

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 243

FINAL READING
(SECOND)

Introduced by Bolz, 29; Campbell, 25; Howard, 9; Krist, 10.

Read first time January 14, 2015

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to children; to amend sections 43-284.02,
2 43-285, 43-905, 43-1312.01, 43-4501, 43-4503, 43-4504, 43-4505,
3 43-4506, 43-4508, 43-4511, 43-4512, 43-4513, 43-4514, and 71-824,
4 Revised Statutes Cumulative Supplement, 2014; to create a pilot
5 project relating to family finding services; to state intent; to
6 define and redefine terms; to provide and change duties for the
7 Department of Health and Human Services; to state intent relating to
8 appropriations; to provide for rules and regulations; to require
9 juvenile courts to hold an independence hearing for certain
10 children; to provide for health care and medical assistance for
11 certain children as prescribed; to change provisions relating to
12 services and support provided under the bridge to independence
13 program and permanency review hearings; to provide for guardianship
14 assistance and adoption assistance as prescribed; to require certain
15 documents and proceedings to be confidential as prescribed; to
16 provide duties for the Nebraska Children's Commission and the Bridge
17 to Independence Advisory Committee; to adopt federal law by
18 reference; to harmonize provisions; to provide operative dates; to
19 repeal the original sections; and to declare an emergency.

20 Be it enacted by the people of the State of Nebraska,

1 Section 1. It is the intent of the Legislature to:

2 (1) Promote kinship care and lifelong connections through the
3 process of family finding when a child has been removed from the legal
4 custody of the child's parents;

5 (2) Prevent recurrence of abuse, neglect, exploitation, or other
6 maltreatment of children;

7 (3) Reduce the length of time children spend in foster care;

8 (4) Reduce multiple placements of children in foster care;

9 (5) Remain in compliance with the federal Fostering Connections to
10 Success and Increasing Adoptions Act of 2008, Public Law 110-351; and

11 (6) Create a pilot project for the process of locating and engaging
12 family members in the life of a child who is a ward of the state or is
13 participating in the bridge to independence program as defined in section
14 43-4503, or both, and in need of permanency through a lifelong network of
15 support.

16 Sec. 2. For purposes of sections 1 to 9 of this act:

17 (1) Department means the Department of Health and Human Services;

18 (2) Family finding means the process described in section 3 of this
19 act;

20 (3) Family member means:

21 (a) A person related to a child by blood, adoption, or affinity
22 within the fifth degree of kinship;

23 (b) A stepparent;

24 (c) A stepsibling;

25 (d) The spouse, widow, widower, or former spouse of any of the
26 persons described in subdivisions (a) through (c) of this subdivision;
27 and

28 (e) Any individual who is a primary caretaker or trusted adult in a
29 kinship home and who, as a primary caretaker, has lived with the child
30 or, as a trusted adult, has a preexisting, significant relationship with
31 the child;

1 (4) Kinship home means a home in which a child receives foster care
2 and at least one of the primary caretakers has previously lived with or
3 is a trusted adult that has a preexisting, significant relationship with
4 the child;

5 (5) Provider means an organization providing services as a child-
6 placing agency; and

7 (6) Service area means a geographic area administered by the
8 department and designated pursuant to section 81-3116.

9 Sec. 3. The department, its contracted providers of family finding
10 services, and family members of children involved in cases which are part
11 of the pilot project created in section 4 of this act shall participate
12 in family finding. Family finding is the process of engagement,
13 searching, preparation, planning, decisionmaking, lifetime network
14 creation, healing, and permanency in order to:

15 (1) Search for and identify family members and engage them in
16 planning and decisionmaking;

17 (2) Gain commitments from family members to support a child through
18 nurturing relationships and to support the parent or parents, when
19 appropriate; and

20 (3) Achieve a safe, permanent legal home or lifelong connection for
21 the child, either through reunification or through permanent placement
22 through legal guardianship or adoption.

23 Sec. 4. A pilot project is created to provide family finding
24 services within at least two service areas. The department shall contract
25 with providers of family finding services or the case management lead
26 agency pilot project authorized under section 68-1212 to carry out the
27 family finding services pilot project. A provider may contract within
28 multiple service areas. Each contracting provider shall be trained in and
29 implement the steps described in section 3 of this act. The family
30 finding services pilot project shall terminate on June 30, 2019.

31 Sec. 5. (1) Under the pilot project created under section 4 of this

1 act, the department shall refer a portion of all cases involving children
2 who are wards of the state in foster care or participating in the bridge
3 to independence program as defined in section 43-4503, or both, to
4 providers of family finding services who or which shall (a) locate family
5 members of the children, (b) engage and empower family members, and (c)
6 create an individualized plan to achieve a safe, permanent legal home for
7 the children when possible.

8 (2) The department shall provide administrative oversight of the
9 contracts entered into pursuant to the pilot project created under
10 section 4 of this act.

11 (3) A child's departmental case manager, the child's foster parents,
12 and the provider of family finding services shall collaborate together to
13 maximize success throughout the family finding process.

14 (4) The department shall carry out the requirements of the
15 Interstate Compact for the Placement of Children when achieving out-of-
16 state placement of a ward of the court, including prompt submission of
17 required paperwork to ensure that the family finding process moves
18 forward in a timely manner.

19 Sec. 6. It is the intent of the Legislature to appropriate seven
20 hundred fifty thousand dollars from the General Fund for each of fiscal
21 years 2015-16 and 2016-17 and one million five hundred thousand dollars
22 from the General Fund for each of fiscal years 2017-18 and 2018-19 to the
23 department which shall pursue federal matching funds as applicable and
24 allocate such funds to contracting providers of family finding services
25 who or which shall use such funds to (1) provide family finding services
26 pursuant to contracts with the department, (2) create and coordinate
27 training initiatives for departmental case managers assigned to cases
28 referred for family finding services to promote provider and family
29 engagement and to train case managers on the principles of family finding
30 services for successful outcomes, and (3) provide contract monitoring and
31 oversight of the pilot project and pay evaluation costs.

