

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 216

Introduced by McGill, 26; Dubas, 34.

Read first time January 15, 2013

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to state wards; to amend sections 43-285, 43-905,
2 43-1311.03, and 71-1902, Revised Statutes Cumulative
3 Supplement, 2012; to adopt the Young Adult Voluntary
4 Services and Support Act; to harmonize provisions; to
5 provide severability; to repeal the original sections;
6 and to declare an emergency.

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

1 Section 1. Sections 1 to 12 of this act shall be known
2 and may be cited as the Young Adult Voluntary Services and Support
3 Act.

4 Sec. 2. The purpose of the Young Adult Voluntary Services
5 and Support Act is to support former state wards in transitioning to
6 adulthood, becoming self-sufficient, and creating permanent
7 relationships. The program shall at all times recognize and respect
8 the autonomy of the young adult. Nothing in the Young Adult Voluntary
9 Services and Support Act shall be construed to abrogate any other
10 rights that a person who has attained nineteen years of age may have
11 as an adult under state law.

12 Sec. 3. For purposes of the Young Adult Voluntary
13 Services and Support Act:

14 (1) Child means an individual who has not attained
15 twenty-one years of age;

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

18 (3) Foster care facility has the same meaning as in
19 section 43-1301;

20 (4) Foster care placement has the same meaning as in
21 section 43-1301;

22 (5) Host home means a living arrangement in which the
23 young adult rents a room in a family or single adult's home;

24 (6) Program means the extended services and support
25 available to a young adult under the Young Adult Voluntary Services

1 and Support Act;

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

5 (8) Young adult means an individual who has attained
6 eighteen years of age but who has not attained twenty-one years of
7 age.

8 Sec. 4. The program is available, on a voluntary basis,
9 to a young adult:

10 (1) Who has attained at least eighteen years of age;

11 (2) Who was in a foster care placement or in a foster
12 care facility under the responsibility of the state upon attaining
13 nineteen years of age or was discharged from the foster care
14 placement or foster care facility to independent living; and

15 (3) Who is:

16 (a) Completing secondary education or a program leading
17 to an equivalent credential;

18 (b) Enrolled in an institution which provides
19 postsecondary or vocational education;

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

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

23 (e) Incapable of doing any of the activities described in
24 subdivisions (3)(a) through (d) of this section due to a medical
25 condition, which incapacity is supported by regularly updated

1 information in the case plan of the young adult.

2 Sec. 5. Extended services and support provided under the
3 program include, but are not limited to:

4 (1) Medical care under the medical assistance program;

5 (2) Housing support in the form of continued foster care
6 maintenance payments which shall remain at the rate set immediately
7 prior to the young adult's exit from foster care. As decided by and
8 with the young adult, young adults may reside in a foster family
9 home, an independent living setting, an institution, or a group home.
10 Placement in an institution or group home should occur only if
11 necessary due to a young adult's developmental level or medical
12 condition. A young adult who is residing in a group home upon leaving
13 foster care may choose to temporarily stay until he or she is able to
14 transition to a more age-appropriate setting. Independent living
15 setting options shall include, but not be limited to, single or
16 shared apartments, houses, host homes, college dormitories, or other
17 postsecondary educational or vocational housing. For young adults
18 residing in an independent living setting:

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

23 (b) Rules and restrictions regarding housing options
24 should be respectful of the young adult's autonomy. Specifically, a
25 clean background check shall not be required for an individual

1 residing in the same residence as the young adult; and

2 (3) Case management services that are young-adult driven.

3 Case management shall be a continuation of the independent living
4 transition proposal in section 43-1311.03, including a written
5 description of additional resources that will help the young adult in
6 creating permanent relationships and preparing for the transition to
7 adulthood and independent living. Case management shall also include,
8 but not be limited to, documentation that assistance has been offered
9 and provided that would help the young adult meet his or her
10 individual goals, if such assistance is appropriate and if the young
11 adult is eligible and consents to receive such assistance. This shall
12 include, but not be limited to, assisting the young adult to:

13 (a) Obtain employment or other financial support;

14 (b) Obtain a government-issued identification card;

15 (c) Open and maintain a bank account;

