

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 441

Introduced by Bolz, 29.

Read first time January 20, 2015

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to state wards; 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 require juvenile
5 court to hold an independence hearing; to provide for health care
6 and medical assistance as prescribed; to redefine bridge to
7 independence program; to provide for kinship guardian assistance
8 agreements and extended adoption assistance agreements as
9 prescribed; to provide duties for the Department of Health and Human
10 Services; to require certain documents and proceedings to be
11 confidential; to provide duties for the Nebraska Children's
12 Commission; to harmonize provisions; to repeal the original
13 sections; and to declare an emergency.
14 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-284.02, Revised Statutes Cumulative
2 Supplement, 2014, is amended to read:

3 43-284.02 The Department of Health and Human Services may make
4 payments as needed on behalf of a child who has been a ward of the
5 department after the appointment of a guardian for the child. Such
6 payments to the guardian may include maintenance costs, medical and
7 surgical expenses, and other costs incidental to the care of the child.
8 All such payments shall terminate on or before the child's nineteenth
9 birthday unless the child is eligible for extended guardianship
10 assistance and medical care from the department pursuant to section
11 sections 43-4511 and ~~43-4514~~. The child under guardianship shall be a
12 child for whom the guardianship would not be possible without the
13 financial aid provided under this section.

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

16 Sec. 2. Section 43-285, Revised Statutes Cumulative Supplement,
17 2014, is amended to read:

18 43-285 (1) When the court awards a juvenile to the care of the
19 Department of Health and Human Services, an association, or an individual
20 in accordance with the Nebraska Juvenile Code, the juvenile shall, unless
21 otherwise ordered, become a ward and be subject to the legal custody and
22 care of the department, association, or individual to whose care he or
23 she is committed. Any such association and the department shall have
24 authority, by and with the assent of the court, to determine the care,
25 placement, medical services, psychiatric services, training, and
26 expenditures on behalf of each juvenile committed to it. Any such
27 association and the department shall be responsible for applying for any
28 health insurance available to the juvenile, including, but not limited
29 to, medical assistance under the Medical Assistance Act. Such custody and
30 care shall not include the guardianship of any estate of the juvenile.

31 (2)(a) Following an adjudication hearing at which a juvenile is

1 adjudged to be under subdivision (3)(a) or (c) of section 43-247, the
2 court may order the department to prepare and file with the court a
3 proposed plan for the care, placement, services, and permanency which are
4 to be provided to such juvenile and his or her family. The health and
5 safety of the juvenile shall be the paramount concern in the proposed
6 plan.

7 (b) The department shall include in the plan for a child juvenile
8 who is sixteen years of age or older and subject to the legal care and
9 custody of the department a written independent living transition
10 proposal which meets the requirements of section 43-1311.03 and, for
11 eligible children juveniles, the Young Adult Bridge to Independence Act.
12 The juvenile court shall provide a copy of the plan to all interested
13 parties before the hearing. The court may approve the plan, modify the
14 plan, order that an alternative plan be developed, or implement another
15 plan that is in the child's juvenile's best interests. In its order the
16 court shall include a finding regarding the appropriateness of the
17 programs and services described in the proposal designed to assist the
18 child juvenile in acquiring independent living skills. Rules of evidence
19 shall not apply at the dispositional hearing when the court considers the
20 plan that has been presented.

21 (c) The last court hearing before jurisdiction pursuant to
22 subdivision (3)(a) of section 43-247 is terminated for a child who is
23 sixteen years of age or older shall be called the independence hearing.
24 In addition to other matters and requirements to be addressed at this
25 hearing, the independence hearing shall address the child's future goals
26 and plans and access to services and support for the transition from
27 foster care to adulthood consistent with section 43-1311.03 and the Young
28 Adult Bridge to Independence Act. The child shall not be required to
29 attend the independence hearing, but efforts shall be made to encourage
30 and enable the child's attendance if the child wishes to attend,
31 including scheduling the hearing at a time that permits the child's