1 Sec. 7. The department shall establish a data collection system and
2 collect data from participating providers annually. Such data shall be
3 divided by service area and shall include (1) the number of participating
4 children and youth, (2) the ages of the participating children and youth,
5 (3) the duration of each case, and (4) case outcomes, including
6 permanency, guardianship, and family support. Data involving incomplete
7 cases shall be included and identified as such.

8 Sec. 8. The department shall contract with an academic institution
9 to complete an independent evaluation of the pilot project created under
10 section 4 of this act. The evaluation shall assess the effectiveness of
11 the pilot project in achieving the purposes described in section 1 of
12 this act and the overall fiscal impact. The evaluation shall begin after
13 completion of the second year of the pilot project and shall be completed
14 in the third year of the pilot project. The department shall
15 electronically transmit the evaluation to the Health and Human Services
16 Committee of the Legislature.

17 Sec. 9. The department may adopt and promulgate rules and
18 regulations to carry out sections 1 to 8 of this act.

19 Sec. 10. Section 43-284.02, Revised Statutes Cumulative Supplement,
20 2014, is amended to read:

21 43-284.02 The Department of Health and Human Services may make
22 payments as needed on behalf of a child who has been a ward of the
23 department after the appointment of a guardian for the child. Such
24 payments to the guardian may include maintenance costs, medical and
25 surgical expenses, and other costs incidental to the care of the child.
26 All such payments shall terminate on or before the child's nineteenth
27 birthday unless the child is eligible for extended guardianship
28 assistance and medical care from the department pursuant to section
29 sections 43-4511 and ~~43-4514~~. The child under guardianship shall be a
30 child for whom the guardianship would not be possible without the
31 financial aid provided under this section.

1 The Department of Health and Human Services shall adopt and
2 promulgate rules and regulations for the administration of this section.

3 Sec. 11. Section 43-285, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 43-285 (1) When the court awards a juvenile to the care of the
6 Department of Health and Human Services, an association, or an individual
7 in accordance with the Nebraska Juvenile Code, the juvenile shall, unless
8 otherwise ordered, become a ward and be subject to the legal custody and
9 care of the department, association, or individual to whose care he or
10 she is committed. Any such association and the department shall have
11 authority, by and with the assent of the court, to determine the care,
12 placement, medical services, psychiatric services, training, and
13 expenditures on behalf of each juvenile committed to it. Any such
14 association and the department shall be responsible for applying for any
15 health insurance available to the juvenile, including, but not limited
16 to, medical assistance under the Medical Assistance Act. Such custody and
17 care shall not include the guardianship of any estate of the juvenile.

18 (2)(a) Following an adjudication hearing at which a juvenile is
19 adjudged to be under subdivision (3)(a) or (c) of section 43-247, the
20 court may order the department to prepare and file with the court a
21 proposed plan for the care, placement, services, and permanency which are
22 to be provided to such juvenile and his or her family. The health and
23 safety of the juvenile shall be the paramount concern in the proposed
24 plan.

25 (b) The department shall include in the plan for a child juvenile
26 who is sixteen years of age or older and subject to the legal care and
27 custody of the department a written independent living transition
28 proposal which meets the requirements of section 43-1311.03 and, for
29 eligible children juveniles, the Young Adult Bridge to Independence Act.
30 The juvenile court shall provide a copy of the plan to all interested
31 parties before the hearing. The court may approve the plan, modify the

1 plan, order that an alternative plan be developed, or implement another
2 plan that is in the child's juvenile's best interests. In its order the
3 court shall include a finding regarding the appropriateness of the
4 programs and services described in the proposal designed to assist the
5 child juvenile in acquiring independent living skills. Rules of evidence
6 shall not apply at the dispositional hearing when the court considers the
7 plan that has been presented.

8 (c) The last court hearing before jurisdiction pursuant to
9 subdivision (3)(a) of section 43-247 is terminated for a child who is
10 sixteen years of age or older shall be called the independence hearing.
11 In addition to other matters and requirements to be addressed at this
12 hearing, the independence hearing shall address the child's future goals
13 and plans and access to services and support for the transition from
14 foster care to adulthood consistent with section 43-1311.03 and the Young
15 Adult Bridge to Independence Act. The child shall not be required to
16 attend the independence hearing, but efforts shall be made to encourage
17 and enable the child's attendance if the child wishes to attend,
18 including scheduling the hearing at a time that permits the child's
19 attendance. An independence coordinator as provided in section 43-4506
20 shall attend the hearing if reasonably practicable, but the department is
21 not required to have legal counsel present. At the independence hearing,
22 the court shall advise the child about the bridge to independence
23 program, including, if applicable, the right of young adults in the
24 bridge to independence program to request a court-appointed, client-
25 directed attorney under subsection (1) of section 43-4510 and the
26 benefits and role of such attorney and to request additional permanency
27 review hearings in the bridge to independence program under subsection
28 (5) of section 43-4508 and how to request such a hearing. The court shall
29 also advise the child, if applicable, of the rights he or she is giving
30 up if he or she chooses not to participate in the bridge to independence
31 program and the option to enter such program at any time between nineteen

1 and twenty-one years of age if the child meets the eligibility
2 requirements of section 43-4504. The department shall present information
3 to the court regarding other community resources that may benefit the
4 child, specifically information regarding state programs established
5 pursuant to 42 U.S.C. 677.