16 (d) Obtain appropriate community resources, including
17 health, mental health, developmental disability, and other disability
18 services and support;

19 (e) When appropriate, satisfy any juvenile justice system
20 requirements and assist with sealing the young adult's juvenile court
21 record if the young adult is eligible under section 43-2,108.01;

22 (f) Complete secondary education;

23 (g) Apply for admission and aid for postsecondary
24 education or vocational courses;

25 (h) Obtain the necessary state court findings and then

1 apply for special immigrant juvenile status as defined in 8 U.S.C.
2 1101(a)(27)(J) or apply for other immigration relief that the young
3 adult may be eligible for;

4 (i) Create a health care power of attorney as required by
5 the federal Patient Protection and Affordable Care Act, Public Law
6 111-148;

7 (j) Obtain a copy of health and education records of the
8 young adult;

9 (k) Apply for any public benefits or benefits that he or
10 she may be eligible for or may be due through his or her parents or
11 relatives, including, but not limited to, aid to dependent children,
12 supplemental security income, social security disability insurance,
13 social security survivors benefits, the Special Supplemental
14 Nutrition Program for Women, Infants, and Children, the Supplemental
15 Nutrition Assistance Program, and low-income home energy assistance
16 programs;

17 (l) Maintain relationships with individuals who are
18 important to the young adult, including searching for individuals
19 with whom the young adult has lost contact;

20 (m) Access information about maternal and paternal
21 relatives, including any siblings;

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

24 (o) Access pregnancy and parenting resources and
25 services.

1 Sec. 6. (1) If a young adult chooses to participate in
2 the program and is eligible under section 4 of this act, the young
3 adult and the department shall sign a voluntary services and support
4 agreement that includes, at a minimum, information regarding all of
5 the following:

6 (a) The requirement that the young adult continue to be
7 eligible under section 4 of this act for the duration of the
8 voluntary services and support agreement and any other expectations
9 of the young adult;

10 (b) The services and support the young adult shall
11 receive through the program;

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

15 (d) Conditions that may result in the termination of the
16 voluntary services and support agreement and the young adult's early
17 discharge from the program as described in section 7 of this act.

18 (2) As soon as the young adult and the department sign
19 the voluntary services and support agreement and the department
20 determines that the young adult is eligible under section 4 of this
21 act, but not longer than forty-five days after signing the agreement,
22 the department shall provide services and support to the young adult
23 in accordance with the voluntary services and support agreement.

24 (3) A young adult participating in the program shall be
25 assigned a support worker to provide case management services for the

1 young adult. Support workers shall be specialized in primarily
2 providing services for young adults in the program or shall, at
3 minimum, have specialized training in providing transition services
4 and support to young adults.

5 (4) The department shall provide continued efforts at
6 achieving permanency and creating permanent connections for a young
7 adult participating in the program.

8 (5) As soon as possible after the young adult is
9 determined eligible under section 4 of this act and signs the
10 voluntary services and support agreement, the department shall
11 conduct a redetermination of income eligibility for purposes of Title
12 IV-E of the Social Security Act, 42 U.S.C. 672.

13 Sec. 7. (1) A young adult may choose to terminate the
14 voluntary services and support agreement and stop receiving program
15 services and support at any time. If a young adult chooses to
16 terminate the voluntary services and support agreement, the
17 department shall provide the young adult with a clear and
18 developmentally appropriate written notice informing the young adult
19 of the potential negative effects of terminating the voluntary
20 services and support agreement early, the option to reenter the
21 program at any time before attaining twenty-one years of age, and the
22 procedures for reentering the program.

