Though *Neb. Rev. Stat.* §29-2204.02 permits a disposition under the juvenile code in lieu of such penalties in certain cases, it does not offer access to such services pre-trial. Furthermore, a conviction in criminal court may expose a minor to loss of civil rights and privileges. *Neb. Rev. Stat.* §29-111.

B. Nebraska's statutory scheme for transfer between juvenile and criminal court was intended to keep more children in the rehabilitative juvenile court.

Even as national understanding has evolved regarding adolescent brain science and the public policy behind decriminalizing children, so too has Nebraska's response to juvenile offenders. This appeal concerns an order transferring a case from juvenile court to criminal court under a

statutory scheme passed into law in L.B. 464, 103d Leg., 2d Sess. (Neb. 2014) (hereafter, “LB 464”). LB 464 was initially offered in conjunction with L.B. 561, 103d Leg., 2d Sess. (Neb. 2013), which made sweeping changes to the state’s response to delinquent behavior in minors. In the same session, the Legislature passed L.B. 44, 103d Leg., 2d Sess. (Neb. 2013), updating Nebraska’s felony sentencing statute to eliminate automatic life without parole in the wake of the United States Supreme Court’s holding in *Miller v. Alabama*, 132 S. Ct. 2455 (2012).

At the time LB 464 was under debate, Nebraska state senators were highly attuned to *Miller* and concerned with a national data report showing Nebraska had the third highest rate of juvenile incarceration in the country. Kevin O’Hanlon, *Report: Nebraska has one of the highest youth incarceration rates*, Lincoln Journal Star, Mar. 1, 2013. Legislative transcripts reveal that the intent behind the juvenile justice reform package was twofold: to bring more children into juvenile court from criminal court in LB 464, and to better address their needs once there through investment in rehabilitative, evidence-based supports and services in LB 561.

... We need to start recognizing that children need to be treated like children in a juvenile system, and they need evidence-based treatment. They don't need to go into a holding cell for six months someplace and be lost in the system. 103d Nebraska Legislature 1st Session, Legislative Transcript, Floor Debate March 21, 2013 at 46 (statement of Sen. Krist).

It is that ability of the system to deal with juveniles early in this continuum or early in this process that is critical to the successful completion of any probation process... it is critical that that continuum start in the juvenile court system and be completed in the juvenile court system. *Id.* at 7 (statement of Sen. Ashford).

This intent was balanced by concern over whether the juvenile court would be the appropriate venue in cases of minors committing extremely dangerous, heinous crimes.

We need to provide some guidance. You know, we don't want a kid who's accused of murder going through juvenile court necessarily, if he's 17 years old and creates a heinous crime. *Id.* at 32 (statement of Sen. Harr).

But really the line of questioning focuses on violent crimes, the IIIA, IV felonies, as well as many violent misdemeanors as well, and have we anticipated and talked about are those...are the violent crimes something that the juvenile court is best able to, I guess, manage and handle. And is society best served by having very violent, significant crimes handled in that capacity? 103d Nebraska Legislature 2d Session, Legislative Transcript, Floor Debate March 31, 2014 at 24 (statement of Sen. Pirsch).

I think what we're doing here is we're fitting this filing part of the juvenile conundrum and we're fitting it into the overall LB561 mantra, which is to divert as many juveniles out of the adult system and out of detention as possible and still give to prosecutors and judges the ability, when it's appropriate for [a] significantly violent offense, for example, or violent offense generally, to file a case...to have a case, ultimately, go to adult court if it's serious enough to do...for them to do...for the judge to put it there. *Id.* at 18-19 (statement of Sen. Ashford).

The Legislature came to resolution through this debate and passed LB 464 in 2014. The final version set out the jurisdictional scheme embodied in *Neb. Rev. Stat.* §43-246.01 and the mirrored procedures for transfer hearings in and between juvenile and criminal court in *Neb. Rev. Stat.* §43-274(5) and *Neb. Rev. Stat.* §29-1816, and updated the factors to be considered in transfer proceedings in *Neb. Rev. Stat.* §43-276.