6 (3) Within thirty days after an order awarding a juvenile to the
7 care of the department, an association, or an individual and until the
8 juvenile reaches the age of majority, the department, association, or
9 individual shall file with the court a report stating the location of the
10 juvenile's placement and the needs of the juvenile in order to effectuate
11 the purposes of subdivision (1) of section 43-246. The department,
12 association, or individual shall file a report with the court once every
13 six months or at shorter intervals if ordered by the court or deemed
14 appropriate by the department, association, or individual. Every six
15 months, the report shall provide an updated statement regarding the
16 eligibility of the juvenile for health insurance, including, but not
17 limited to, medical assistance under the Medical Assistance Act. The
18 department, association, or individual shall file a report and notice of
19 placement change with the court and shall send copies of the notice to
20 all interested parties at least seven days before the placement of the
21 juvenile is changed from what the court originally considered to be a
22 suitable family home or institution to some other custodial situation in
23 order to effectuate the purposes of subdivision (1) of section 43-246.
24 The court, on its own motion or upon the filing of an objection to the
25 change by an interested party, may order a hearing to review such a
26 change in placement and may order that the change be stayed until the
27 completion of the hearing. Nothing in this section shall prevent the
28 court on an ex parte basis from approving an immediate change in
29 placement upon good cause shown. The department may make an immediate
30 change in placement without court approval only if the juvenile is in a
31 harmful or dangerous situation or when the foster parents request that

1 the juvenile be removed from their home. Approval of the court shall be
2 sought within twenty-four hours after making the change in placement or
3 as soon thereafter as possible. The department shall provide the
4 juvenile's guardian ad litem with a copy of any report filed with the
5 court by the department pursuant to this subsection.

6 (4) The court shall also hold a permanency hearing if required under
7 section 43-1312.

8 (5) When the court awards a juvenile to the care of the department,
9 an association, or an individual, then the department, association, or
10 individual shall have standing as a party to file any pleading or motion,
11 to be heard by the court with regard to such filings, and to be granted
12 any review or relief requested in such filings consistent with the
13 Nebraska Juvenile Code.

14 (6) Whenever a juvenile is in a foster care placement as defined in
15 section 43-1301, the Foster Care Review Office or the designated local
16 foster care review board may participate in proceedings concerning the
17 juvenile as provided in section 43-1313 and notice shall be given as
18 provided in section 43-1314.

19 (7) Any written findings or recommendations of the Foster Care
20 Review Office or the designated local foster care review board with
21 regard to a juvenile in a foster care placement submitted to a court
22 having jurisdiction over such juvenile shall be admissible in any
23 proceeding concerning such juvenile if such findings or recommendations
24 have been provided to all other parties of record.

25 (8) The executive director and any agent or employee of the Foster
26 Care Review Office or any member of any local foster care review board
27 participating in an investigation or making any report pursuant to the
28 Foster Care Review Act or participating in a judicial proceeding pursuant
29 to this section shall be immune from any civil liability that would
30 otherwise be incurred except for false statements negligently made.

31 Sec. 12. Section 43-905, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 43-905 (1) The Department of Health and Human Services shall have
3 legal custody of all children committed to it. The department shall
4 afford temporary care and shall use special diligence to provide suitable
5 homes for such children. The department shall make reasonable efforts to
6 accomplish joint-sibling placement or sibling visitation or ongoing
7 interaction between siblings as provided in section 43-1311.02. The
8 department is authorized to place such children in suitable families for
9 adoption, foster care, or guardianship or, in the discretion of the
10 department, on a written contract.

11 (2) The contract shall provide (a) for the children's education in
12 the public schools or otherwise, (b) for teaching them some useful
13 occupation, and (c) for kind and proper treatment as members of the
14 family in which they are placed.

15 (3) Whenever any child who has been committed to the department
16 becomes self-supporting, the department shall declare that fact and the
17 legal custody and care of the department shall cease. Thereafter the
18 child shall be entitled to his or her own earnings. Legal custody and
19 care of and services by the department shall never extend beyond the age
20 of majority, except that (a) services by the department to a child shall
21 continue until the child reaches the age of twenty-one if the child is in
22 the bridge to independence program as provided in the Young Adult Bridge
23 to Independence Act and (b) ~~beginning January 1, 2014,~~ coverage for
24 health care and related services under medical assistance in accordance
25 with section 68-911 shall ~~may~~ be extended as provided under the federal
26 Patient Protection and Affordable Care Act, 42 U.S.C. 1396a(a)(10)(A)(i)
27 (IX), as such act and section existed on January 1, 2013, for medicaid
28 coverage for individuals under twenty-six years of age as allowed
29 pursuant to such act.

30 (4) Whenever the parents of any ward, whose parental rights have not
31 been terminated, have become able to support and educate their child, the

1 department shall restore the child to his or her parents if the home of
2 such parents would be a suitable home. The legal custody and care of the
3 department shall then cease.

4 (5) Whenever permanent free homes for the children cannot be
5 obtained, the department may provide subsidies to adoptive and
6 guardianship families subject to a hearing and court approval. The
7 department may also provide and pay for the maintenance of the children
8 in foster care, in boarding homes, or in institutions for care of
9 children.

10 Sec. 13. Section 43-1312.01, Revised Statutes Cumulative Supplement,
11 2014, is amended to read:

12 43-1312.01 (1) If the permanency plan for a child established
13 pursuant to section 43-1312 does not recommend return of the child to his
14 or her parent or that the child be placed for adoption, the juvenile
15 court may place the child in a guardianship in a relative home as defined
16 in section 71-1901, in a kinship home as defined in section 71-1901, or
17 with an individual as provided in section 43-285 if:

18 (a) The child is a juvenile who has been adjudged to be under
19 subdivision (3)(a) of section 43-247;

20 (b) The child has been in the placement for at least six months;

21 (c) The child consents to the guardianship, if the child is ten
22 years of age or older; and

23 (d) The guardian:

24 (i) Is suitable and able to provide a safe and permanent home for
25 the child;

26 (ii) Has made a commitment to provide for the financial, medical,
27 physical, and emotional needs of the child until the child reaches the
28 age of majority or until the termination of extended guardianship
29 assistance payments and medical care pursuant to section 43-4511—~~or~~
30 ~~43-4514~~;

31 (iii) Has made a commitment to prepare the child for adulthood and

1 independence; and

2 (iv) Agrees to give notice of any changes in his or her residential
3 address or the residence of the child by filing a written document in the
4 juvenile court file of the child.

5 (2) In the order granting guardianship, the juvenile court:

6 (a) Shall grant to the guardian such powers, rights, and duties with
7 respect to the care, maintenance, and treatment of the child as the
8 biological or adoptive parent of the child would have;

9 (b) May specify the frequency and nature of family time or contact
10 between the child and his or her parents, if appropriate;

11 (c) May specify the frequency and nature of family time or contact
12 between the child and his or her siblings, if appropriate; and

13 (d) Shall require that the guardian not return the child to the
14 physical care and custody of the person from whom the child was removed
15 without prior approval of the court.

