

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 945**

Introduced by Hughes, 24.

Read first time January 04, 2024

Committee: Judiciary

1 A BILL FOR AN ACT relating to children; to amend section 43-285, Revised  
2 Statutes Cumulative Supplement, 2022, and section 43-1311.03,  
3 Revised Statutes Supplement, 2023; to require certain documents,  
4 information, and materials be granted to children before leaving  
5 foster care; to harmonize provisions; and to repeal the original  
6 sections.

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

1 Section 1. Section 43-285, Revised Statutes Cumulative Supplement,  
2 2022, is amended to read:

3 43-285 (1) When the court awards a juvenile to the care of the  
4 Department of Health and Human Services, an association, or an individual  
5 in accordance with the Nebraska Juvenile Code, the juvenile shall, unless  
6 otherwise ordered, become a ward and be subject to the legal custody and  
7 care of the department, association, or individual to whose care he or  
8 she is committed. Any such association and the department shall have  
9 authority, by and with the assent of the court, to determine the care,  
10 placement, medical services, psychiatric services, training, and  
11 expenditures on behalf of each juvenile committed to it. Any such  
12 association and the department shall be responsible for applying for any  
13 health insurance available to the juvenile, including, but not limited  
14 to, medical assistance under the Medical Assistance Act. Such custody and  
15 care shall not include the guardianship of any estate of the juvenile.

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

23 (b) The department shall provide opportunities for the child, in an  
24 age or developmentally appropriate manner, to be consulted in the  
25 development of his or her plan as provided in the Nebraska Strengthening  
26 Families Act.

27 (c) The department shall include in the plan for a child who is  
28 fourteen years of age or older and subject to the legal care and custody  
29 of the department a written independent living transition proposal which  
30 meets the requirements of section 43-1311.03 and, for eligible children,  
31 the Young Adult Bridge to Independence Act. The juvenile court shall

1 provide a copy of the plan to all interested parties before the hearing.  
2 The court may approve the plan, modify the plan, order that an  
3 alternative plan be developed, or implement another plan that is in the  
4 child's best interests. In its order the court shall include a finding  
5 regarding the appropriateness of the programs and services described in  
6 the proposal designed to help the child prepare for the transition from  
7 foster care to a successful adulthood. The court shall also ask the  
8 child, in an age or developmentally appropriate manner, if he or she  
9 participated in the development of his or her plan and make a finding  
10 regarding the child's participation in the development of his or her plan  
11 as provided in the Nebraska Strengthening Families Act. Rules of evidence  
12 shall not apply at the dispositional hearing when the court considers the  
13 plan that has been presented.

14 (d) The last court hearing before jurisdiction pursuant to  
15 subdivision (3)(a) of section 43-247 is terminated for a child who is  
16 sixteen years of age or older or pursuant to subdivision (8) of section  
17 43-247 for a child whose guardianship or state-funded adoption assistance  
18 agreement was disrupted or terminated after he or she had attained the  
19 age of sixteen years shall be called the independence hearing. In  
20 addition to other matters and requirements to be addressed at this  
21 hearing, the independence hearing shall address the child's future goals  
22 and plans and access to services and support for the transition from  
23 foster care to adulthood consistent with section 43-1311.03 and the Young  
24 Adult Bridge to Independence Act. The child shall not be required to  
25 attend the independence hearing, but efforts shall be made to encourage  
26 and enable the child's attendance if the child wishes to attend,  
27 including scheduling the hearing at a time that permits the child's  
28 attendance. An independence coordinator as provided in section 43-4506  
29 shall attend the hearing if reasonably practicable, but the department is  
30 not required to have legal counsel present. At the independence hearing,  
31 the court shall advise the child about the bridge to independence

1 program, including, if applicable, the right of young adults in the  
2 bridge to independence program to request a court-appointed, client-  
3 directed attorney under subsection (1) of section 43-4510 and the  
4 benefits and role of such attorney and to request additional permanency  
5 review hearings in the bridge to independence program under subsection  
6 (5) of section 43-4508 and how to request such a hearing. The court shall  
7 also advise the child, if applicable, of the rights he or she is giving  
8 up if he or she chooses not to participate in the bridge to independence  
9 program and the option to enter such program at any time between nineteen  
10 and twenty-one years of age if the child meets the eligibility  
11 requirements of section 43-4504. The department shall present information  
12 to the court regarding other community resources that may benefit the  
13 child, specifically information regarding state programs established  
14 pursuant to 42 U.S.C. 677. The court shall also make a finding as to  
15 whether the child has received the documents, information, and materials  
16 as required by subsection (9) of section 43-1311.03.