ARGUMENT

I. AN ORDER TRANSFERRING A CASE FROM JUVENILE COURT TO CRIMINAL COURT IS A FINAL APPEALABLE ORDER

A. An order transferring a case from juvenile court to criminal court affects a substantial right in a special proceeding in juvenile court that will be foreclosed if appeal cannot be made immediately.

For an appellate court to acquire jurisdiction of an appeal, there must be a final order entered by the court from which the appeal is taken. *In re Interest of Octavio B.*, 290 Neb. 589, 595, 861 N.W.2d 415 (2015). An order affecting a substantial right in an action, when such order in effect determines the action and prevents a judgment, and an order affecting a substantial right made in a special proceeding, or upon a summary application in an action after judgment, is a final order which may be vacated, modified or reversed. *Neb. Rev. Stat.* §25-1902. This Court has long held that juvenile court is a “special proceeding” for the purposes of an appeal. *In re Interest of Karlie*

D., 283 Neb. 581, 811 N.W.2d 214 (2012). However, whether an order transferring a juvenile case to criminal court under the new statutory transfer provisions affects a substantial right is a question of first impression in this Court.

The United States Supreme Court has held that transfer between criminal and juvenile court is a “‘critically important’ action determining vitally important statutory rights of the juvenile.” *Kent v. United States* 383 U.S. 541, 546 (1966). This Court has held that a substantial legal right is an essential legal right, not a mere technical right. *In re Interest of Karlie D.* A substantial right is affected if it affects the matter in litigation, such as diminishing a claim or defense that was available to the appellant prior to the order from which it was taken. *Id.*

Appellee has identified a case in which this Court previously held that an order declining to transfer a case from criminal to juvenile court was not final for the purposes of appeal as it affected a “mere technical right.” *State v. Meese*, 257 Neb. 486 (1999). *Meese* is inapplicable in the instant case, both because the governing statute has changed since *Meese* was decided, and because *Meese* was an interlocutory appeal from a criminal court, not a juvenile court. The legal rights and interests of the parties in a juvenile proceeding are different from those in a criminal court, and this Court has noted that “the application of these definitions [of what constitutes a substantial right for the purposes of appeal] in juvenile cases – where the best interests of the child are the primary concern – is not always clear.” *In re Interest of Karlie D.* at 587-588, 221-222. The appeal in the instant case arises from a juvenile court proceeding, where the child appellant has a substantial right to consideration of his best interests and healthy development, conferred by statute. *Neb. Rev. Stat.* §43-246. An order determining that consideration of best interests should be terminated, the switch flipped to criminal prosecution instead, diminishes claims and defenses available to the child in the action at hand. No longer will the juvenile be

considered a child in need of services and assistance, with his case titled “In the Interest of...” . *Neb. Rev. Stat.* §43-261. Instead he will be a criminal defendant in a prosecution aimed at protecting the public safety. *Neb. Rev. Stat.* §28-102.

Moreover, the child would lose his right to appeal the decision of the juvenile court if he did not do so immediately. *Neb. Rev. Stat.* §29-1816(2) explicitly prohibits a county or district court from reconsidering a juvenile court’s decision to transfer proceedings. Case law permits appeal only from a final order *entered by the court from which the appeal is taken. In re Interest of Octavio B., supra* (emphasis added). Thus, when the juvenile court entered its order transferring the case to criminal court, juvenile court jurisdiction and its attendant statutory rights and benefits were foreclosed and, without appeal, would remain so irrevocably. The child would not be permitted to request reconsideration of the transfer in the county or district court, and would not be permitted to request relief from the juvenile court’s decision in an appeal arising from the criminal court’s final trial or sentencing order.