23 (2) If the department determines that the young adult is
24 no longer eligible under section 4 of this act, the department may
25 terminate the voluntary services and support agreement and stop

1 providing services and support to the young adult. Academic breaks in
2 postsecondary education attendance, such as semester and seasonal
3 breaks, and other transitions between eligibility requirements under
4 section 4 of this act, including education and employment transitions
5 of no longer than thirty days, shall not be a basis for termination.
6 Even if a young adult's voluntary services and support agreement has
7 been previously terminated by either the department or the young
8 adult, the young adult may come back into the program by reentering
9 into a voluntary services and support agreement at any time, so long
10 as he or she is eligible under section 4 of this act. At least thirty
11 days prior to the termination of the voluntary services and support
12 agreement, the department shall provide a clear and developmentally
13 appropriate written notice to the young adult informing the young
14 adult of the termination of the voluntary services and support
15 agreement and a clear and developmentally appropriate explanation of
16 the basis for the termination. The written termination notice shall
17 also provide information about the process for appealing the
18 termination, information about the option to reenter into a voluntary
19 services and support agreement once the young adult reestablishes
20 eligibility under section 4 of this act, and information about and
21 contact information for community resources that may benefit the
22 young adult, specifically including information regarding state
23 programs established pursuant to 42 U.S.C. 677. The young adult may
24 appeal the termination of the voluntary services and support
25 agreement in accordance with the Administrative Procedure Act.

1 Sec. 8. (1) Within forty-five days after the voluntary
2 services and support agreement is signed, the department shall file
3 with the juvenile court a written report or petition that contains
4 all of the following:

5 (a) The young adult's name, date of birth, and current
6 address;

7 (b) A statement of facts that supports the voluntary
8 services and support agreement and includes:

9 (i) The reasonable efforts made to achieve permanency and
10 identify permanent relationships for the young adult; and

11 (ii) The reasons why it is in the young adult's best
12 interests to receive extended voluntary services and support;

13 (c) A copy of the signed voluntary services and support
14 agreement;

15 (d) A copy of the case plan, developed jointly by the
16 department and the young adult, that includes a description of the
17 identified housing situation or living arrangement and the resources
18 to assist the young adult in the transition from the program to
19 adulthood. The case plan shall incorporate the independent living
20 transition proposal in section 43-1311.03; and

21 (e) Any other information the department or the young
22 adult wants the court to consider.

23 (2) To ensure continuity of care and eligibility, the
24 voluntary services and support agreement should be signed prior to
25 and filed with the court at the last court hearing before the young

1 adult is discharged from foster care for all young adults who choose
2 to participate in the program at that time.

3 (3) The court has the jurisdiction to review the
4 voluntary services and support agreement signed by the department and
5 the young adult under section 6 of this act. Upon the filing of a
6 report or petition under subsection (1) of this section, the court
7 shall open an extended services and support file for the young adult
8 for the purpose of determining whether continuing in extended
9 services and support is in the young adult's best interests and for
10 the purpose of conducting permanency reviews as described in
11 subsection (5) of this section.

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

16 (5) The court shall conduct a hearing for permanency
17 review described in subsection (6) of this section regarding the
18 voluntary services and support agreement at least once per year and
19 at additional times at the request of the young adult, the
20 department, or any other party to the proceeding. The juvenile court
21 may request the appointment of a hearing officer to conduct
22 permanency review hearings pursuant to section 24-230.

23 (6) The primary purpose of the permanency review is to
24 ensure that the young adult is getting the needed services and
25 support to help the young adult move toward permanency and self-

1 sufficiency. This shall include the procedural protections described
2 in 42 U.S.C. 675(5)(C), including that, in all permanency reviews or
3 hearings regarding the transition of the young adult from foster care
4 to independent living, the court shall consult, in an age-appropriate
5 manner, with the young adult regarding the proposed permanency or
6 transition plan for the young adult and, any other procedural
7 protections that apply to children under nineteen years of age under
8 existing state law. The young adult shall have a clear self-advocacy
9 role in the permanency review in accordance with section 10 of this
10 act, and the hearing shall support the active engagement of the young
11 adult in key decisions. Permanency reviews shall be conducted in an
12 informal manner and, whenever possible, outside of the courtroom.

13 Sec. 9. (1)(a) The department shall prepare and present
14 to the juvenile court a report, at the direction of the young adult,
15 addressing progress made in meeting the goals in the case plan,
16 including the independent living transition proposal, and shall
17 propose modifications as necessary to further those goals.

18 (b) The court shall determine whether the department is
19 providing the appropriate services and support as provided in the
20 voluntary services and support agreement to carry out the case plan.
21 If the court believes that the young adult requires additional
22 services and support to achieve the goals documented in the case plan
23 or under the department's policies or state or federal law, the court
24 may order the department to take action to ensure that the young
25 adult receives the identified services and support.