17 (3)(a) Within thirty days after an order awarding a juvenile to the  
18 care of the department, an association, or an individual and until the  
19 juvenile reaches the age of majority, the department, association, or  
20 individual shall file with the court a report stating the location of the  
21 juvenile's placement and the needs of the juvenile in order to effectuate  
22 the purposes of subdivision (1) of section 43-246. The department,  
23 association, or individual shall file a report with the court once every  
24 six months or at shorter intervals if ordered by the court or deemed  
25 appropriate by the department, association, or individual. Every six  
26 months, the report shall provide an updated statement regarding the  
27 eligibility of the juvenile for health insurance, including, but not  
28 limited to, medical assistance under the Medical Assistance Act. The  
29 department shall also concurrently file a written sibling placement  
30 report as described in subsection (3) of section 43-1311.02 at these  
31 times.

1 (b) The department, association, or individual shall file a report  
2 and notice of placement change with the court and shall send copies of  
3 the notice to all interested parties, including all of the child's  
4 siblings that are known to the department and, if the child is of school  
5 age, the school where the child is enrolled, at least seven days before  
6 the placement of the juvenile is changed from what the court originally  
7 considered to be a suitable family home or institution to some other  
8 custodial situation in order to effectuate the purposes of subdivision  
9 (1) of section 43-246. If a determination is made that it is not in the  
10 child's best interest to remain in the same school after a placement  
11 change, notice of placement change shall also be sent to the new school  
12 where the child will be enrolled. The department, association, or  
13 individual shall afford a parent or an adult sibling the option of  
14 refusing to receive such notifications. The court, on its own motion or  
15 upon the filing of an objection to the change by an interested party, may  
16 order a hearing to review such a change in placement and may order that  
17 the change be stayed until the completion of the hearing. Nothing in this  
18 section shall prevent the court on an ex parte basis from approving an  
19 immediate change in placement upon good cause shown. The department may  
20 make an immediate change in placement without court approval only if the  
21 juvenile is in a harmful or dangerous situation or when the foster  
22 parents request that the juvenile be removed from their home. Approval of  
23 the court shall be sought within twenty-four hours after making the  
24 change in placement or as soon thereafter as possible. Within twenty-four  
25 hours after court approval of the emergency placement change, the  
26 department, association, or individual shall provide notice of the  
27 placement change to all interested parties, including all of the child's  
28 siblings that are known to the department, and, if the child is of school  
29 age, the school where the child is enrolled and the new school where the  
30 child will be enrolled.

31 (c) The department shall provide the juvenile's guardian ad litem

1 with a copy of any report filed with the court by the department pursuant  
2 to this subsection.

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

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

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

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

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

28 Sec. 2. Section 43-1311.03, Revised Statutes Supplement, 2023, is  
29 amended to read:

30 43-1311.03 (1) When a child placed in foster care turns fourteen  
31 years of age or enters foster care and is at least fourteen years of age,

1 a written independent living transition proposal shall be developed by  
2 the Department of Health and Human Services at the direction and  
3 involvement of the child to prepare for the transition from foster care  
4 to successful adulthood. Any revision or addition to such proposal shall  
5 also be made in consultation with the child. The transition proposal  
6 shall be personalized based on the child's needs and shall describe the  
7 services needed for the child to transition to a successful adulthood as  
8 provided in the Nebraska Strengthening Families Act. The transition  
9 proposal shall include, but not be limited to, the following needs and  
10 the services needed for the child to transition to a successful adulthood  
11 as provided in the Nebraska Strengthening Families Act:

12 (a) Education;

13 (b) Employment services and other workforce support;