16 (3) The juvenile court shall retain jurisdiction over the child for
17 modification or termination of the guardianship order. The court shall
18 discontinue permanency reviews and case reviews and shall relieve the
19 Department of Health and Human Services of the responsibility of
20 supervising the placement of the child. Notwithstanding the retention of
21 juvenile court jurisdiction, the guardianship placement shall be
22 considered permanent for the child.

23 (4) The child shall remain in the custody of the guardian unless the
24 order creating the guardianship is modified by the court.

25 (5) Guardianships established under this section shall terminate on
26 the child's nineteenth birthday unless the child is eligible for
27 continued guardianship assistance payments under section 43-4511 ~~or~~
28 ~~43-4514~~ and an agreement is signed by the Department of Health and Human
29 Services, the guardian, and the young adult, as defined in section
30 43-4503, to continue the guardianship assistance. The guardian shall
31 ensure that any guardianship assistance funds provided by the department

1 and received by the guardian for the purpose of an extended guardianship
2 shall be used for the benefit of the young adult. The department shall
3 adopt and promulgate rules and regulations defining services and supports
4 encompassed by such benefit.

5 (6) Upon the child's nineteenth birthday regardless of the existence
6 of an agreement to extend the guardianship until the child's twenty-first
7 birthday, the guardian shall no longer have the legal authority to make
8 decisions on behalf of the child and shall have no more authority over
9 the person or property of the child than a biological or adoptive parent
10 would have over his or her child, absent consent from the child.

11 (7) A guardianship established under this section does not terminate
12 the parent-child relationship, including:

- 13 (a) The right of the child to inherit from his or her parents;
14 (b) The right of the biological parents to consent to the child's
15 adoption; and
16 (c) The responsibility of the parents to provide financial, medical,
17 or other support as ordered by the court.

18 (8) The Department of Health and Human Services shall adopt and
19 promulgate rules and regulations for the administration of this section.

20 Sec. 14. Section 43-4501, Revised Statutes Cumulative Supplement,
21 2014, is amended to read:

22 43-4501 Sections 43-4501 to 43-4514 and section 21 of this act shall
23 be known and may be cited as the Young Adult Bridge to Independence Act.

24 Sec. 15. Section 43-4503, Revised Statutes Cumulative Supplement,
25 2014, is amended to read:

26 43-4503 For purposes of the Young Adult Bridge to Independence Act:

27 (1) Bridge to independence program means the extended services and
28 support available to a young adult under the Young Adult Bridge to
29 Independence Act other than extended ~~the state extended~~ guardianship
30 assistance ~~program~~ described in section 43-4511 and extended adoption
31 assistance described in section 43-4512 subdivision (3)(b) of section

1 ~~43-4514~~;

2 (2) Child means an individual who has not attained twenty-one years
3 of age;

4 (3) Department means the Department of Health and Human Services;

5 (4) Supervised independent living setting means an independent
6 supervised setting, consistent with 42 U.S.C. 672(c). Supervised
7 independent living settings shall include, but not be limited to, single
8 or shared apartments, houses, host homes, college dormitories, or other
9 postsecondary educational or vocational housing;

10 (5) Voluntary services and support agreement means a voluntary
11 placement agreement as defined in 42 U.S.C. 672(f) between the department
12 and a young adult as his or her own guardian; and

13 (6) Young adult means an individual who has attained nineteen years
14 of age but who has not attained twenty-one years of age.

15 Sec. 16. Section 43-4504, Revised Statutes Cumulative Supplement,
16 2014, is amended to read:

17 43-4504 The bridge to independence program is available, on a
18 voluntary basis, to a young adult:

19 (1) Who has attained at least nineteen years of age;

20 (2) Who was adjudicated to be a juvenile described in subdivision

21 (3)(a) of section 43-247 or the equivalent under tribal law and, (a) upon
22 attaining nineteen years of age, was in an out-of-home placement or had
23 been discharged to independent living or (b) with respect to whom a
24 kinship guardianship assistance agreement was in effect pursuant to 42
25 U.S.C. 673 if the young adult had attained sixteen years of age before
26 the agreement became effective or with respect to whom a state-funded
27 guardianship assistance agreement was in effect if the young adult had
28 attained sixteen years of age before the agreement became effective; and

29 (3) Who is:

30 (a) Completing secondary education or an educational program leading
31 to an equivalent credential;

1 (b) Enrolled in an institution which provides postsecondary or
2 vocational education;

3 (c) Employed for at least eighty hours per month;

4 (d) Participating in a program or activity designed to promote
5 employment or remove barriers to employment; or

6 (e) Incapable of doing any of the activities described in
7 subdivisions (3)(a) through (d) of this section due to a medical
8 condition, which incapacity is supported by regularly updated information
9 in the case plan of the young adult.

10 The changes made to subdivision (2)(b) of this section by this
11 legislative bill become operative on July 1, 2015.

12 Sec. 17. Section 43-4505, Revised Statutes Cumulative Supplement,
13 2014, is amended to read:

14 43-4505 Extended services and support provided under the bridge to
15 independence program include, but are not limited to:

16 (1) Medical care under the medical assistance program for young
17 adults who meet the eligibility requirements of section 43-4504 and have
18 signed a voluntary services and support agreement as provided in section
19 43-4506;

20 (2) Housing, placement, and support in the form of ~~continued~~ foster
21 care maintenance payments which shall remain at least at the rate set
22 immediately prior to the young adult's exit from foster care. As decided
23 by and with the young adult, young adults may reside in a foster family
24 home, a supervised independent living setting, an institution, or a
25 foster care facility. Placement in an institution or a foster care
26 facility should occur only if necessary due to a young adult's
27 developmental level or medical condition. A young adult who is residing
28 in a foster care facility upon leaving foster care may choose to
29 temporarily stay until he or she is able to transition to a more age-
30 appropriate setting. For young adults residing in a supervised
31 independent living setting:

1 (a) The department may send all or part of the foster care
2 maintenance payments directly to the young adult. This should be decided
3 on a case-by-case basis by and with the young adult in a manner that
4 respects the independence of the young adult; and

5 (b) Rules and restrictions regarding housing options should be
6 respectful of the young adult's autonomy and developmental maturity.
7 Specifically, safety assessments of the living arrangements shall be age-
8 appropriate and consistent with federal guidance on a supervised setting
9 in which the individual lives independently. A clean background check
10 shall not be required for an individual residing in the same residence as
11 the young adult; and

12 (3) Case management services that are young-adult driven. Case
13 management shall be a continuation of the independent living transition
14 proposal in section 43-1311.03, including a written description of
15 additional resources that will help the young adult in creating permanent
16 relationships and preparing for the transition to adulthood and
17 independent living. Case management shall include the development of a
18 case plan, developed jointly by the department and the young adult, that
19 includes a description of the identified housing situation or living
20 arrangement, the resources to assist the young adult in the transition
21 from the bridge to independence program to adulthood, and the needs
22 listed in subsection (1) of section 43-1311.03. The case plan shall
23 incorporate the independent living transition proposal in section
24 43-1311.03. A new plan shall be developed for young adults who have no
25 previous independent living transition proposal. Case management shall
26 also include, but not be limited to, documentation that assistance has
27 been offered and provided that would help the young adult meet his or her
28 individual goals, if such assistance is appropriate and if the young
29 adult is eligible and consents to receive such assistance. This shall
30 include, but not be limited to, assisting the young adult to:

31 (a) Obtain employment or other financial support;

- 1 (b) Obtain a government-issued identification card;
- 2 (c) Open and maintain a bank account;
- 3 (d) Obtain appropriate community resources, including health, mental
4 health, developmental disability, and other disability services and
5 support;
- 6 (e) When appropriate, satisfy any juvenile justice system
7 requirements and assist with sealing the young adult's juvenile court
8 record if the young adult is eligible under section 43-2,108.01;
- 9 (f) Complete secondary education;
- 10 (g) Apply for admission and aid for postsecondary education or
11 vocational courses;
- 12 (h) Obtain the necessary state court findings and then apply for
13 special immigrant juvenile status as defined in 8 U.S.C. 1101(a)(27)(J)
14 or apply for other immigration relief that the young adult may be
15 eligible for;
- 16 (i) Create a health care power of attorney, health care proxy, or
17 other similar document recognized under state law, at the young adult's
18 option, pursuant to the federal Patient Protection and Affordable Care
19 Act, Public Law 111-148;
- 20 (j) Obtain a copy of health and education records of the young
21 adult;
- 22 (k) Apply for any public benefits or benefits that he or she may be
23 eligible for or may be due through his or her parents or relatives,
24 including, but not limited to, aid to dependent children, supplemental
25 security income, social security disability insurance, social security
26 survivors benefits, the Special Supplemental Nutrition Program for Women,
27 Infants, and Children, the Supplemental Nutrition Assistance Program, and
28 low-income home energy assistance programs;
- 29 (l) Maintain relationships with individuals who are important to the
30 young adult, including searching for individuals with whom the young
31 adult has lost contact;

1 (m) Access information about maternal and paternal relatives,
2 including any siblings;

3 (n) Access young adult empowerment opportunities, such as Project
4 Everlast and peer support groups; and

5 (o) Access pregnancy and parenting resources and services.

6 Sec. 18. Section 43-4506, Revised Statutes Cumulative Supplement,
7 2014, is amended to read:

8 43-4506 (1) If a young adult chooses to participate in the bridge to
9 independence program and is eligible under section 43-4504, the young
10 adult and the department shall sign, and the young adult shall be
11 provided a copy of, a voluntary services and support agreement that
12 includes, at a minimum, information regarding all of the following:

13 (a) The requirement that the young adult continue to be eligible
14 under section 43-4504 for the duration of the voluntary services and
15 support agreement and any other expectations of the young adult;

16 (b) The services and support the young adult shall receive through
17 the bridge to independence program;

18 (c) The voluntary nature of the young adult's participation and the
19 young adult's right to terminate the voluntary services and support
20 agreement at any time; and

21 (d) Conditions that may result in the termination of the voluntary
22 services and support agreement and the young adult's early discharge from
23 the bridge to independence program as described in section 43-4507.

24 (2) As soon as the young adult and the department sign the voluntary
25 services and support agreement and the department determines that the
26 young adult is eligible for the bridge to independence program under
27 section 43-4504, but not longer than fifteen ~~forty-five~~ days after
28 signing the agreement, the department shall provide services and support
29 to the young adult in accordance with the voluntary services and support
30 agreement.

31 (3) A young adult participating in the bridge to independence

1 program shall be assigned an independence coordinator to provide case
2 management services for the young adult. Independence coordinators and
3 their supervisors shall be specialized in primarily providing services
4 for young adults in the bridge to independence program or shall, at
5 minimum, have specialized training in providing transition services and
6 support to young adults.

7 (4) The department shall provide continued efforts at achieving
8 permanency and creating permanent connections for a young adult
9 participating in the bridge to independence program.

10 (5) The department shall fulfill all case plan obligations
11 consistent with 42 U.S.C. 675(1).

12 (6) As soon as possible after the young adult is determined eligible
13 for the bridge to independence program under section 43-4504 and signs
14 the voluntary services and support agreement, the department shall
15 conduct a determination of income eligibility for purposes of Title IV-E
16 of the federal Social Security Act, 42 U.S.C. 672.

17 Sec. 19. Section 43-4508, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:

19 43-4508 (1) Within fifteen ~~forty-five~~ days after the voluntary
20 services and support agreement is signed, the department shall file a
21 petition with the juvenile court describing the young adult's current
22 situation, including the young adult's name, date of birth, and current
23 address and the reasons why it is in the young adult's best interests to
24 participate in the bridge to independence program. The department shall
25 also provide the juvenile court with a copy of the signed voluntary
26 services and support agreement, a copy of the case plan, and any other
27 information the department or the young adult wants the court to
28 consider.