1 (2) The department or a contracted entity, in
2 collaboration with the young adult and additional persons identified
3 by the young adult including at least one person who is not
4 responsible for case management, shall conduct periodic case reviews
5 not less than once every one hundred eighty days to evaluate progress
6 made toward meeting the goals set forth in the case plan. The
7 department or contracted entity conducting these reviews shall
8 utilize a team approach.

9 Sec. 10. (1) If desired by the young adult, the young
10 adult shall be provided a court-appointed attorney who has received
11 training appropriate to the role. The attorney's representation of
12 the young adult shall be client-directed. The attorney shall protect
13 the young adult's legal rights and vigorously advocate for the young
14 adult's wishes and goals, including assisting the young adult as
15 necessary to ensure that the young adult receives the services and
16 support required under the Young Adult Voluntary Services and Support
17 Act. For young adults who were appointed a guardian ad litem before
18 the young adult attained nineteen years of age, the guardian ad
19 litem's appointment may be continued, with consent from the young
20 adult, but under a client-directed model of representation. Before
21 entering into a voluntary services and support agreement and at least
22 sixty days prior to each permanency and case review, the support
23 worker shall notify the young adult of his or her right to request a
24 client-directed attorney if the young adult would like an attorney to
25 be appointed and shall provide the young adult with a clear and

1 developmentally appropriate written notice regarding the young
2 adult's right to request a client-directed attorney, the benefits and
3 role of such attorney, and the specific steps to take to request that
4 an attorney be appointed if the young adult would like an attorney
5 appointed.

6 (2) The court has discretion to appoint a court appointed
7 special advocate volunteer or continue the appointment of a
8 previously appointed court appointed special advocate volunteer with
9 the consent of the young adult.

10 Sec. 11. The department shall provide extended
11 guardianship assistance for a young adult who is at least nineteen
12 years of age but less than twenty-one years of age if the young adult
13 began receiving guardianship assistance at sixteen years of age or
14 older and meets at least one of the following conditions for
15 eligibility:

16 (1) The young adult is completing secondary education or
17 a program leading to an equivalent credential;

18 (2) The young adult is enrolled in an institution that
19 provides postsecondary or vocational education;

20 (3) The young adult is employed for at least eighty hours
21 per month;

22 (4) The young adult is participating in a program or
23 activity designed to promote employment or remove barriers to
24 employment; or

25 (5) The young adult is incapable of doing any part of the

1 activities in subdivisions (1) through (4) of this section due to a
2 medical condition, which incapacity must be supported by regularly
3 updated information in the case plan of the young adult.

4 Sec. 12. The department shall provide extended adoption
5 assistance for a young adult who is at least nineteen years of age
6 but less than twenty-one years of age if the young adult began
7 receiving adoption assistance at sixteen years of age or older and
8 meets at least one of the following conditions of eligibility:

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

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

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

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

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

22 Sec. 13. The department shall convene a Young Adult
23 Voluntary Services and Support Advisory Committee to develop an
24 implementation plan that meets the requirements of the Young Adult
25 Voluntary Services and Support Act. The members of the committee

1 shall be appointed by the Director of Children and Family Services or
2 his or her designee and shall include, but not be limited to,
3 representatives from all three branches of government, no less than
4 three young adults currently or previously in foster care, and child
5 welfare stakeholder entities, including advocacy organizations, child
6 welfare service agencies, and agencies providing independent living
7 services. The director may appoint more than three young adults and
8 may appoint these positions to be filled on a rotating basis by
9 members of Project Everlast or a similar youth support or advocacy
10 group. The committee shall be convened by the director not later than
11 July 1, 2013. The committee shall provide a written report regarding
12 the initial implementation of the program to the department, the
13 Health and Human Services Committee of the Legislature, and the
14 Governor by October 1, 2013. After the effective date of this act,
15 the committee shall meet on a biannual basis to advise the department
16 regarding ongoing implementation of the program and shall provide a
17 written report regarding ongoing implementation, including program
18 participation and early discharge rates obtained from the department,
19 to the department, the Health and Human Services Committee of the
20 Legislature, and the Governor by December 15th of each year. The
21 reports submitted to the Health and Human Services Committee of the
22 Legislature shall be submitted electronically.