1 attendance. An independence coordinator as provided in section 43-4506
2 shall attend the hearing if reasonably practicable, but the department is
3 not required to have legal counsel present. At the independence hearing,
4 the court shall advise the child about the bridge to independence program
5 including, if applicable, the right of young adults in the bridge to
6 independence program to request a court appointed client-directed
7 attorney under subsection (1) of section 43-4510 and the benefits and
8 role of such attorney and to request additional permanency review
9 hearings in the bridge to independence program under subsection (5) of
10 section 43-4508 and how to request such a hearing. The court shall also
11 advise the child, if applicable, of the rights he or she is giving up if
12 he or she chooses not to participate in the bridge to independence
13 program and the option to enter such program at any time between nineteen
14 and twenty-one years of age if the child meets the eligibility
15 requirements of section 43-4504. The department shall present information
16 to the court regarding other community resources that may benefit the
17 child, specifically information regarding state programs established
18 pursuant to 42 U.S.C. 677.

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

1 placement change with the court and shall send copies of the notice to
2 all interested parties at least seven days before the placement of the
3 juvenile is changed from what the court originally considered to be a
4 suitable family home or institution to some other custodial situation in
5 order to effectuate the purposes of subdivision (1) of section 43-246.
6 The court, on its own motion or upon the filing of an objection to the
7 change by an interested party, may order a hearing to review such a
8 change in placement and may order that the change be stayed until the
9 completion of the hearing. Nothing in this section shall prevent the
10 court on an ex parte basis from approving an immediate change in
11 placement upon good cause shown. The department may make an immediate
12 change in placement without court approval only if the juvenile is in a
13 harmful or dangerous situation or when the foster parents request that
14 the juvenile be removed from their home. Approval of the court shall be
15 sought within twenty-four hours after making the change in placement or
16 as soon thereafter as possible. The department shall provide the
17 juvenile's guardian ad litem with a copy of any report filed with the
18 court by the department pursuant to this subsection.

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

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

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

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

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

13 Sec. 3. Section 43-905, Revised Statutes Cumulative Supplement,
14 2014, is amended to read:

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

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

28 (3) Whenever any child who has been committed to the department
29 becomes self-supporting, the department shall declare that fact and the
30 legal custody and care of the department shall cease. Thereafter the
31 child shall be entitled to his or her own earnings. Legal custody and

1 care of and services by the department shall never extend beyond the age
2 of majority, except that (a) services by the department to a child shall
3 continue until the child reaches the age of twenty-one if the child is in
4 the bridge to independence program as provided in the Young Adult Bridge
5 to Independence Act and (b) ~~beginning January 1, 2014,~~ coverage for
6 health care and related services under medical assistance in accordance
7 with section 68-911 shall ~~may~~ be extended as provided under the federal
8 Patient Protection and Affordable Care Act, 42 U.S.C. 1396a(a)(10)(A)(i)
9 (IX), as such act and section existed on January 1, 2013, for medicaid
10 coverage for individuals under twenty-six years of age as allowed
11 pursuant to such act.

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

17 (5) Whenever permanent free homes for the children cannot be
18 obtained, the department may provide subsidies to adoptive and
19 guardianship families subject to a hearing and court approval. The
20 department may also provide and pay for the maintenance of the children
21 in foster care, in boarding homes, or in institutions for care of
22 children.

23 Sec. 4. Section 43-1312.01, Revised Statutes Cumulative Supplement,
24 2014, is amended to read:

25 43-1312.01 (1) If the permanency plan for a child established
26 pursuant to section 43-1312 does not recommend return of the child to his
27 or her parent or that the child be placed for adoption, the juvenile
28 court may place the child in a guardianship in a relative home as defined
29 in section 71-1901, in a kinship home as defined in section 71-1901, or
30 with an individual as provided in section 43-285 if:

31 (a) The child is a juvenile who has been adjudged to be under

1 subdivision (3)(a) of section 43-247;

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

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

5 (d) The guardian:

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

8 (ii) Has made a commitment to provide for the financial, medical,
9 physical, and emotional needs of the child until the child reaches the
10 age of majority or until the termination of extended guardianship
11 assistance payments and medical care pursuant to section 43-4511—~~or~~
12 ~~43-4514~~;

13 (iii) Has made a commitment to prepare the child for adulthood and
14 independence; and

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

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

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

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

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

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

29 (3) The juvenile court shall retain jurisdiction over the child for
30 modification or termination of the guardianship order. The court shall
31 discontinue permanency reviews and case reviews and shall relieve the

1 Department of Health and Human Services of the responsibility of
2 supervising the placement of the child. Notwithstanding the retention of
3 juvenile court jurisdiction, the guardianship placement shall be
4 considered permanent for the child.

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

7 (5) Guardianships established under this section shall terminate on
8 the child's nineteenth birthday unless the child is eligible for
9 continued guardianship assistance payments under section 43-4511 ~~or~~
10 ~~43-4514~~ and an agreement is signed by the Department of Health and Human
11 Services, the guardian, and the young adult, as defined in section
12 43-4503, to continue the guardianship assistance. The guardian shall
13 ensure that any guardianship assistance funds provided by the department
14 and received by the guardian for the purpose of an extended guardianship
15 shall be used for the benefit of the young adult. The department shall
16 adopt and promulgate rules and regulations defining services and supports
17 encompassed by such benefit.

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

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

26 (a) The right of the child to inherit from his or her parents;

27 (b) The right of the biological parents to consent to the child's
28 adoption; and

29 (c) The responsibility of the parents to provide financial, medical,
30 or other support as ordered by the court.

31 (8) The Department of Health and Human Services shall adopt and

1 promulgate rules and regulations for the administration of this section.

2 Sec. 5. Section 43-4501, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 43-4501 Sections 43-4501 to 43-4514 and section 12 of this act shall
5 be known and may be cited as the Young Adult Bridge to Independence Act.

6 Sec. 6. Section 43-4503, Revised Statutes Cumulative Supplement,
7 2014, is amended to read:

8 43-4503 For purposes of the Young Adult Bridge to Independence Act:

9 (1) Bridge to independence program means the extended services and
10 support available to a young adult under the Young Adult Bridge to
11 Independence Act other than extended the state extended guardianship
12 assistance ~~program~~ described in section 43-4511 and extended adoption
13 assistance described in section 43-4512 subdivision (3)(b) of section
14 ~~43-4514~~;

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

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

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

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

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

28 Sec. 7. Section 43-4504, Revised Statutes Cumulative Supplement,
29 2014, is amended to read:

30 43-4504 The bridge to independence program is available, on a
31 voluntary basis, to a young adult:

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

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

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

11 (3) Who is:

12 (a) Completing secondary education or an educational program leading
13 to an equivalent credential;

14 (b) Enrolled in an institution which provides postsecondary or
15 vocational education;

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

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

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

23 (4) The changes made to subsection (2)(b) of this section by this
24 legislative bill become operative on July 1, 2015.

25 Sec. 8. Section 43-4505, Revised Statutes Cumulative Supplement,
26 2014, is amended to read:

27 43-4505 Extended services and support provided under the bridge to
28 independence program include, but are not limited to:

29 (1) Medical care under the medical assistance program for young
30 adults who meet the eligibility requirements of section 43-4504 and have
31 signed a voluntary services and support agreement as provided in section

1 43-4506;

2 (2) Housing, placement, and support in the form of ~~continued~~ foster
3 care maintenance payments which shall remain at least at the rate set
4 immediately prior to the young adult's exit from foster care. As decided
5 by and with the young adult, young adults may reside in a foster family
6 home, a supervised independent living setting, an institution, or a
7 foster care facility. Placement in an institution or a foster care
8 facility should occur only if necessary due to a young adult's
9 developmental level or medical condition. A young adult who is residing
10 in a foster care facility upon leaving foster care may choose to
11 temporarily stay until he or she is able to transition to a more age-
12 appropriate setting. For young adults residing in a supervised
13 independent living setting:

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

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

25 (3) Case management services that are young-adult driven. Case
26 management shall be a continuation of the independent living transition
27 proposal in section 43-1311.03, including a written description of
28 additional resources that will help the young adult in creating permanent
29 relationships and preparing for the transition to adulthood and
30 independent living. Case management shall include the development of a
31 case plan, developed jointly by the department and the young adult, that

1 includes a description of the identified housing situation or living
2 arrangement, the resources to assist the young adult in the transition
3 from the bridge to independence program to adulthood, and the needs
4 listed in subsection (1) of section 43-1311.03. The case plan shall
5 incorporate the independent living transition proposal in section
6 43-1311.03. A new plan shall be developed for young adults who have no
7 previous independent living transition proposal. Case management shall
8 also include, but not be limited to, documentation that assistance has
9 been offered 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 health, mental
17 health, developmental disability, and other disability services and
18 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 education or
24 vocational courses;
- 25 (h) Obtain the necessary state court findings and then apply for
26 special immigrant juvenile status as defined in 8 U.S.C. 1101(a)(27)(J)
27 or apply for other immigration relief that the young adult may be
28 eligible for;
- 29 (i) Create a health care power of attorney, health care proxy, or
30 other similar document recognized under state law, at the young adult's
31 option, pursuant to the federal Patient Protection and Affordable Care

1 Act, Public Law 111-148;

2 (j) Obtain a copy of health and education records of the young
3 adult;

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

11 (l) Maintain relationships with individuals who are important to the
12 young adult, including searching for individuals with whom the young
13 adult has lost contact;

14 (m) Access information about maternal and paternal relatives,
15 including any siblings;

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

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

19 Sec. 9. Section 43-4506, Revised Statutes Cumulative Supplement,
20 2014, is amended to read:

21 43-4506 (1) If a young adult chooses to participate in the bridge to
22 independence program and is eligible under section 43-4504, the young
23 adult and the department shall sign, and the young adult shall be
24 provided a copy of, a voluntary services and support agreement that
25 includes, at a minimum, information regarding all of the following:

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

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

31 (c) The voluntary nature of the young adult's participation and the

1 young adult's right to terminate the voluntary services and support
2 agreement at any time; and

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

6 (2) As soon as the young adult and the department sign the voluntary
7 services and support agreement and the department determines that the
8 young adult is eligible for the bridge to independence program under
9 section 43-4504, but not longer than fifteen ~~forty-five~~ days after
10 signing the agreement, the department shall provide services and support
11 to the young adult in accordance with the voluntary services and support
12 agreement.

13 (3) A young adult participating in the bridge to independence
14 program shall be assigned an independence coordinator to provide case
15 management services for the young adult. Independence coordinators and
16 their supervisors shall be specialized in primarily providing services
17 for young adults in the bridge to independence program or shall, at
18 minimum, have specialized training in providing transition services and
19 support to young adults.

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

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

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

30 Sec. 10. Section 43-4508, Revised Statutes Cumulative Supplement,
31 2014, is amended to read:

1 43-4508 (1) Within fifteen ~~forty-five~~ days after the voluntary
2 services and support agreement is signed, the department shall file a
3 petition with the juvenile court describing the young adult's current
4 situation, including the young adult's name, date of birth, and current
5 address and the reasons why it is in the young adult's best interests to
6 participate in the bridge to independence program. The department shall
7 also provide the juvenile court with a copy of the signed voluntary
8 services and support agreement, a copy of the case plan, and any other
9 information the department or the young adult wants the court to
10 consider.

