



February 20, 2026

To: Chairperson Bosn and members of the Judiciary Committee

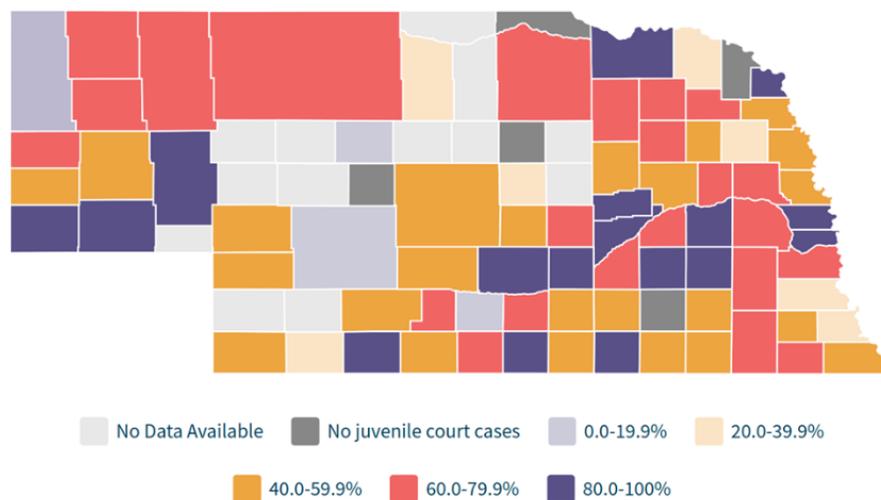
From: Katie Nungesser, Voices for Children in Nebraska

Re: Support of LB 995, Require appointment of counsel for juveniles and provide duties for juvenile courts

Nebraska’s juvenile court system should be a place of healing, growth, and accountability, not confusion, fear, or lifelong harm. Since 1967, youth in the US have had a constitutional right to counsel during juvenile court proceedings. Nebraska has already made meaningful strides to protect young people’s rights in court but there is still a gap in our statute as children are able to waive their right to representation. Voices for Children in Nebraska is in support of LB 995 as it updates our statute to require appointment of counsel for children in juvenile court.

According to the Nebraska Juvenile Justice System Statistical annual report, 76.8 percent of children in juvenile court had an attorney in 20231. We see the biggest gaps in rural court rooms. We want to make it clear that in practice, access to counsel in Nebraska still depends too much on geography, courtroom culture, and individual judicial practice. In some counties, children are automatically appointed attorneys as soon as a case is filed. In others, whether a child has a lawyer can depend on how a question is asked, how fast it is asked, how much explanation is given, or how much pressure a child feels from adults in the room.

Percent of youth in juvenile court who had access to counsel by county (2023)



Source: Nebraska Juvenile Justice System, Statistical Annual Report 2022

1 Nebraska Administrative Office of the Courts and Probation, Juvenile Services Division. (2024). Juvenile justice system statistical annual report: 2024, January 1, 2024 to December 31, 2024 (Report No. S3200 A002-2024) [PDF]. Nebraska Electronic State Documents. https://govdocs.nebraska.gov/epubs/S3200/A002-2024.pdf

The Legislature has already recognized the importance of due process for children and the role that legal counsel plays in making the system fairer and more humane. In our larger counties, early and automatic appointment of counsel has become the norm, and statewide, there are already times in Nebraska law when we recognize that a child should always have a lawyer, including detention hearings, hearings involving out of home placement, motions to transfer to adult court, and cases involving very young children. That recognition exists because we understand how serious these moments are and how much is at stake.

It shows a commitment to treating children as children and not as miniature adults who are expected to navigate a complex legal system on their own.

We are not here to undo that progress. We are here to finish the work.

Nearly a quarter of the youth in juvenile court are appearing without counsel, sometimes because of outside pressure to decline representation. We see children who do not truly understand what the right to an attorney means. We spoke to youth who believed having a lawyer would make things worse, take longer, or “make a big deal” out of something they are being told to minimize. One young person described being effectively coached into waiving counsel without ever being given a real opportunity to understand the consequences of that choice. We worry about situations where children are informally guided through decisions about pleading or going to trial without legal representation, which could be based on interpretations of police reports rather than legal advocacy.

When we ask whether a child truly understands the court process without a lawyer by their side, the evidence tells us they do not. The American Bar Association reports that adolescents waive their Miranda rights at a rate of nearly 90 percent. That decision can carry life-altering consequences, including self-incrimination, false confessions, and long-term involvement in the justice system. Young people simply do not have the cognitive development needed to understand the complex and lasting legal consequences of speaking to law enforcement without counsel. Research also shows that youth are far more likely than adults to falsely confess. According to the Registry of Exonerations, 38 percent of youth exonerations over the past 25 years involved false confessions. These are not rare exceptions. They are clear warning signs of a system that places children in situations they are not developmentally equipped to navigate alone.

Youth in juvenile court have a constitutional right to an attorney. That right is supposed to protect them from pleading to things they did not do, from being separated unnecessarily from their families, and from making decisions they do not fully understand. A lawyer helps a child and their family understand what is happening in court, what their options are, what the consequences might be, and whether there are legal steps that should be taken to protect their rights. For many young people, especially those who are scared, overwhelmed, or traumatized, that guidance is not a luxury. It is essential. When children have lawyers, they are more likely to trust the process, engage meaningfully, and move forward in healthier ways.

What we are asking for is simple and humane: extend early, automatic appointment of counsel to every child in every juvenile court case across the state.

Nebraska has already shown leadership in this area. This is the next step. This is about closing the remaining gaps, cleaning up the confusion, and making sure no child is misled or mistaken about their rights or the possible consequences of standing alone in court.

We want a juvenile justice system that helps kids heal and move forward, not one that quietly sets them up for deeper harm. Ensuring access to counsel for every child, in every case, statewide, is a powerful and necessary step toward that vision. Thank you to Senator Rountree for bringing LB 995, and to this committee for your time and attention.