

NEBRASKA SUPREME COURT

In re Interest of Johnny H.

320 Neb. 675 (2026) · No. S-25-137 through S-25-141 · Decided January 16, 2026

SUMMARY

The Nebraska Supreme Court considered consolidated appeals from orders finding Johnny H. nonamenable to rehabilitative services under Neb. Rev. Stat. § 43-2,106.03. The court affirmed the nonamenability findings but held that the juvenile court lacked statutory authority to terminate probation and jurisdiction solely on that basis, vacating those portions of the orders and remanding for further proceedings.

CASE DETAILS

COURT	Nebraska Supreme Court
WRITING FOR THE COURT	Stacy, J.; Funke, C.J.; Cassel, J.; Papik, J.; Freudenberg, J.; Bergevin, J.; Welch, Judge
JURISDICTION	Nebraska Supreme Court
DECIDED	January 16, 2026
DOCKET	S-25-137 through S-25-141
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Johnny H. appealed from five consolidated postdispositional orders of the Separate Juvenile Court of Sarpy County. The juvenile court found him not amenable to rehabilitative services under Neb. Rev. Stat. § 43-2,106.03 and terminated his probation and the court's jurisdiction in each case. The Nebraska Supreme Court affirmed the nonamenability findings, but vacated the termination of probation and jurisdiction and remanded.
STANDARD OF REVIEW	Statutory interpretation is reviewed independently as a question of law. Juvenile cases ordinarily are reviewed de novo on the record, but a determination of amenability under § 43-2,106.03 is reviewed de novo on the record for abuse of discretion because it involves broad discretion. An abuse of discretion exists when the decision rests on untenable or unreasonable reasons or is clearly against justice, conscience, reason, or evidence.
PRECEDENTIAL VALUE	published precedential opinion

TOPICS

appellate jurisdiction

final judgment rule

statutory interpretation

standard of review

appellate procedure

PRACTICE AREAS

juvenile law

appellate procedure

statutory interpretation

juvenile court jurisdiction

probation and disposition

QUESTIONS PRESENTED

1. Whether the Nebraska Supreme Court had jurisdiction to review the juvenile court's orders of nonamenability and termination of probation and jurisdiction.
2. What "amenability" and "not amenable to rehabilitative services" mean under Neb. Rev. Stat. § 43-2,106.03.
3. Whether the State bears the burden of proving nonamenability when it moves for a finding under § 43-2,106.03.
4. What quantum of proof applies at a § 43-2,106.03 amenability hearing.
5. Whether the juvenile court abused its discretion by finding Johnny not amenable to rehabilitative services.
6. Whether a juvenile court may terminate probation and its jurisdiction based solely on a finding of nonamenability under § 43-2,106.03.

HOLDINGS

1. Orders that both find a juvenile nonamenable and change the disposition by terminating probation and juvenile-court jurisdiction affect a substantial right with sufficient finality to constitute appealable final orders under Neb. Rev. Stat. §§ 25-1902(1)(b) and 43-2,106.01(1).
2. Amenability means the likelihood that a particular juvenile will respond effectively in the future to the rehabilitative services available under the Nebraska Juvenile Code. A juvenile is not amenable when, based on the evidence, the juvenile is unlikely to respond effectively to those services.
3. When the State files a motion under § 43-2,106.03 seeking a finding that a juvenile is not amenable to rehabilitative services, the State bears the burden of proving nonamenability.
4. At a § 43-2,106.03 hearing, amenability must be established by a preponderance of the evidence, equivalent to the greater weight of the evidence.
5. The juvenile court did not abuse its discretion by finding Johnny nonamenable to rehabilitative services under § 43-2,106.03.
6. A juvenile court may not terminate probation or juvenile-court jurisdiction based solely on a finding of nonamenability under § 43-2,106.03. Dispositions may be changed only through the statutory

procedures governing modification or revocation.