11 (2) The department shall ensure continuity of care and eligibility
12 by working with a child who wants to participate in the bridge to
13 independence program and is likely to be eligible to participate in such
14 program immediately following the termination of the juvenile court's
15 jurisdiction pursuant to subdivision (3)(a) of section 43-247. The
16 voluntary services and support agreement shall be signed and the petition
17 filed with the court upon the child's nineteenth birthday or within ten
18 days thereafter. There shall be no interruption in the foster care
19 maintenance payment and medical assistance coverage for a child who is
20 eligible and chooses to participate in the bridge to independence program
21 immediately following the termination of the juvenile court's
22 jurisdiction pursuant to such subdivision ~~To ensure continuity of care~~
23 ~~and eligibility, the voluntary services and support agreement should be~~
24 ~~signed prior to and filed with the court at the last court hearing before~~
25 ~~the young adult is discharged from foster care for all young adults who~~
26 ~~choose to participate in the bridge to independence program at that time.~~

27 (3) The court has the jurisdiction to review the voluntary services
28 and support agreement signed by the department and the young adult under
29 section 43-4506 and to conduct permanency reviews as described in this
30 section. Upon the filing of a petition under subsection (1) of this
31 section, the court shall open a bridge to independence program file for

1 the young adult for the purpose of determining whether continuing in such
2 program is in the young adult's best interests and for the purpose of
3 conducting permanency reviews.

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

8 (5) The court shall conduct a hearing for permanency review
9 consistent with 42 U.S.C. 675(5)(C) as described in subsection (6) of
10 this section regarding the voluntary services and support agreement at
11 least once per year and may conduct such hearing at additional times, but
12 not more times than is reasonably practicable, at the request of the
13 young adult, the department, or any other party to the proceeding. Upon
14 the filing of the petition as provided in subsection (1) of this section
15 or anytime thereafter, the young adult may request in the voluntary
16 services and support agreement or by other appropriate means, a time
17 frame in which the young adult prefers to have the permanency review
18 hearing scheduled and the court shall seek to accommodate the request as
19 practicable and consistent with 42 U.S.C. 675(5)(C). The juvenile court
20 may request the appointment of a hearing officer pursuant to section
21 24-230 to conduct permanency review hearings. The department is not
22 required to have legal counsel present at such hearings. The juvenile
23 court shall conduct the permanency reviews in an expedited manner and
24 shall issue findings and orders, if any, as speedily as possible.

25 (6)(a) The primary purpose of the permanency review is to ensure
26 that the bridge to independence program is providing the young adult with
27 the needed services and support to help the young adult move toward
28 permanency and self-sufficiency. This shall include that, in all
29 permanency reviews or hearings regarding the transition of the young
30 adult from foster care to independent living, the court shall consult, in
31 an age-appropriate manner, with the young adult regarding the proposed

1 permanency or transition plan for the young adult. The young adult shall
2 have a clear self-advocacy role in the permanency review in accordance
3 with section 43-4510, and the hearing shall support the active engagement
4 of the young adult in key decisions. Permanency reviews shall be
5 conducted on the record and in an informal manner and, whenever possible,
6 outside of the courtroom.

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

12 (c) The court shall determine whether the bridge to independence
13 program is providing the appropriate services and support as provided in
14 the voluntary services and support agreement to carry out the case plan.
15 The court has the authority to determine whether the young adult is
16 receiving the services and support he or she is entitled to receive under
17 the Young Adult Bridge to Independence Act and the department's policies
18 or state or federal law to help the young adult move toward permanency
19 and self-sufficiency. If the court believes that the young adult requires
20 additional services and support to achieve the goals documented in the
21 case plan or under the Young Adult Bridge to Independence Act and the
22 department's policies or state or federal law, the court may make
23 appropriate findings or order the department to take action to ensure
24 that the young adult receives the identified services and support.

25 (7) All pleadings, filings, documents, and reports filed pursuant to
26 this section and subsection (11) of section 43-247 shall be confidential.
27 The proceedings pursuant to this section and subsection (11) of section
28 43-247 shall be confidential unless a young adult provides a written
29 waiver or a verbal waiver in court. Such waiver may be made by the young
30 adult in order to permit the proceedings to be held outside of the
31 courtroom or for any other reason. The Foster Care Review Office shall

1 have access to any and all pleadings, filings, documents, reports, and
2 proceedings necessary to complete its case review process. This section
3 shall not prevent the juvenile court from issuing an order identifying
4 individuals and agencies who shall be allowed to receive otherwise
5 confidential information for legitimate and official purposes as
6 authorized by section 43-3001.