29 (2) The department shall ensure continuity of care and eligibility
30 by working with a child who wants to participate in the bridge to
31 independence program and is likely to be eligible to participate in such

1 program immediately following the termination of the juvenile court's
2 jurisdiction pursuant to subdivision (3)(a) of section 43-247. The
3 voluntary services and support agreement shall be signed and the petition
4 filed with the court upon the child's nineteenth birthday or within ten
5 days thereafter. There shall be no interruption in the foster care
6 maintenance payment and medical assistance coverage for a child who is
7 eligible and chooses to participate in the bridge to independence program
8 immediately following the termination of the juvenile court's
9 jurisdiction pursuant to such subdivision ~~To ensure continuity of care~~
10 ~~and eligibility, the voluntary services and support agreement should be~~
11 ~~signed prior to and filed with the court at the last court hearing before~~
12 ~~the young adult is discharged from foster care for all young adults who~~
13 ~~choose to participate in the bridge to independence program at that time.~~

14 (3) The court has the jurisdiction to review the voluntary services
15 and support agreement signed by the department and the young adult under
16 section 43-4506 and to conduct permanency reviews as described in this
17 section. Upon the filing of a petition under subsection (1) of this
18 section, the court shall open a bridge to independence program file for
19 the young adult for the purpose of determining whether continuing in such
20 program is in the young adult's best interests and for the purpose of
21 conducting permanency reviews.

22 (4) The court shall make the best interests determination as
23 described in subsection (3) of this section not later than one hundred
24 eighty days after the young adult and the department enter into the
25 voluntary services and support agreement.

26 (5) The court shall conduct a hearing for permanency review
27 consistent with 42 U.S.C. 675(5)(C) as described in subsection (6) of
28 this section regarding the voluntary services and support agreement at
29 least once per year and may conduct such hearing at additional times, but
30 not more times than is reasonably practicable, at the request of the
31 young adult, the department, or any other party to the proceeding. Upon

1 the filing of the petition as provided in subsection (1) of this section
2 or anytime thereafter, the young adult may request, in the voluntary
3 services and support agreement or by other appropriate means, a timeframe
4 in which the young adult prefers to have the permanency review hearing
5 scheduled and the court shall seek to accommodate the request as
6 practicable and consistent with 42 U.S.C. 675(5)(C). The juvenile court
7 may request the appointment of a hearing officer pursuant to section
8 24-230 to conduct permanency review hearings. The department is not
9 required to have legal counsel present at such hearings. The juvenile
10 court shall conduct the permanency reviews in an expedited manner and
11 shall issue findings and orders, if any, as speedily as possible.

12 (6)(a) The primary purpose of the permanency review is to ensure
13 that the bridge to independence program is providing the young adult with
14 the needed services and support to help the young adult move toward
15 permanency and self-sufficiency. This shall include that, in all
16 permanency reviews or hearings regarding the transition of the young
17 adult from foster care to independent living, the court shall consult, in
18 an age-appropriate manner, with the young adult regarding the proposed
19 permanency or transition plan for the young adult. The young adult shall
20 have a clear self-advocacy role in the permanency review in accordance
21 with section 43-4510, and the hearing shall support the active engagement
22 of the young adult in key decisions. Permanency reviews shall be
23 conducted on the record and in an informal manner and, whenever possible,
24 outside of the courtroom.

25 (b) The department shall prepare and present to the juvenile court a
26 report, at the direction of the young adult, addressing progress made in
27 meeting the goals in the case plan, including the independent living
28 transition proposal, and shall propose modifications as necessary to
29 further those goals.

30 (c) The court shall determine whether the bridge to independence
31 program is providing the appropriate services and support as provided in

1 the voluntary services and support agreement to carry out the case plan.
2 The court has the authority to determine whether the young adult is
3 receiving the services and support he or she is entitled to receive under
4 the Young Adult Bridge to Independence Act and the department's policies
5 or state or federal law to help the young adult move toward permanency
6 and self-sufficiency. If the court believes that the young adult requires
7 additional services and support to achieve the goals documented in the
8 case plan or under the Young Adult Bridge to Independence Act and the
9 department's policies or state or federal law, the court may make
10 appropriate findings or order the department to take action to ensure
11 that the young adult receives the identified services and support.

12 (7) All pleadings, filings, documents, and reports filed pursuant to
13 this section and subdivision (11) of section 43-247 shall be
14 confidential. The proceedings pursuant to this section and subdivision
15 (11) of section 43-247 shall be confidential unless a young adult
16 provides a written waiver or a verbal waiver in court. Such waiver may be
17 made by the young adult in order to permit the proceedings to be held
18 outside of the courtroom or for any other reason. The Foster Care Review
19 Office shall have access to any and all pleadings, filings, documents,
20 reports, and proceedings necessary to complete its case review process.
21 This section shall not prevent the juvenile court from issuing an order
22 identifying individuals and agencies who shall be allowed to receive
23 otherwise confidential information for legitimate and official purposes
24 as authorized by section 43-3001.

25 Sec. 20. Section 43-4511, Revised Statutes Cumulative Supplement,
26 2014, is amended to read:

27 43-4511 (1) The department shall provide extended guardianship
28 assistance and medical care under the medical assistance program for a
29 young adult who is at least nineteen years of age but less than twenty-
30 one years of age and with respect to whom a kinship guardianship
31 assistance agreement was in effect pursuant to 42 U.S.C. 673 if the young

1 ~~adult had attained sixteen years of age before the agreement became~~
2 ~~effective or with respect to whom a state-funded guardianship assistance~~
3 ~~agreement was in effect if the young adult had attained sixteen years of~~
4 ~~age before the agreement became effective if the young adult began~~
5 ~~receiving kinship guardianship assistance pursuant to 42 U.S.C. 673 at~~
6 ~~sixteen years of age or older or the young adult received state-funded~~
7 ~~guardianship assistance in a licensed relative placement at sixteen years~~
8 ~~of age or older and if the young adult meets at least one of the~~
9 following conditions for eligibility:

10 (a) The young adult is completing secondary education or an
11 educational program leading to an equivalent credential;

12 (b) The young adult is enrolled in an institution that provides
13 postsecondary or vocational education;

14 (c) The young adult is employed for at least eighty hours per month;

15 (d) The young adult is participating in a program or activity
16 designed to promote employment or remove barriers to employment; or

17 (e) The young adult is incapable of doing any part of the activities
18 in subdivisions (1)(a) through (d) of this section due to a medical
19 condition, which incapacity must be supported by regularly updated
20 information in the case plan of the young adult.