B. Statutory changes made in LB 464 support legislative intent to permit appeal.

The U.S. Supreme Court in *Kent v. United States* declared regarding transfers between juvenile and criminal court that “there is no place in our system of law for reaching a result of such tremendous consequences without ceremony – without hearing, without effective assistance of counsel, without a statement of reasons.” 384 U.S. 541, 554 (1966). The changes made by the Legislature to *Neb. Rev. Stat.* §43-274 and §29-1816 by LB 464 carefully articulate such ceremony, prescribing the number of days in which a hearing must be held on such motion, the factors that a court must consider, the burden of the state in proving such motion, and requiring the court to set forth findings for the reason for its decision.

The Legislature is presumed to know language used in a statute, and if a subsequent act on the same or similar subject uses different terms in the same connection, the court must presume

that a change in the law was intended. *Hall v. City of Omaha*, 266 Neb. 127, 133, 663 N.W.2d 97, 102 (2003). Prior to the adoption of LB 464, Nebraska statute governing original court jurisdiction and transfers between criminal and juvenile court was explicit that a court's order on a motion to transfer was not a final order for the purposes of appeal. *Neb. Rev. Stat.* §29-1816(2)(c) (Reissue 2012). LB 464 struck this language, indicating a legislative intent to permit interlocutory appeal from a criminal court's order on a motion to transfer the case to juvenile court.

When construing a statute, the court's objective is to give effect to the legislative purpose of the enactment. *State v. Mena-Rivera*, 280 Neb. 948, 952, 791 N.W.2d 613, 618 (2010). When possible, an appellate court will try to avoid a statutory construction that would lead to an absurd result. *In re Interest of Marcella G.*, 287 Neb. 566, 847 N.W.2d 276 (2014). As described in the Background, *supra*, the legislative intent behind LB 464 was to originate and keep more children's cases in the juvenile court. The Legislature was specific in its directions, including requiring a trial court to make findings of fact on such a motion. A statutory construction permitting interlocutory appeal of a criminal court's decision to retain a case, but effectively eliminating any avenue for a child to appeal a juvenile court's decision to transfer a case – nonetheless requiring the juvenile court to make specific findings of fact in the unappealable order - would be an absurd result, particularly in light of this legislative intent. The most reasonable construction is that the Legislature intended orders on motions to transfer originating in both types of courts to be immediately appealable. Such a construction would align with the articulated legislative intent to promote prompt and continuing access to the juvenile court for most children.

II. THE JUVENILE COURT CANNOT IGNORE DEVELOPMENTAL STATUS WHEN TRANSFERRING A CASE TO CRIMINAL COURT.

Juvenile courts were created to be a specialized court possessing knowledge both of the unique attributes of children and which services best serve the needs of the child. It follows that juvenile court judges must, at a minimum, take into account the same developmental principles that the Supreme Court has identified in *Roper* and its progeny when transferring a case to juvenile court. There must be specific evidence provided by the state, which overcomes the presumption of juvenile court appropriateness. This is not to say that it is never appropriate to transfer a case to criminal court, but the decision must involve more than a cursory acknowledgment of a child's past trauma and "logical" conclusions made by the court must be consistent with what is known about adolescent development. Indeed, this kind of careful, individualized decision-making was the intent of the Legislature when passing LB 464.

In LB 464, the Legislature modified the criteria a court must consider when determining whether the state satisfied its burden to overcome presumptive juvenile court jurisdiction. Specifically, the additional criteria the court must consider are: 1) the best interests of the juvenile; 2) consideration of public safety; and 3) consideration of the juvenile's ability to appreciate the nature and seriousness of his or her conduct. LB 464 §17, *Slip Law Copy* at 11. The following criteria were removed from a court's determination: 1) whether there are facilities particularly available to the juvenile court for treatment and rehabilitation of the juvenile; and 2) whether the juvenile has been previously committed to a youth rehabilitation and treatment center. *Id.* The juvenile court in this case improperly gave great weight to these two factors, which the Legislature specifically deleted.