7 Sec. 11. Section 43-4511, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:

9 43-4511 (1) The department shall provide extended guardianship
10 assistance and medical care under the medical assistance program for a
11 young adult who is at least nineteen years of age but less than twenty-
12 one years of age and with respect to whom a kinship guardianship
13 assistance agreement was in effect pursuant to 42 U.S.C. 673 if the young
14 adult had attained sixteen years of age before the agreement became
15 effective or with respect to whom a state-funded guardianship assistance
16 agreement was in effect if the young adult had attained sixteen years of
17 age before the agreement became effective if the young adult began
18 receiving kinship guardianship assistance pursuant to 42 U.S.C. 673 at
19 sixteen years of age or older or the young adult received state-funded
20 guardianship assistance in a licensed relative placement at sixteen years
21 of age or older and the young adult meets at least one of the following
22 conditions for eligibility:

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

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

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

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

30 (e) The young adult is incapable of doing any part of the activities
31 in subdivisions (1)(a) through (d) of this section due to a medical

1 condition, which incapacity must be supported by regularly updated
2 information in the case plan of the young adult.

3 (2) The guardian shall ensure that any guardianship assistance funds
4 provided by the department and received by the guardian shall be used for
5 the benefit of the young adult. The department shall adopt and promulgate
6 rules and regulations defining services and supports encompassed by such
7 benefit.

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

10 Sec. 12. (1) Young adults who are eligible to participate under
11 both extended guardianship assistance as provided in section 43-4511 and
12 the bridge to independence program as provided in subdivision (2)(b) of
13 section 43-4504 may choose to participate in either program.

14 (2) The department shall create a clear and developmentally
15 appropriate written notice discussing the rights of young adults who are
16 eligible under both extended guardianship assistance and the bridge to
17 independence program. The notice shall explain the benefits and
18 responsibilities and the process to apply. The department shall provide
19 the written notice and make efforts to provide a verbal explanation to a
20 young adult with respect to whom a kinship guardianship assistance
21 agreement was in effect pursuant to 42 U.S.C. 673 if the young adult had
22 attained sixteen years of age before the agreement became effective or
23 with respect to whom a state-funded guardianship assistance agreement was
24 in effect if the young adult had attained sixteen years of age before the
25 agreement became effective. The department shall provide the notice
26 yearly thereafter until such young adult reaches nineteen years of age
27 and not later than ninety days prior to the young adult attaining
28 nineteen years of age.

29 Sec. 13. Section 43-4512, Revised Statutes Cumulative Supplement,
30 2014, is amended to read:

31 43-4512 (1) The department shall provide extended adoption

1 assistance and medical care under the medical assistance program for a
2 young adult who is at least nineteen years of age but less than twenty-
3 one years of age and with respect to whom an adoption assistance
4 agreement was in effect if the young adult had attained sixteen years of
5 age before the agreement became effective ~~if the young adult began~~
6 ~~receiving adoption assistance at sixteen years of age or older~~ and meets
7 at least one of the following conditions of eligibility:

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

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

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

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

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

19 (2) The adoptive parent or parents shall ensure that any adoption
20 assistance funds provided by the department and received by the adoptive
21 parent shall be used for the benefit of the young adult. The department
22 shall adopt and promulgate rules and regulations defining services and
23 supports encompassed by such benefit.