21 (2) The guardian shall ensure that any guardianship assistance funds
22 provided by the department and received by the guardian shall be used for
23 the benefit of the young adult. The department shall adopt and promulgate
24 rules and regulations defining services and supports encompassed by such
25 benefit.

26 (3) The changes made to this section by this legislative bill become
27 operative on July 1, 2015.

28 Sec. 21. (1) Young adults who are eligible to participate under
29 both extended guardianship assistance as provided in section 43-4511 and
30 the bridge to independence program as provided in subdivision (2)(b) of
31 section 43-4504 may choose to participate in either program.

1 (2) The department shall create a clear and developmentally
2 appropriate written notice discussing the rights of young adults who are
3 eligible under both extended guardianship assistance and the bridge to
4 independence program. The notice shall explain the benefits and
5 responsibilities and the process to apply. The department shall provide
6 the written notice and make efforts to provide a verbal explanation to a
7 young adult with respect to whom a kinship guardianship assistance
8 agreement was in effect pursuant to 42 U.S.C. 673 if the young adult had
9 attained sixteen years of age before the agreement became effective or
10 with respect to whom a state-funded guardianship assistance agreement was
11 in effect if the young adult had attained sixteen years of age before the
12 agreement became effective. The department shall provide the notice
13 yearly thereafter until such young adult reaches nineteen years of age
14 and not later than ninety days prior to the young adult attaining
15 nineteen years of age.

16 Sec. 22. Section 43-4512, Revised Statutes Cumulative Supplement,
17 2014, is amended to read:

18 43-4512 (1) The department shall provide extended adoption
19 assistance and medical care under the medical assistance program for a
20 young adult who is at least nineteen years of age but less than twenty-
21 one years of age and with respect to whom an adoption assistance
22 agreement was in effect if the young adult had attained sixteen years of
23 age before the agreement became effective ~~if the young adult began~~
24 ~~receiving adoption assistance at sixteen years of age or older and who~~
25 meets at least one of the following conditions of eligibility:

26 (a) The young adult is completing secondary education or an
27 educational program leading to an equivalent credential;

28 (b) The young adult is enrolled in an institution that provides
29 postsecondary or vocational education;

30 (c) The young adult is employed for at least eighty hours per month;

31 (d) The young adult is participating in a program or activity

1 designed to promote employment or remove barriers to employment; or

2 (e) The young adult is incapable of doing any part of the activities
3 in subdivisions (1)(a) through (d) of this section due to a medical
4 condition, which incapacity must be supported by regularly updated
5 information in the case plan of the young adult.

6 (2) The adoptive parent or parents shall ensure that any adoption
7 assistance funds provided by the department and received by the adoptive
8 parent shall be used for the benefit of the young adult. The department
9 shall adopt and promulgate rules and regulations defining services and
10 supports encompassed by such benefit.

11 Sec. 23. Section 43-4513, Revised Statutes Cumulative Supplement,
12 2014, is amended to read:

13 43-4513 (1) On or before July 1, 2013, the Nebraska Children's
14 Commission shall appoint a Bridge to Independence Advisory Committee to
15 make recommendations to the department and the Nebraska Children's
16 Commission regarding for a statewide implementation plan meeting the
17 bridge to independence program, extended guardianship assistance
18 described in section 43-4511, and extended adoption assistance described
19 in section 43-4512 requirements of the Young Adult Bridge to Independence
20 Act. The committee shall provide a written report regarding the initial
21 implementation of the program to the Nebraska Children's Commission, the
22 Health and Human Services Committee of the Legislature, the department,
23 and the Governor by October 1, 2013. The report shall also specifically
24 address recommendations for maximizing and making efficient use of
25 funding for a state extended guardianship assistance program described in
26 section 43-4514. The report to the Health and Human Services Committee of
27 the Legislature shall be submitted electronically. The Bridge to
28 Independence Advisory Committee shall meet on a biannual basis thereafter
29 to advise the department and the Nebraska Children's Commission regarding
30 ongoing implementation of the bridge to independence program, extended
31 guardianship assistance described in section 43-4511, and extended

1 adoption assistance described in section 43-4512 and shall provide a
2 written report regarding ongoing implementation, including participation
3 in the bridge to independence program, extended guardianship assistance
4 described in section 43-4511, and extended adoption assistance described
5 in section 43-4512 ~~participation~~ and early discharge rates and reasons
6 obtained from the department, to the Nebraska Children's Commission, the
7 Health and Human Services Committee of the Legislature, the department,
8 and the Governor by December 15th of each year. By December 15, 2015, the
9 committee shall develop specific recommendations for expanding to or
10 improving outcomes for similar groups of at-risk young adults ~~and for the~~
11 ~~adaptation or continuation of assistance under the state extended~~
12 ~~guardianship assistance program described in section 43-4514.~~ The report
13 to the Health and Human Services Committee of the Legislature shall be
14 submitted electronically.

15 (2) The members of the Bridge to Independence Advisory Committee
16 shall include, but not be limited to, (a) representatives from all three
17 branches of government, and the representatives from the legislative and
18 judicial branches of government shall be nonvoting, ex officio members,
19 (b) no less than three young adults currently or previously in foster
20 care, which may be filled on a rotating basis by members of Project
21 Everlast or a similar youth support or advocacy group, (c) one or more
22 representatives from a child welfare advocacy organization, (d) one or
23 more representatives from a child welfare service agency, and (e) one or
24 more representatives from an agency providing independent living
25 services.

26 (3) Members of the committee shall be appointed for terms of two
27 years. The Nebraska Children's Commission shall appoint the chairperson
28 of the committee and may fill vacancies on the committee as they occur.