14 (c) Health and health care coverage, including the child's potential  
15 eligibility for medicaid coverage under the federal Patient Protection  
16 and Affordable Care Act, 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act  
17 and section existed on January 1, 2013;

18 (d) Behavioral health treatment and support needs and access to such  
19 treatment and support;

20 (e) Financial assistance, including education on credit card  
21 financing, banking, and other services;

22 (f) Housing;

23 (g) Relationship development and permanent connections;

24 (h) Adult services, if the needs assessment indicates that the child  
25 is reasonably likely to need or be eligible for services or other support  
26 from the adult services system; and

27 (i) Information, planning, and assistance to obtain a driver's  
28 license as allowed under state law and consistent with subdivision (9)(b)  
29 (iv) of this section, including, but not limited to, providing the child  
30 with a copy of a driver's manual, identifying driver safety courses and  
31 resources to access a driver safety course, and identifying potential

1 means by which to access a motor vehicle for such purposes.

2 (2) The transition proposal shall be developed and frequently  
3 reviewed by the department in collaboration with the child's transition  
4 team. The transition team shall be comprised of the child, the child's  
5 caseworker, the child's guardian ad litem, individuals selected by the  
6 child, and individuals who have knowledge of services available to the  
7 child. As provided in the Nebraska Strengthening Families Act, one of the  
8 individuals selected by the child may be designated as the child's  
9 advisor and, as necessary, advocate for the child with respect to the  
10 application of the reasonable and prudent parent standard and for the  
11 child on normalcy activities. The department may reject an individual  
12 selected by the child to be a member of the team if the department has  
13 good cause to believe the individual would not act in the best interests  
14 of the child.

15 (3) The transition proposal shall be considered a working document  
16 and shall be, at the least, updated for and reviewed at every permanency  
17 or review hearing by the court. The court shall determine whether the  
18 transition proposal includes the services needed to assist the child to  
19 make the transition from foster care to a successful adulthood.

20 (4) The transition proposal shall document what efforts were made to  
21 involve and engage the child in the development of the transition  
22 proposal and any revisions or additions to the transition proposal. As  
23 provided in the Nebraska Strengthening Families Act, the court shall ask  
24 the child, in an age or developmentally appropriate manner, about his or  
25 her involvement in the development of the transition proposal and any  
26 revisions or additions to such proposal. As provided in the Nebraska  
27 Strengthening Families Act, the court shall make a finding as to the  
28 child's involvement in the development of the transition proposal and any  
29 revisions or additions to such proposal.

30 (5) The final transition proposal prior to the child's leaving  
31 foster care shall specifically identify how the need for housing will be



1 addressed.

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

5 (7) The department shall provide without cost a copy of any consumer  
6 report as defined in 15 U.S.C. 1681a(d), as such section existed on  
7 January 1, 2016, pertaining to the child each year until the child is  
8 discharged from care and assistance, including when feasible, from the  
9 child's guardian ad litem, in interpreting and resolving any inaccuracies  
10 in the report as provided in the Nebraska Strengthening Families Act.

11 (8)(a) Any child who is adjudicated to be a juvenile described in  
12 (i) subdivision (3)(a) of section 43-247 and who is in an out-of-home  
13 placement or (ii) subdivision (8) of section 43-247 and whose  
14 guardianship or state-funded adoption assistance agreement was disrupted  
15 or terminated after the child had attained the age of sixteen years,  
16 shall receive information regarding the Young Adult Bridge to  
17 Independence Act and the bridge to independence program available under  
18 the act.

19 (b) The department shall create a clear and developmentally  
20 appropriate written notice discussing the rights of eligible young adults  
21 to participate in the program. The notice shall include information about  
22 eligibility and requirements to participate in the program, the extended  
23 services and support that young adults are eligible to receive under the  
24 program, and how young adults can be a part of the program. The notice  
25 shall also include information about the young adult's right to request a  
26 client-directed attorney to represent the young adult pursuant to section  
27 43-4510 and the benefits and role of an attorney.