KEY QUOTATIONS

“We hold the plain and ordinary meaning of the term “amenability” as used in § 43-2,106.03 refers to the likelihood that a particular juvenile will respond effectively in the future to the type of rehabilitative services that can be provided under the juvenile code.” (694-695)

“We therefore hold that in hearings pursuant to § 43-2,106.03, which are civil in nature, a juvenile’s amenability to rehabilitative services must be established by a preponderance of the evidence, which is equivalent to the greater weight of the evidence.” (696-697)

“once a court has entered a disposition, it is plain error to change that disposition in the absence of compliance with the applicable statutory procedures.” (702-703)

“It is not within the province of the courts to read meaning into a statute that is not there or to read anything direct and plain out of a statute.” (705-706)

FACTUAL BACKGROUND

Johnny H., born in 2007, was adjudicated in five juvenile matters between 2022 and 2024 and placed on open-ended probation with rehabilitative conditions. While on probation, he had periods of detention, failed to complete or regularly attend some services, and continued to incur juvenile and criminal allegations, including a January 2025 adult-court attempted-robbery charge. The State presented evidence that Johnny had completed some services and improved academically but continued violating laws and probation conditions, while available placement and treatment options had narrowed. The juvenile court found him nonamenable and terminated probation and jurisdiction in all five cases.

PROCEDURAL HISTORY

Johnny was adjudicated in five juvenile matters, including truancy, theft, assault, a second theft, and robbery, and was placed on open-ended probation in each. After the State filed motions seeking findings of nonamenability under § 43-2,106.03, the juvenile court held a consolidated hearing, found Johnny nonamenable, and terminated probation and jurisdiction unsuccessfully. Johnny timely appealed; the Nebraska Court of Appeals consolidated the appeals, and the Nebraska Supreme Court moved them to its docket on its own motion. The Supreme Court affirmed in part and vacated and remanded in part.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the portions of the juvenile court's orders terminating Johnny's probation and the juvenile court's jurisdiction, and remand the causes for further proceedings consistent with the opinion. The findings of nonamenability remain affirmed.

CASES CITED

- State v. Aldana Cardenas, 314 Neb. 544, 990 N.W.2d 915 (2023)
- In re Interest of Victor L., 309 Neb. 21, 958 N.W.2d 413 (2021)
- In re Interest of Jeovani H., 316 Neb. 723, 6 N.W.3d 539 (2024)
- In re Interest of J.K., 265 Neb. 253, 656 N.W.2d 253 (2003)
- In re Interest of Steven S., 299 Neb. 447, 908 N.W.2d 391 (2018)
- In re Interest of Shaquille H., 285 Neb. 512, 827 N.W.2d 501 (2013)
- In re Interest of Dalton S., 273 Neb. 504, 730 N.W.2d 816 (2007)
- In re Interest of Jordon B., 316 Neb. 974, 7 N.W.3d 894 (2024)
- In re Interest of Victor L., 309 Neb. 21, 958 N.W.2d 413 (2021)
- In re Interest of Noah B. et al., 295 Neb. 764, 891 N.W.2d 109 (2017)
- In re Interest of Zachary B., 299 Neb. 187, 907 N.W.2d 311 (2018)
- In re Interest of Becka P. et al., 296 Neb. 365, 894 N.W.2d 247 (2017)
- Noland v. Yost, 315 Neb. 568, 998 N.W.2d 57 (2023)
- State v. Anders, 311 Neb. 958, 977 N.W.2d 234 (2022)
- McCoy v. Albin, 298 Neb. 297, 903 N.W.2d 902 (2017)
- Salem Grain Co. v. City of Falls City, 302 Neb. 548, 924 N.W.2d 678 (2019)
- Arthur v. Microsoft Corp., 267 Neb. 586, 676 N.W.2d 29 (2004)
- In re Application No. OP-0003, 303 Neb. 872, 932 N.W.2d 653 (2019)
- Burgardt v. Burgardt, 304 Neb. 356, 934 N.W.2d 488 (2019)
- In re Interest of T.W., 314 Neb. 475, 991 N.W.2d 280 (2023)
- In re Interest of Josue G., 299 Neb. 784, 910 N.W.2d 159 (2018)
- In re Interest of Iyana P., 25 Neb. App. 439, 907 N.W.2d 333 (2018)
- In re Interest of Nowa K., 33 Neb. App. 446, 16 N.W.3d 896 (2025)
- State v. Perry, 318 Neb. 613, 17 N.W.3d 504 (2025)

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