23 Sec. 14. (1) The department shall implement the Young
24 Adult Voluntary Services and Support Act in accordance with the
25 federal Fostering Connections to Success and Increasing Adoptions Act

1 of 2008, 42 U.S.C. 673 and 42 U.S.C. 675(8)(B) and in accordance with
2 requirements necessary to obtain federal Title IV-E funding under 42
3 U.S.C. 672 and 42 U.S.C. 673. The department shall implement the
4 Young Adult Voluntary Services and Support Act in accordance with the
5 state's approved medicaid state plan for Title IV-E and shall submit
6 any necessary amendment to implement the Young Adult Voluntary
7 Services and Support Act in accordance with 42 U.S.C. 670 by October
8 15, 2013.

9 (2) Young adults who are eligible under section 4 of this
10 act shall be eligible for the medical assistance program effective
11 July 1, 2013. During the implementation period from July 1, 2013,
12 through January 1, 2014, young adults who are eligible under section
13 4 of this act shall also be eligible for housing support in
14 accordance with subdivisions (2) and (3) of section 5 of this act.

15 (3) Beginning January 1, 2014, all provisions of the
16 Young Adult Voluntary Services and Support Act shall take full
17 effect, and the department shall adopt and promulgate rules and
18 regulations to carry out the act by such date.

19 Sec. 15. Section 43-285, Revised Statutes Cumulative
20 Supplement, 2012, is amended to read:

21 43-285 (1) When the court awards a juvenile to the care
22 of the Department of Health and Human Services, an association, or an
23 individual in accordance with the Nebraska Juvenile Code, the
24 juvenile shall, unless otherwise ordered, become a ward and be
25 subject to the guardianship of the department, association, or

1 individual to whose care he or she is committed. Any such association
2 and the department shall have authority, by and with the assent of
3 the court, to determine the care, placement, medical services,
4 psychiatric services, training, and expenditures on behalf of each
5 juvenile committed to it. Such guardianship shall not include the
6 guardianship of any estate of the juvenile.

7 (2) Following an adjudication hearing at which a juvenile
8 is adjudged to be under subdivision (3) of section 43-247, the court
9 may order the department to prepare and file with the court a
10 proposed plan for the care, placement, services, and permanency which
11 are to be provided to such juvenile and his or her family. The health
12 and safety of the juvenile shall be the paramount concern in the
13 proposed plan. The department shall include in the plan for a
14 juvenile who is sixteen years of age or older and subject to the
15 guardianship of the department a written independent living
16 transition proposal which meets the requirements of section
17 43-1311.03 and the Young Adult Voluntary Services and Support Act.
18 The court may approve the plan, modify the plan, order that an
19 alternative plan be developed, or implement another plan that is in
20 the juvenile's best interests. In its order the court shall include a
21 finding regarding the appropriateness of the programs and services
22 described in the proposal designed to assist the juvenile in
23 acquiring independent living skills. Rules of evidence shall not
24 apply at the dispositional hearing when the court considers the plan
25 that has been presented.

1 (3) Within thirty days after an order awarding a juvenile
2 to the care of the department, an association, or an individual and
3 until the juvenile reaches the age of majority, the department,
4 association, or individual shall file with the court a report stating
5 the location of the juvenile's placement and the needs of the
6 juvenile in order to effectuate the purposes of subdivision (1) of
7 section 43-246. The department, association, or individual shall file
8 a report with the court once every six months or at shorter intervals
9 if ordered by the court or deemed appropriate by the department,
10 association, or individual. The department, association, or
11 individual shall file a report and notice of placement change with
12 the court and shall send copies of the notice to all interested
13 parties at least seven days before the placement of the juvenile is
14 changed from what the court originally considered to be a suitable
15 family home or institution to some other custodial situation in order
16 to effectuate the purposes of subdivision (1) of section 43-246. The
17 court, on its own motion or upon the filing of an objection to the
18 change by an interested party, may order a hearing to review such a
19 change in placement and may order that the change be stayed until the
20 completion of the hearing. Nothing in this section shall prevent the
21 court on an ex parte basis from approving an immediate change in
22 placement upon good cause shown. The department may make an immediate
23 change in placement without court approval only if the juvenile is in
24 a harmful or dangerous situation or when the foster parents request
25 that the juvenile be removed from their home. Approval of the court