28 (c) The department shall disseminate this information to any child  
29 who was adjudicated to be a juvenile described in subdivision (3)(a) of  
30 section 43-247 and who is in an out-of-home placement at sixteen years of  
31 age and any child who was adjudicated to be a juvenile under subdivision

1 (8) of section 43-247 and whose guardianship or state-funded adoption  
2 assistance agreement was disrupted or terminated after the child had  
3 attained the age of sixteen years. The department shall disseminate this  
4 information to any such child yearly thereafter until such child attains  
5 the age of nineteen years and not later than ninety days prior to the  
6 child's last court review before attaining nineteen years of age or being  
7 discharged from foster care to independent living. In addition to  
8 providing the written notice, not later than ninety days prior to the  
9 child's last court review before attaining nineteen years of age or being  
10 discharged from foster care to independent living, a representative of  
11 the department shall explain the information contained in the notice to  
12 the child in person and the timeline necessary to avoid a lapse in  
13 services and support.

14 (d)(i) On and after January 1, 2025, a child adjudicated to be a  
15 juvenile as described in subdivision (1), (2), or (3)(b) of section  
16 43-247 and who is in a court-ordered out-of-home placement in the six  
17 months prior to attaining nineteen years of age shall receive information  
18 regarding the Young Adult Bridge to Independence Act and the bridge to  
19 independence program available under the act. The Office of Probation  
20 Administration shall identify any such juvenile and provide the juvenile  
21 with information regarding the Young Adult Bridge to Independence Act and  
22 the bridge to independence program available under the act.

23 (ii) Any party to such juvenile's court case, or the court upon its  
24 own motion, may request a hearing in the six months prior to the juvenile  
25 attaining nineteen years of age for the court to consider whether it is  
26 necessary for the juvenile to remain in the court-ordered out-of-home  
27 placement if the requesting party or the court believes it would be  
28 contrary to the juvenile's welfare to return to the family home. The  
29 following factors may guide the court in finding whether or not return to  
30 the family home would be contrary to the juvenile's welfare:

31 (A) Whether the juvenile is disconnected from family support that

1 would assist the juvenile in transitioning to adulthood;

2 (B) Whether the juvenile faces the risk of homelessness upon closure  
3 of the juvenile court case; or

4 (C) Whether the Office of Probation Administration has made  
5 reasonable efforts to return the juvenile to the family home prior to the  
6 juvenile's nineteenth birthday.

7 (iii) The court shall set forth its finding in a written order. If  
8 the court finds that return to the family home would be contrary to the  
9 juvenile's welfare, the Office of Probation Administration shall notify  
10 the Department of Health and Human Services within ten days after such  
11 finding is made. As soon as practicable thereafter and prior to the  
12 child's nineteenth birthday, a representative of the department shall  
13 explain the information contained in the written notice described in this  
14 subsection to the juvenile in person and the timeline necessary to avoid  
15 a lapse in services and support. If the juvenile remains in a court-  
16 ordered out-of-home placement upon attaining nineteen years of age  
17 pursuant to a court order as described in section 43-4504, the department  
18 shall proceed pursuant to sections 43-4506 and 43-4508.

19 (iv) A juvenile with a current pending motion to revoke probation  
20 before the court at the time of the hearing shall not be eligible for the  
21 Young Adult Bridge to Independence Act.

22 (9)(a) The department shall provide the child with the documents,  
23 information, records, and other materials described in subdivision (9)(b)  
24 of this section, (i) if the child is leaving foster care, on or before  
25 the date the child reaches eighteen or nineteen years of age or twenty-  
26 one years of age if the child participates in the bridge to independence  
27 program, and (ii) at the age or as otherwise prescribed in subdivision  
28 (9)(b) of this section.

