



University of Nebraska at Kearney & Nebraska
Juvenile Probation Services Division

**Environmental Scan:
Probation Districts 11 and 12**

Executive Summary

Dr. Julia Campbell

Dr. Theresa Wadkins

Dr. Suzanne Maughan

University of Nebraska at Kearney

The Juvenile Probation Services Division of the Administrative Office of Courts and Probation (AOCP) is responsible for the administration of juvenile probation across the state of Nebraska, overseeing all youth who are system-involved through a delinquency or status youth filing. The scope of the Juvenile Probation Services Division is comprehensive, and includes intake, investigations, probation supervision, and the provision of services, all with the goal of successful rehabilitation for youth (Supreme Court Nebraska, 2023). Nebraska continues to work to improve its juvenile justice system, collaborating with external organizations to evaluate the strengths of its system and services and to target areas of improvement. This project was initiated as a request for research by the Juvenile Probation Services Division of the AOCP and focuses on two of Nebraska's most rural judicial districts (District 11 and District 12).

GOALS OF THE PROJECT:

1. Develop a general overview of the youth being served by probation in each of the counties in Districts 11 and 12, including how many youth were being supervised, the profile of the youth in each county, and the risks and needs for the youth being served in each county.
2. Assess the services for youth on probation that exist in each county, along with their capacities and any informal supports available to youth in Districts 11 and 12.
3. Explore the detention needs for each county in Districts 11 and 12, the profile of youth going through juvenile intake in each county, whether juvenile intake decisions are being overridden, and the driving factors of those decisions.
4. Evaluate stakeholder perceptions about the ideal purpose of the juvenile justice system, the strengths of the system, services in the juvenile justice continuum that are the best fit for youth in Western Nebraska, service gaps, and barriers to service.
5. Document what stakeholders believe complete service access looks like, and whether stakeholders are receptive to change.

METHODOLOGY:

1. An analysis of archival data provided by the Juvenile Probation Services Division. Data for all youths supervised by probation in Districts 11 and 12 during 2022 and 2023 were provided.
2. In-person interviews with judges, county attorneys, and probation officers in Districts 11 and 12. Interviews were largely conducted in person, in the professional spaces of stakeholders in their judicial districts. As part of these research trips to Districts 11 and 12, the researchers had the opportunity to observe juvenile court proceedings in multiple counties.

KEY DEMOGRAPHIC FINDINGS:

Youth in Districts 11 and 12 do not differ demographically from youth supervised on probation throughout the state, except for age; youth in Western Nebraska are first placed

on probation at a younger age than youth in other areas of the state. Most youth on probation are male, with the exception of status offending, where female youth are more likely to be placed on probation. In District 12, over 40% of youth on probation are Hispanic, an overrepresentation given that Hispanic youth make up approximately 24% of the public-school population. In addition, Native American youth comprise over 16% of the probation population, though they comprise only 3% of the youth population. While minoritized youth are overrepresented in the probation population in Western Nebraska, it should be noted that there is little evidence that race and/or ethnicity is related to decision making once youth are in the juvenile probation system.

In terms of offending, most adjudicated youths were charged with misdemeanors (48%), or infractions (32%), followed by status offenses (19%). Only 1% of youth in Districts 11 and 12 were being supervised due to felony offending. Once on probation, youth remained system-involved for an average of 3 years. Statistically, Native American youth spend more time in the system compared to youth with other racial and ethnic backgrounds.

In Districts 11 and 12, approximately 37% of youth on probation had at least one out-of-home placement, and one youth had as many as 29. While female youth are more likely to be placed outside the home, this difference is slight. Statewide, Black and Hispanic youth on probation are disproportionately assigned out-of-home care compared to their representation in the population. However, this is not the case in Districts 11 and 12. Rather, Native American youth are more likely to be placed outside the home in both jurisdictions. This finding, along with data that Native American youth risk assessment scores are likely to increase between screenings, and they are likely to spend three more years under supervision than other youth, make this population of particular concern when planning programming and services.

KEY STRENGTHS:

Stakeholders are deeply committed to the youth in their Districts, and most identified their colleagues in partner agencies as being important assets to their work. Similarly, many viewed their rural locations as a benefit, citing that small communities rally around each other and support each other when necessary. Diversion was repeatedly recognized by judges and county attorneys as a strength of the juvenile justice system in Districts 11 and 12. An additional strength of service providers is their ingenuity. Judges have developed creative, low-cost strategies to provide services to young people in their courts; some, like the Thrive mentoring program, have been realized, while others, like gaming, remain in the concept stage. The level of dedication that stakeholders exhibit is admirable, given the challenges they face due to the emotional nature of working with youth and the barriers related to their rural location. Finally, stakeholders were unified in their desire to see positive system change in their Districts, specifically in response to regional barriers to effective service delivery.