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

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

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

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

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

24 (8) The executive director and any agent or employee of
25 the Foster Care Review Office or any member of any local foster care

1 review board participating in an investigation or making any report
2 pursuant to the Foster Care Review Act or participating in a judicial
3 proceeding pursuant to this section shall be immune from any civil
4 liability that would otherwise be incurred except for false
5 statements negligently made.

6 Sec. 16. Section 43-905, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

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

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

22 (3) Whenever any child who has been committed to the
23 department becomes self-supporting, the department shall declare that
24 fact and the guardianship of the department shall cease. Thereafter
25 the child shall be entitled to his or her own earnings. Guardianship

1 of and services by the department shall never extend beyond the age
2 of majority, except that services by the department to a child shall
3 continue until the child reaches the age of twenty-one if the child
4 is a student regularly attending a school, college, or university or
5 regularly attending a course of vocational or technical training
6 designed to prepare such child for gainful employment or the child
7 receives extended services and support as provided in the Young Adult
8 Voluntary Services and Support Act.

9 (4) Whenever the parents of any ward, whose parental
10 rights have not been terminated, have become able to support and
11 educate their child, the department shall restore the child to his or
12 her parents if the home of such parents would be a suitable home. The
13 guardianship of the department shall then cease.

14 (5) Whenever permanent free homes for the children cannot
15 be obtained, the department shall have the authority to provide and
16 pay for the maintenance of the children in private families, in
17 foster care, in guardianship, in boarding homes, or in institutions
18 for care of children.

19 Sec. 17. Section 43-1311.03, Revised Statutes Cumulative
20 Supplement, 2012, is amended to read:

21 43-1311.03 (1) When a child placed in foster care turns
22 sixteen years of age or enters foster care and is at least sixteen
23 years of age, a written independent living transition proposal shall
24 be developed by the Department of Health and Human Services at the
25 direction and involvement of the child to prepare for the transition

1 from foster care to adulthood. The transition proposal shall be
2 personalized based on the child's needs. The transition proposal
3 shall include, but not be limited to, the following needs:

4 (a) Education;

5 (b) Employment services and other workforce support;

6 (c) Health and health care coverage;

7 (d) Financial assistance, including education on credit
8 card financing, banking, and other services;

9 (e) Housing;

10 (f) Relationship development; and

11 (g) Adult services, if the needs assessment indicates
12 that the child is reasonably likely to need or be eligible for
13 services or other support from the adult services system.

14 (2) The transition proposal shall be developed and
15 frequently reviewed by the department in collaboration with the
16 child's transition team. The transition team shall be comprised of
17 the child, the child's caseworker, the child's guardian ad litem,
18 individuals selected by the child, and individuals who have knowledge
19 of services available to the child.

20 (3) The transition proposal shall be considered a working
21 document and shall be, at the least, updated for and reviewed at
22 every permanency or review hearing by the court.

23 (4) The final transition proposal prior to the child's
24 leaving foster care shall specifically identify how the need for
25 housing will be addressed.

1 (5) If the child is interested in pursuing higher
2 education, the transition proposal shall provide for the process in
3 applying for any applicable state, federal, or private aid.

4 (6) The child shall receive information regarding the
5 Young Adult Voluntary Services and Support Act and the program for
6 extending services and support under the act. The department shall
7 create a clear and developmentally appropriate written notice
8 discussing the rights of eligible young adults to receive services
9 and support under the program. The notice shall include information
10 about eligibility for the program, the extended services and support
11 that young adults are eligible to receive, the requirements of the
12 program, and how young adults can access the program. The notice
13 shall also include information about the young adult's right to
14 request a client-directed attorney to represent the young adult
15 pursuant to section 10 of this act and the benefits and role of an
16 attorney. The department shall disseminate this information to all
17 children in foster care at fourteen years of age and yearly
18 thereafter until nineteen years of age, and not later than ninety
19 days prior to the child's last court review before being discharged
20 from foster care. In addition to providing the written notice, not
21 later than ninety days prior to the child's last court review before
22 being discharged from foster care, a representative of the department
23 shall explain the information contained in the notice to the child in
24 person and the timeline necessary to avoid a lapse in services and
25 support.