It would be extremely rare to find a situation where transfer to adult court would be in a child's best interests. As noted in the Background, *supra*, both adolescent development and the

availability of rehabilitative services in the juvenile court of Nebraska point toward retention. Further, youth with mental health problems who are placed in adult facilities are at increased risk of experiencing severe mental health problems as compared to youth who have been placed in juvenile facilities, and they “share many of the same symptoms of soldiers who have returned from war and of survivors of national disasters.” Liz Ryan & Jason Ziedenberg, *The Consequences Aren't Minor* 15 (2007). In order for a court to find that transfer to criminal court was in a child's best interest, there would have to be evidence that a specialized treatment program which could address the youth's needs was in fact available through the adult system. No such evidence was presented in the instant case.

This leads to the consideration of public safety that the court must take into account. “Community safety is inextricably linked to teaching juvenile offenders the skills that will change their behavior from offending to law abiding” with rehabilitative rather than punitive responses. National Council of Juvenile & Family Court Judges, *Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases* 21 (2005). A review of the scientific literature regarding transfer to criminal court concluded that “the experience of transfer is associated with subsequent violence among juvenile participants when compared with violence among juveniles retained in the juvenile justice system” and “use of transfer laws and strengthened transfer policies is counterproductive to reducing juvenile violence and enhancing public safety.” Centers for Disease Control and Prevention, *Effect on Violence of Law and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System* 56 M.M.W.R. No. RR-9, 10 (2007). Other research has shown that youth whose cases are transferred to criminal court are 34% more likely to recidivate than youth with similar offenses

whose cases remained in juvenile court. Children’s Law Center, Inc. *Falling Through the Cracks: A New Look at Ohio Youth in the Adult Criminal Justice System*, 1 (2012).

The juvenile court in this case found that public safety would be better served by transfer, but public safety cannot only be analyzed by looking at the period of time in which a youth is incarcerated. It must take into account the effects on public safety once a youth who has been socialized within an adult prison facility is released from prison.

Finally, consideration of the juvenile’s ability to appreciate the nature and seriousness of his or her conduct relates to a youth’s culpability. As outlined in the Background, *supra*, there are fundamental differences between youths and adults, which make youth less culpable, including the inability to make mature judgments. Even if a youth may know that an action, such as running, is prohibited, their ability to suppress the impulse to run is a higher-order function that is still developing. In order to appreciate the nature and seriousness of their actions they need rehabilitative, evidence-based supports and services and time to age, develop, and mature.

It is important that the entirety of the order to transfer to criminal court is done within a developmental framework. There is national support for this careful consideration. *See, e.g., Juvenile Delinquency Guidelines, supra* at 102 (transfer to criminal court should be rare and made “only after a thorough considered process.”). It does not appear that the juvenile court in this case undertook consideration of the statutory factors in the context of the child’s development, and for this reason, *amici curiae* argue in favor of a holding reversing the order and remanding the case to the juvenile court for further consideration.

CONCLUSION

Amici curiae sought leave to file because the Court’s holding will have far reaching effects not only upon the child appellant in this case or future children faced with transfer from juvenile

to criminal proceedings, but also upon the general welfare and public safety. National research, recommendations, and case law support policies that maximize children's ability to access juvenile court rather than face criminal prosecution. The legislative changes made to Nebraska's juvenile and criminal codes were crafted with an intent to do precisely that. A construction of the statutory changes that supports the legislative intent and draws on Supreme Court precedent, national research and public policy to protect the general welfare will permit the appeal of transfer orders, and provide guidance to judges that the factors delineated in §43-276 should be considered in the context of adolescent development and the purposes of the Nebraska juvenile code described in §43-246.

For all the foregoing reasons, the *amici curiae* respectfully urges the Court to take appellate jurisdiction over the matter and reverse and remand the decision of the juvenile court for further consideration.

DATED this 27th day of July, 2016.

Respectfully submitted,

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