29 (b) The department shall provide the child with at least the  
30 following:

31 (i) A certified copy of the child's birth certificate and facilitate

1 securing a federal social security card when the child is eligible for  
2 such card;

3 (ii) Health insurance information and all documentation required for  
4 enrollment in medicaid coverage for former foster care children as  
5 available under the federal Patient Protection and Affordable Care Act,  
6 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act and section existed on  
7 January 1, 2013;

8 (iii) A copy of the child's medical records, including, but not  
9 limited to, documents related to psychological care or evaluations and a  
10 list of health care and mental health care providers the child saw while  
11 in care;

12 (iv) A driver's license or identification card issued by a state in  
13 accordance with the requirements of section 202 of the REAL ID Act of  
14 2005, as such section existed on January 1, 2016, and when requested by a  
15 child fourteen years of age or older, all documents necessary to obtain  
16 such license or card;

17 (v) A copy of the child's educational records, including awards,  
18 certificates, and grade reports;

19 (vi) A credit report check;

20 (vii) Contact information, with permission, for family members,  
21 including siblings, with whom the child can maintain a safe and  
22 appropriate relationship, and other supportive adults;

23 (viii) A list of local community resources, including, but not  
24 limited to, support groups, health clinics, mental and behavioral health  
25 and substance abuse treatment services and support, pregnancy and  
26 parenting resources, and employment and housing agencies;

27 (ix) Written information, including, but not limited to, contact  
28 information, for disability resources or benefits that may assist the  
29 child as an adult, specifically including information regarding state  
30 programs established pursuant to 42 U.S.C. 677, as such section existed  
31 on January 1, 2016, and disability benefits, including supplemental

1 security income pursuant to 42 U.S.C. 1382 et seq., as such sections  
2 existed on January 1, 2016, or social security disability insurance  
3 pursuant to 42 U.S.C. 423, as such section existed on January 1, 2016, if  
4 the child may be eligible as an adult;

5 (x) An application for public assistance and information on how to  
6 access the system to determine public assistance eligibility;

7 (xi) A letter prepared by the department that verifies the child's  
8 name and date of birth, dates the child was in foster care, and whether  
9 the child was in foster care on his or her eighteenth, nineteenth, or  
10 twenty-first birthday and enrolled in medicaid while in foster care;

11 (xii) Written information about the child's Indian heritage or  
12 tribal connection, if any; ~~and~~

13 (xiii) Any documents provided for in section 43-4713;

14 (xiv) Foster Care Review Office reports regarding the child;

15 (xv) All case numbers and court records regarding the child;

16 (xvi) Available photographs of the child;

17 (xvii) A written explanation of the reason the child is leaving  
18 foster care; and

19 (xviii) Written information on how to access personal documents in  
20 the future.

21 (c)(i) The child or a guardian ad litem may also request that the  
22 child be given access to other documents, information, and materials  
23 pertaining to the child's case before leaving foster care. The court  
24 shall grant the request to the extent it determines that the requested  
25 access is in the best interests of the child. In making this  
26 determination, the court shall presume it is in the best interests of the  
27 child to grant such request.

28 (ii) A party may object to a request under subdivision (9)(c)(i) of  
29 this section. In ruling on such objection, or on its own motion, the  
30 court shall consider whether the documents, information, or materials at  
31 issue can be partially redacted or whether any other measures could be

1 taken to address privacy or other concerns the objecting party or the  
2 court may have. Such measures may include, but are not limited to,  
3 requiring voluntary waivers of privacy rights of any relevant person.

4 (iii) If the court grants a request under subdivision (9)(c)(i) of  
5 this section, the court shall issue an order specifically identifying any  
6 documents, information, or materials the child may receive, or portions  
7 thereof, including otherwise confidential information. The department  
8 shall provide all such documents, information, and materials to the child  
9 or the guardian ad litem within thirty days after the order.

10 (d) (e) All fees associated with securing the certified copy of the  
11 child's birth certificate or obtaining a driver's license or a state  
12 identification card shall be waived by the state.

13 (e) (d) The transition proposal shall document that the child was  
14 provided all of the documents, information, and materials required to be  
15 provided by subdivisions (9)(b) and (c) of this section listed in this  
16 subsection. The court shall make a finding as to whether the child has  
17 received such the documents, information, and materials as part of the  
18 independence hearing as provided in subdivision (2)(d) of section 43-285.

19 Sec. 3. Original section 43-285, Revised Statutes Cumulative  
20 Supplement, 2022, and section 43-1311.03, Revised Statutes Supplement,  
21 2023, are repealed.