29 Sec. 24. Section 43-4514, Revised Statutes Cumulative Supplement,
30 2014, is amended to read:

31 43-4514 (1) The department shall submit an amended a state plan

1 amendment by October 15, ~~2015~~ 2013, to seek federal Title IV-E funding
2 under 42 U.S.C. 672 for newly eligible young adults with respect to whom
3 a kinship guardianship assistance agreement was in effect pursuant to 42
4 U.S.C. 673 if the child had attained sixteen years of age before the
5 agreement became effective or with respect to whom a state-funded
6 guardianship assistance agreement was in effect if the child had attained
7 sixteen years of age before the agreement became effective pursuant to
8 subdivision (2)(b) of section 43-4504 and 42 U.S.C. 673 for the bridge to
9 independence program pursuant to the Young Adult Bridge to Independence
10 Act.

11 ~~(2) The bridge to independence program or the state extended~~
12 ~~guardianship assistance program under either subsection (3) or (4) of~~
13 ~~this section shall not begin prior to January 1, 2014.~~

14 ~~(3) If the state plan amendment is approved:~~

15 ~~(2 a) The department shall implement the bridge to independence~~
16 ~~program, extended guardianship assistance described in section 43-4511,~~
17 ~~and extended adoption assistance described in section 43-4512 in~~
18 ~~accordance with the federal Fostering Connections to Success and~~
19 ~~Increasing Adoptions Act of 2008, 42 U.S.C. 673 and 42 U.S.C. 675(8)(B)~~
20 ~~and in accordance with requirements necessary to obtain federal Title IV-~~
21 ~~E funding under 42 U.S.C. 672 and 42 U.S.C. 673. If the department does~~
22 ~~not contract with a private agency to implement the bridge to~~
23 ~~independence program, the bridge to independence program shall take~~
24 ~~effect within sixty days after the department receives the notice of~~
25 ~~approval of the state plan amendment. If the department contracts with a~~
26 ~~private agency to implement the bridge to independence program, the~~
27 ~~bridge to independence program shall take effect within ninety days after~~
28 ~~the department receives the notice of approval of the state plan~~
29 ~~amendment; and~~

30 ~~(b) The department shall implement a state extended guardianship~~
31 ~~assistance program. The state extended guardianship assistance program~~

1 ~~shall not be construed to create an entitlement. Under the state-extended~~
2 ~~guardianship assistance program, a young adult (i) for whom the state has~~
3 ~~entered into a guardianship assistance agreement at sixteen years of age~~
4 ~~or older that is not with a licensed relative and (ii) who meets at least~~
5 ~~one of the conditions of eligibility under subdivisions (1)(a) through~~
6 ~~(e) of section 43-4511, the department shall continue making guardianship~~
7 ~~assistance payments on behalf of such young adult until he or she attains~~
8 ~~twenty-one years of age to the extent possible within funds appropriated~~
9 ~~for the state-extended guardianship assistance program. It is the intent~~
10 ~~of the Legislature to appropriate four hundred thousand dollars for~~
11 ~~fiscal years 2013-14 and 2014-15 for the state-extended guardianship~~
12 ~~assistance program.~~

13 ~~(4) If the state plan amendment is denied, the department shall~~
14 ~~implement the bridge to independence program as a state-only pilot~~
15 ~~program within sixty days after the department receives the notice of~~
16 ~~denial. If implemented as a state-only pilot program, it is the intent of~~
17 ~~the Legislature to appropriate two million dollars for fiscal years~~
18 ~~2013-14 and 2014-15 for such state-only pilot program. The department~~
19 ~~shall administer the state-only pilot program to serve as many eligible~~
20 ~~young adults as possible within the funds appropriated. If a state-only~~
21 ~~pilot program is established, the Bridge to Independence Advisory~~
22 ~~Committee shall make recommendations to the department and the Nebraska~~
23 ~~Children's Commission regarding eligibility criteria and private or~~
24 ~~alternative funding options within thirty days after the department~~
25 ~~receives the notice of denial.~~

26 ~~(5) Prior to January 1, 2014, the department shall adopt and~~
27 ~~promulgate rules and regulations to carry out the Young Adult Bridge to~~
28 ~~Independence Act.~~

29 (3) The department shall adopt and promulgate rules and regulations
30 as needed to carry out this section by October 15, 2015.

31 ~~(4 6) All references to the United States Code in the Young Adult~~

1 Bridge to Independence Act refer to sections of the code as such sections
2 existed on January 1, 2015 ~~2013~~.

3 Sec. 25. Section 71-824, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 71-824 No later than January 1, 2010, the department shall provide
6 post-adoption and post-guardianship case management services for adoptive
7 and guardianship families of former state wards on a voluntary basis. The
8 department shall notify adoptive parents and guardians of the
9 availability of such services and the process to access such services and
10 that such services are provided on a voluntary basis. Notification shall
11 be in writing and shall be provided at the time of finalization of the
12 adoption agreement or completion of the guardianship and each six months
13 thereafter until dissolution of the adoption, until termination of the
14 guardianship, until the former state ward attains nineteen years of age,
15 or until extended guardianship assistance payments and medical care are
16 terminated pursuant to section 43-4511 ~~or 43-4514~~, whichever is earlier.
17 Post-adoption and post-guardianship case management services under this
18 section shall be administered by the Division of Children and Family
19 Services and shall be evaluated. The evaluation shall include, but not be
20 limited to, the number and percentage of persons receiving such services
21 and the degree of problem resolution reported by families receiving such
22 services.

23 Sec. 26. Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of this act become
24 operative three calendar months after the adjournment of this legislative
25 session. The other sections of this act become operative on their
26 effective date.

27 Sec. 27. Original sections 43-284.02, 43-285, 43-905, 43-1312.01,
28 43-4501, 43-4503, 43-4504, 43-4505, 43-4506, 43-4508, 43-4511, 43-4512,
29 43-4513, 43-4514, and 71-824, Revised Statutes Cumulative Supplement,
30 2014, are repealed.

31 Sec. 28. Since an emergency exists, this act takes effect when

1 passed and approved according to law.