24 Sec. 14. Section 43-4513, Revised Statutes Cumulative Supplement,
25 2014, is amended to read:

26 43-4513 (1) On or before July 1, 2013, the Nebraska Children's
27 Commission shall appoint a Bridge to Independence Advisory Committee to
28 make recommendations to the department and the Nebraska Children's
29 Commission regarding for a statewide implementation plan meeting the
30 bridge to independence program, extended guardianship assistance
31 described in section 43-4511, and extended adoption assistance described

1 ~~in section 43-4512 requirements of the Young Adult Bridge to Independence~~
2 ~~Act. The committee shall provide a written report regarding the initial~~
3 ~~implementation of the program to the Nebraska Children's Commission, the~~
4 ~~Health and Human Services Committee of the Legislature, the department,~~
5 ~~and the Governor by October 1, 2013. The report shall also specifically~~
6 ~~address recommendations for maximizing and making efficient use of~~
7 ~~funding for a state-extended guardianship assistance program described in~~
8 ~~section 43-4514. The report to the Health and Human Services Committee of~~
9 ~~the Legislature shall be submitted electronically. The Bridge to~~
10 ~~Independence Advisory Committee shall meet on a biannual basis thereafter~~
11 ~~to advise the department and the Nebraska Children's Commission regarding~~
12 ~~ongoing implementation of the bridge to independence program, extended~~
13 ~~guardianship assistance described in section 43-4511, and extended~~
14 ~~adoption assistance described in section 43-4512 and shall provide a~~
15 ~~written report regarding ongoing implementation, including the bridge to~~
16 ~~independence program, extended guardianship assistance described in~~
17 ~~section 43-4511, and extended adoption assistance described in section~~
18 ~~43-4512 participation and early discharge rates and reasons obtained from~~
19 ~~the department, to the Nebraska Children's Commission, the Health and~~
20 ~~Human Services Committee of the Legislature, the department, and the~~
21 ~~Governor by December 15th of each year. By December 15, 2015, the~~
22 ~~committee shall develop specific recommendations for expanding to or~~
23 ~~improving outcomes for similar groups of at-risk young adults ~~and for the~~~~
24 ~~~~adaptation or continuation of assistance under the state-extended~~~~
25 ~~~~guardianship assistance program described in section 43-4514. The report~~~~
26 ~~to the Health and Human Services Committee of the Legislature shall be~~
27 ~~submitted electronically.~~

28 (2) The members of the Bridge to Independence Advisory Committee
29 shall include, but not be limited to, (a) representatives from all three
30 branches of government, and the representatives from the legislative and
31 judicial branches of government shall be nonvoting, ex officio members,

1 (b) no less than three young adults currently or previously in foster
2 care, which may be filled on a rotating basis by members of Project
3 Everlast or a similar youth support or advocacy group, (c) one or more
4 representatives from a child welfare advocacy organization, (d) one or
5 more representatives from a child welfare service agency, and (e) one or
6 more representatives from an agency providing independent living
7 services.

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

11 Sec. 15. Section 43-4514, Revised Statutes Cumulative Supplement,
12 2014, is amended to read:

13 43-4514 (1) The department shall submit an amended a state plan
14 amendment by October 15, 2015 ~~2013~~, to seek federal Title IV-E funding
15 under 42 U.S.C. 672 for newly eligible young adults and with respect to
16 whom a kinship guardianship assistance agreement was in effect pursuant
17 to 42 U.S.C. 673 if the child had attained sixteen years of age before
18 the agreement became effective or with respect to whom a state-funded
19 guardianship assistance agreement was in effect if the child had attained
20 sixteen years of age before the agreement became effective pursuant to
21 subsection (2)(b) of section 43-4504 and 42 U.S.C. 673 for the bridge to
22 independence program pursuant to the Young Adult Bridge to Independence
23 Act.

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

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

28 (2 a) The department shall implement the bridge to independence
29 program, extended guardianship assistance described in section 43-4511,
30 and extended adoption assistance described in section 43-4512 in
31 accordance with the federal Fostering Connections to Success and

1 Increasing Adoptions Act of 2008, 42 U.S.C. 673 and 42 U.S.C. 675(8)(B)
2 and in accordance with requirements necessary to obtain federal Title IV-
3 E funding under 42 U.S.C. 672 and 42 U.S.C. 673. ~~If the department does~~
4 ~~not contract with a private agency to implement the bridge to~~
5 ~~independence program, the bridge to independence program shall take~~
6 ~~effect within sixty days after the department receives the notice of~~
7 ~~approval of the state plan amendment. If the department contracts with a~~
8 ~~private agency to implement the bridge to independence program, the~~
9 ~~bridge to independence program shall take effect within ninety days after~~
10 ~~the department receives the notice of approval of the state plan~~
11 ~~amendment; and~~