1 ~~(6)-(7)~~ On or before the date the child reaches nineteen
2 years of age, the department shall provide the child a certified copy
3 of the child's birth certificate and facilitate securing a federal
4 social security card when the child is eligible for such card. All
5 fees associated with securing the certified copy shall be waived by
6 the state.

7 Sec. 18. Section 71-1902, Revised Statutes Cumulative
8 Supplement, 2012, is amended to read:

9 71-1902 (1) Except as otherwise provided in this section,
10 no person shall furnish or offer to furnish foster care for one or
11 more children not related to such person by blood, marriage, or
12 adoption without having in full force and effect a written license
13 issued by the department upon such terms and conditions as may be
14 prescribed by general rules and regulations adopted and promulgated
15 by the department. The department may issue a time-limited,
16 nonrenewable provisional license to an applicant who is unable to
17 comply with all licensure requirements and standards, is making a
18 good faith effort to comply, and is capable of compliance within the
19 time period stated in the license. The department may issue a time-
20 limited, nonrenewable probationary license to a licensee who agrees
21 to establish compliance with rules and regulations that, when
22 violated, do not present an unreasonable risk to the health, safety,
23 or well-being of the foster children in the care of the applicant. No
24 license shall be issued pursuant to this section unless the applicant
25 has completed the required hours of training in foster care as

1 prescribed by the department.

2 (2) All nonprovisional and nonprobationary licenses
3 issued under sections 71-1901 to 71-1906.01 shall expire two years
4 from the date of issuance and shall be subject to renewal under the
5 same terms and conditions as the original license, except that if a
6 licensee submits a completed renewal application thirty days or more
7 before the license's expiration date, the license shall remain in
8 effect until the department either renews the license or denies the
9 renewal application. No license issued pursuant to this section shall
10 be renewed unless the licensee has completed the required hours of
11 training in foster care in the preceding twelve months as prescribed
12 by the department. For the issuance or renewal of each nonprovisional
13 and nonprobationary license, the department shall charge a fee of
14 fifty dollars for a group home, fifty dollars for a child-caring
15 agency, and fifty dollars for a child-placing agency. For the
16 issuance of each provisional license and each probationary license,
17 the department shall charge a fee of twenty-five dollars for a group
18 home, twenty-five dollars for a child-caring agency, and twenty-five
19 dollars for a child-placing agency. A license may be revoked for
20 cause, after notice and hearing, in accordance with rules and
21 regulations adopted and promulgated by the department.

22 (3) A young adult continuing to reside in a foster family
23 home as provided in subdivision (2) of section 5 of this act does not
24 constitute an unrelated adult for the purpose of determining
25 eligibility of the family to be licensed as a foster family home.

1 ~~(3)-(4)~~ For purposes of this section:

2 (a) Foster family home means any home which provides
3 twenty-four-hour care to children who are not related to the foster
4 parent by blood, marriage, or adoption;

5 (b) Group home means a home which is operated under the
6 auspices of an organization which is responsible for providing social
7 services, administration, direction, and control for the home and
8 which is designed to provide twenty-four-hour care for children and
9 youth in a residential setting;

10 (c) Child-caring agency means an organization which is
11 organized as a corporation or a limited liability company for the
12 purpose of providing care for children in buildings maintained by the
13 organization for that purpose; and

14 (d) Child-placing agency means an organization which is
15 authorized by its articles of incorporation and by its license to
16 place children in foster family homes.

17 Sec. 19. If any section in this act or any part of any
18 section is declared invalid or unconstitutional, the declaration
19 shall not affect the validity or constitutionality of the remaining
20 portions.

21 Sec. 20. Original sections 43-285, 43-905, 43-1311.03,
22 and 71-1902, Revised Statutes Cumulative Supplement, 2012, are
23 repealed.

24 Sec. 21. Since an emergency exists, this act takes effect
25 when passed and approved according to law.