

LEGISLATIVE BILL 243

Approved by the Governor May 27, 2015

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Family member means:

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

(b) A stepparent;

(c) A stepsibling;

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

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

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

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

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

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

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

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

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

Sec. 4. A pilot project is created to provide family finding services within at least two service areas. The department shall contract with providers of family finding services or the case management lead agency pilot project authorized under section 68-1212 to carry out the family finding services pilot project. A provider may contract within multiple service areas. Each

contracting provider shall be trained in and implement the steps described in section 3 of this act. The family finding services pilot project shall terminate on June 30, 2019.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The last court hearing before jurisdiction pursuant to subdivision (3) (a) of section 43-247 is terminated for a child who is sixteen years of age or older shall be called the independence hearing. In addition to other matters and requirements to be addressed at this hearing, the independence hearing shall address the child's future goals and plans and access to services and support for the transition from foster care to adulthood consistent with section 43-1311.03 and the Young Adult Bridge to Independence Act. The child shall not be required to attend the independence hearing, but efforts shall be made to encourage and enable the child's attendance if the child wishes to attend, including scheduling the hearing at a time that permits the child's attendance. An independence coordinator as provided in section 43-4506 shall attend the hearing if reasonably practicable, but the department is not required to have legal counsel present. At the independence hearing, the court shall advise the child about the bridge to independence program, including, if applicable, the right of young adults in the bridge to independence program to request a court-appointed, client-directed attorney under subsection (1) of section 43-4510 and the benefits and role of such attorney and to request additional permanency review hearings in the bridge to independence program under subsection (5) of section 43-4508 and how to request such a hearing. The court shall also advise the child, if applicable, of the rights he or she is giving up if he or she chooses not to participate in the bridge to independence program and the option to enter such program at any time between nineteen and twenty-one years of age if the child meets the eligibility requirements of section 43-4504. The department shall present information to the court regarding other community resources that may benefit the child, specifically information regarding state programs established pursuant to 42 U.S.C. 677.

(3) Within thirty days after an order awarding a juvenile to the care of the department, an association, or an individual and until the juvenile reaches the age of majority, the department, association, or individual shall file with the court a report stating the location of the juvenile's placement and the needs of the juvenile in order to effectuate the purposes of subdivision (1) of section 43-246. The department, association, or individual shall file a report with the court once every six months or at shorter intervals if ordered by the court or deemed appropriate by the department, association, or individual. Every six months, the report shall provide an updated statement regarding the eligibility of the juvenile for health insurance, including, but not limited to, medical assistance under the Medical Assistance Act. The department, association, or individual shall file a report and notice of placement change with the court and shall send copies of the notice to all interested parties at least seven days before the placement of the juvenile is changed from what the court originally considered to be a suitable family home or institution to some other custodial situation in order to effectuate the purposes of subdivision (1) of section 43-246. The court, on its own motion or upon the filing of an objection to the change by an interested party, may order a hearing to review such a change in placement and may order that the change be stayed until the completion of the hearing. Nothing in this section shall prevent the court on an ex parte basis from approving an immediate change in placement upon good cause shown. The department may make an immediate change in placement without court approval only if the juvenile is in a harmful or dangerous situation or when the foster parents request that the juvenile be removed from their home. Approval of the court shall be sought within twenty-four hours after making the change in placement or as soon thereafter as possible. The department shall provide the juvenile's guardian ad litem with a copy of any report filed with the court by the department pursuant to this subsection.

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

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

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

(7) Any written findings or recommendations of the Foster Care Review Office or the designated local foster care review board with regard to a juvenile in a foster care placement submitted to a court having jurisdiction over such juvenile shall be admissible in any proceeding concerning such

juvenile if such findings or recommendations have been provided to all other parties of record.

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

Sec. 12. Section 43-905, Revised Statutes Cumulative Supplement, 2014, is amended to read:

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

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

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

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

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

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

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

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

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

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

(d) The guardian:

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

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

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

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

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

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

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

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

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

(3) The juvenile court shall retain jurisdiction over the child for

modification or termination of the guardianship order. The court shall discontinue permanency reviews and case reviews and shall relieve the Department of Health and Human Services of the responsibility of supervising the placement of the child. Notwithstanding the retention of juvenile court jurisdiction, the guardianship placement shall be considered permanent for the child.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Who is:

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Obtain employment or other financial support;

(b) Obtain a government-issued identification card;

(c) Open and maintain a bank account;

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

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

(f) Complete secondary education;

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

(h) Obtain the necessary state court findings and then apply for special immigrant juvenile status as defined in 8 U.S.C. 1101(a)(27)(J) or apply for other immigration relief that the young adult may be eligible for;

(i) Create a health care power of attorney, health care proxy, or other similar document recognized under state law, at the young adult's option, pursuant to the federal Patient Protection and Affordable Care Act, Public Law 111-148;

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

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

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

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

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

(o) Access pregnancy and parenting resources and services.

Sec. 18. Section 43-4506, Revised Statutes Cumulative Supplement, 2014, is

amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) The court shall conduct a hearing for permanency review consistent with 42 U.S.C. 675(5)(C) as described in subsection (6) of this section regarding the voluntary services and support agreement at least once per year and may conduct such hearing at additional times, but not more times than is reasonably practicable, at the request of the young adult, the department, or any other party to the proceeding. Upon the filing of the petition as provided in subsection (1) of this section or anytime thereafter, the young adult may

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 21. (1) Young adults who are eligible to participate under both extended guardianship assistance as provided in section 43-4511 and the bridge

to independence program as provided in subdivision (2)(b) of section 43-4504 may choose to participate in either program.

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

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

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

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

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

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

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

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

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

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

43-4513 (1) On or before July 1, 2013, the Nebraska Children's Commission shall appoint a Bridge to Independence Advisory Committee to make recommendations to the department and the Nebraska Children's Commission regarding for a statewide implementation plan meeting the bridge to independence program, extended guardianship assistance described in section 43-4511, and extended adoption assistance described in section 43-4512 requirements of the Young Adult Bridge to Independence Act. The committee shall provide a written report regarding the initial implementation of the program to the Nebraska Children's Commission, the Health and Human Services Committee of the Legislature, the department, and the Governor by October 1, 2013. The report shall also specifically address recommendations for maximizing and making efficient use of funding for a state-extended guardianship assistance program described in section 43-4514. The report to the Health and Human Services Committee of the Legislature shall be submitted electronically. The Bridge to Independence Advisory Committee shall meet on a biannual basis thereafter to advise the department and the Nebraska Children's Commission regarding ongoing implementation of the bridge to independence program, extended guardianship assistance described in section 43-4511, and extended adoption assistance described in section 43-4512 and shall provide a written report regarding ongoing implementation, including participation in the bridge to independence program, extended guardianship assistance described in section 43-4511, and extended adoption assistance described in section 43-4512 participation and early discharge rates and reasons obtained from the department, to the Nebraska Children's Commission, the Health and Human Services Committee of the Legislature, the department, and the Governor by December 15th of each year. By December 15, 2015, the committee shall develop specific recommendations for expanding to or improving outcomes for similar groups of at-risk young adults and for the adaptation or continuation of assistance under the state-extended guardianship assistance program described in section 43-4514. The report to the Health and Human Services Committee of the Legislature shall be submitted electronically.

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

independent living services.

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

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

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

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

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

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

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

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

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

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

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

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

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

receiving such services.

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

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

Sec. 28. Since an emergency exists, this act takes effect when passed and approved according to law.