CHALLENGES FACING PROBATION IN WESTERN NEBRASKA:

In Districts 11 and 12, stakeholders noted a consistent drought of services accessible in the community as well as out-of-home placements. Lack of services is most profound in the area of therapeutic treatment, where proximity to services and long-wait times remain a strain for stakeholders, youth, and families. In Districts 11 and 12, limited services may shrink the portfolio of treatment options available to youth on probation.

It's not just therapeutic services that we're lacking. We're lacking everything in the world. Nebraska is suffering – Judge

In regard to out-of-home placements at the state level (including Districts 11 and 12), detention was by far the most recommended (and utilized) out-of-home placement in 2022 and 2023. This was a source of frustration for stakeholders in Districts 11 and 12, where detention, and detention-alternatives, feel largely inaccessible. In 2022, crisis stabilization and foster care were heavily utilized at the state level, but not in Districts 11 and 12 where crisis stabilization was used in fewer than 5% of cases. While the state as a whole is experiencing shortages in placements, those working in Western Nebraska feel they are more impacted than those located in urban areas in the state.

Distance, availability, scheduling can delay treatment three/four months – County Attorney

Nebraska Revised Statutes §43-250 and §43-260 authorize Probation to manage the juvenile intake process. A standardized risk assessment administered to youth assists in determining the least restrictive but most appropriate detention decision for youth while simultaneously considering the safety of the community. In 25% of juvenile intake screenings in Districts 11 and 12, the probation officer recommended that the intake decision be overridden, and that decision was affirmed by a supervisor (this is lower than the state average for overrides). More than half of intake overrides involved detaining the youth at a different security level, 7% involved releasing a youth rather than detaining them, 17% altered a decision to release, and 20% involved detaining a youth that would otherwise have been released. In District 11 the most common explanation selected for the override decision was “other”, and in District 12 “other” was the second most common explanation for the override. The “other” category includes detaining the youth for the protection of the community and not placing the youth in an out-of-home placement due to logistical concerns such as inclement weather, a lack of availability of law enforcement to transport the youth, and an inability to locate a placement due to facilities operating at capacity.

Low levels of family engagement are also a perceived barrier for youth rehabilitation in the Western part of the state. Research indicates that higher levels of family involvement result in lower recidivism on the part of youth. However, stakeholders consistently lamented the involvement of parents as their children navigate the juvenile justice process. Some stakeholders talked about reticence on the part of parents due to a lack of engagement, while others cited the cause as poverty. Minority children of multiracial descent are the least likely in Nebraska to have health insurance, the least likely to be born

at a normal birth rate and the least likely to be living above the poverty line. These populations experience the highest unemployment rates and their children are the least likely to be enrolled in school (Kids Count Nebraska, 2023). Research on Adverse Childhood Experiences (ACE) revealed that 18.4% of Nebraska youth reported at least one ACE, with economic hardship being the second most reported item (Kids Count in Nebraska, 2023). Food insecurity is increasing in Nebraska, with 12.5% of households, and (12% of children) reporting that they don't know where their next meal is coming from. These problems are particularly acute in Western Nebraska where in some areas, like Box Butte County, over 1 in 4 children live in poverty and where poverty rates are 1.6 times higher than state levels (Snow-Redfern Foundation, 2022). It follows then, given these economic challenges, that these populations also experience disproportionate rates of system involvement and out-of-home placements (Kids Count in Nebraska, 2023).

It must be noted that a final theme apparent in the conversations with stakeholders was a sense of disenfranchisement. While stakeholders frequently expressed a desire that their own voices be actively sought and included in conversations concerning potential changes to the system and service delivery, the disenfranchisement expressed most frequently by stakeholders was on behalf of the youth residing in Western Nebraska. It was a nearly unanimous perception that youth in Western Nebraska do not have equal access to critical services in the continuum, and that the access they do have is significantly delayed. This lack of access and issues with timeliness only serve to reduce positive youth outcomes.

I would like to feel at some point that our kids are seen as being as important as kids on the Eastern end of the state – Judge

In considering potential solutions to what some stakeholders described as “a crisis” for the juvenile justice system in Nebraska, it is important to discern what can be controlled by AOC and what cannot. For instance, AOC cannot influence shrinking rural populations or induce practitioners to relocate to the Western region of the state. AOC has no influence over the rate of retiring practitioners or high levels of poverty among rural families. Most critically, AOC has limited influence over the location of alternatives to detention, such as short-term crisis stabilization facilities, detention facilities, state-run residential therapeutic treatment centers, and state-run group homes. These decisions are in the hands of the Nebraska legislature. Ultimately, the state will be called upon to balance the needs of its rural population while also addressing the needs of urban youth located in proximity to the state's urban centers.

If the legislature is serious about the point of juvenile court is rehabilitative and that Nebraska is in fact like, we have on our capital building that it says “equal before the law”, you cannot pretend that equal before the law does not require equal access to justice, equal access to opportunities to be rehabilitated and equal access to opportunities to like have advantage or have it like have services that address your needs. And if you're not going to provide that to these kids, then just admit that you're not actually interested in rehabilitating them – County Attorney

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