12 ~~(b) The department shall implement a state-extended guardianship~~
13 ~~assistance program. The state-extended guardianship assistance program~~
14 ~~shall not be construed to create an entitlement. Under the state-extended~~
15 ~~guardianship assistance program, a young adult (i) for whom the state has~~
16 ~~entered into a guardianship assistance agreement at sixteen years of age~~
17 ~~or older that is not with a licensed relative and (ii) who meets at least~~
18 ~~one of the conditions of eligibility under subdivisions (1)(a) through~~
19 ~~(e) of section 43-4511, the department shall continue making guardianship~~
20 ~~assistance payments on behalf of such young adult until he or she attains~~
21 ~~twenty-one years of age to the extent possible within funds appropriated~~
22 ~~for the state-extended guardianship assistance program. It is the intent~~
23 ~~of the Legislature to appropriate four hundred thousand dollars for~~
24 ~~fiscal years 2013-14 and 2014-15 for the state-extended guardianship~~
25 ~~assistance program.~~

26 ~~(4) If the state plan amendment is denied, the department shall~~
27 ~~implement the bridge to independence program as a state-only pilot~~
28 ~~program within sixty days after the department receives the notice of~~
29 ~~denial. If implemented as a state-only pilot program, it is the intent of~~
30 ~~the Legislature to appropriate two million dollars for fiscal years~~
31 ~~2013-14 and 2014-15 for such state-only pilot program. The department~~

1 ~~shall administer the state-only pilot program to serve as many eligible~~
2 ~~young adults as possible within the funds appropriated. If a state-only~~
3 ~~pilot program is established, the Bridge to Independence Advisory~~
4 ~~Committee shall make recommendations to the department and the Nebraska~~
5 ~~Children's Commission regarding eligibility criteria and private or~~
6 ~~alternative funding options within thirty days after the department~~
7 ~~receives the notice of denial.~~

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

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

13 ~~(4 6) All references to the United States Code in the Young Adult~~
14 ~~Bridge to Independence Act refer to sections of the code as such sections~~
15 ~~existed on January 1, 2015 2013.~~

16 Sec. 16. Section 71-824, Revised Statutes Cumulative Supplement,
17 2014, is amended to read:

18 71-824 No later than January 1, 2010, the department shall provide
19 post-adoption and post-guardianship case management services for adoptive
20 and guardianship families of former state wards on a voluntary basis. The
21 department shall notify adoptive parents and guardians of the
22 availability of such services and the process to access such services and
23 that such services are provided on a voluntary basis. Notification shall
24 be in writing and shall be provided at the time of finalization of the
25 adoption agreement or completion of the guardianship and each six months
26 thereafter until dissolution of the adoption, until termination of the
27 guardianship, until the former state ward attains nineteen years of age,
28 or until extended guardianship assistance payments and medical care are
29 terminated pursuant to section 43-4511 ~~or 43-4514~~, whichever is earlier.
30 Post-adoption and post-guardianship case management services under this
31 section shall be administered by the Division of Children and Family

1 Services and shall be evaluated. The evaluation shall include, but not be
2 limited to, the number and percentage of persons receiving such services
3 and the degree of problem resolution reported by families receiving such
4 services.

5 Sec. 17. Original sections 43-284.02, 43-285, 43-905, 43-1312.01,
6 43-4501, 43-4503, 43-4504, 43-4505, 43-4506, 43-4508, 43-4511, 43-4512,
7 43-4513, 43-4514, and 71-824, Revised Statutes Cumulative Supplement,
8 2014, are repealed.

9 Sec. 18. Since an emergency exists, this act takes effect when
10 passed and approved according to law.