

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 179

Introduced by Bolz, 29.

Read first time January 10, 2017

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to children and youth; to amend sections
2 29-2260.02, 43-1311.03, 43-4502, 43-4504, 43-4505, 43-4508, 43-4510,
3 43-4511.01, and 43-4514, Reissue Revised Statutes of Nebraska, and
4 section 71-1902, Revised Statutes Cumulative Supplement, 2016; to
5 change provisions relating to the Title IV-E state plan and a
6 written independent living transition proposal as prescribed; to
7 change provisions relating to intent, eligibility, extended services
8 and support, and court-appointed representation under the Young
9 Adult Bridge to Independence Act; to harmonize provisions; and to
10 repeal the original sections.

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

1 Section 1. Section 29-2260.02, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 29-2260.02 The Department of Health and Human Services, as the
4 single state agency administering the Title IV-E state plan, shall, no
5 later than October 1, 2018, has the authority to enter into the agreement
6 with the Office of Probation Administration to act as a surrogate of the
7 Department of Health and Human Services to administer the Title IV-E
8 state plan for children it has placement and care authority of. The
9 Department of Health and Human Services as the public agency
10 administering or supervising the administration of the Title IV-E state
11 plan in accordance with section 472(a)(2)(B)(ii) of the federal Social
12 Security Act, 42 U.S.C. 672(a)(2)(B)(ii), to obtain federal reimbursement
13 for allowable maintenance, administrative, and training expenses in
14 accordance with Title IV-E of the federal Social Security Act, Public Law
15 96-272, Public Law 105-89, and Public Law 110-351, maintains the ultimate
16 responsibility to supervise the Office of Probation Administration's
17 activities regarding the Title IV-E requirements for eligible children
18 served under the agreement. In coordinating the interagency agreement
19 prior to October 1, 2018, the Department of Health and Human Services and
20 the Office of Probation Administration shall make such recommendations as
21 necessary to the Legislature regarding any needed changes to Nebraska
22 statutes to comply with federal law in obtaining federal reimbursement.

23 The Office of Probation Administration has placement and care
24 responsibility for juveniles in out-of-home placement, also known as
25 foster care, described in subdivision (1), (2), (3)(b), or (4) of section
26 43-247. Placement and care constitutes accountability for the day-to-day
27 care and protection of juveniles. The responsibility of having placement
28 and care includes the development of an individual case plan for the
29 juvenile, including periodic review of the appropriateness and
30 suitability of the plan and the foster care placement, to ensure that
31 proper care and services are provided to facilitate return to the

1 juvenile's own home or to make an alternative placement. The case plan
2 activities include such items as assessing family strength and needs,
3 identifying and using community resources, and the periodic review and
4 determination of continued appropriateness of placement. Placement and
5 care does not include rights retained by the legal custodian, including,
6 but not limited to, provisions and decisions surrounding education,
7 morality, religion, discipline, and medical care.

8 Sec. 2. Section 43-1311.03, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 43-1311.03 (1) When a child placed in foster care turns fourteen
11 years of age or enters foster care and is at least fourteen years of age,
12 a written independent living transition proposal shall be developed by
13 the Department of Health and Human Services at the direction and
14 involvement of the child to prepare for the transition from foster care
15 to successful adulthood. Any revision or addition to such proposal shall
16 also be made in consultation with the child. The transition proposal
17 shall be personalized based on the child's needs and shall describe the
18 services needed for the child to transition to a successful adulthood as
19 provided in the Nebraska Strengthening Families Act. The transition
20 proposal shall include, but not be limited to, the following needs and
21 the services needed for the child to transition to a successful adulthood
22 as provided in the Nebraska Strengthening Families Act:

23 (a) Education;

24 (b) Employment services and other workforce support;

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

29 (d) Behavioral health treatment and support needs and access to such
30 treatment and support;

31 (e) Financial assistance, including education on credit card

1 financing, banking, and other services;

2 (f) Housing;

3 (g) Relationship development and permanent connections; and

4 (h) Adult services, if the needs assessment indicates that the child
5 is reasonably likely to need or be eligible for services or other support
6 from the adult services system.

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

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

25 (4) The transition proposal shall document what efforts were made to
26 involve and engage the child in the development of the transition
27 proposal and any revisions or additions to the transition proposal. As
28 provided in the Nebraska Strengthening Families Act, the court shall ask
29 the child, in an age or developmentally appropriate manner, about his or
30 her involvement in the development of the transition proposal and any
31 revisions or additions to such proposal. As provided in the Nebraska

1 Strengthening Families Act, the court shall make a finding as to the
2 child's involvement in the development of the transition proposal and any
3 revisions or additions to such proposal.

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

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

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

16 (8)(a) ~~(8)~~ A child adjudicated to be a juvenile described in
17 subdivision (3)(a) of section 43-247 and who is in an out-of-home
18 placement shall receive information regarding the Young Adult Bridge to
19 Independence Act and the bridge to independence program available under
20 the act. The department shall create a clear and developmentally
21 appropriate written notice discussing the rights of eligible young adults
22 to participate in the program. The notice shall include information about
23 eligibility and requirements to participate in the program, the extended
24 services and support that young adults are eligible to receive under the
25 program, and how young adults can be a part of the program. The notice
26 shall also include information about the young adult's right to request a
27 client-directed attorney to represent the young adult pursuant to section
28 43-4510 and the benefits and role of an attorney. The department shall
29 disseminate this information to all children who were adjudicated to be a
30 juvenile described in subdivision (3)(a) of section 43-247 and who are in
31 an out-of-home placement at sixteen years of age and yearly thereafter

1 until nineteen years of age, and not later than ninety days prior to the
2 child's last court review before attaining nineteen years of age or being
3 discharged from foster care to independent living. In addition to
4 providing the written notice, not later than ninety days prior to the
5 child's last court review before attaining nineteen years of age or being
6 discharged from foster care to independent living, a representative of
7 the department shall explain the information contained in the notice to
8 the child in person and the timeline necessary to avoid a lapse in
9 services and support.

10 (b)(i) On and after October 1, 2018, a child adjudicated to be a
11 juvenile as described in subdivision (1), (2), or (3)(b) of section
12 43-247 and who is in a court-ordered out-of-home placement in the six
13 months prior to attaining nineteen years of age shall receive information
14 regarding the Young Adult Bridge to Independence Act and the bridge to
15 independence program available under the act. The Office of Probation
16 Administration shall identify any such juvenile and provide him or her
17 with information regarding the Young Adult Bridge to Independence Act and
18 the bridge to independence program available under the act.

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

27 (A) Whether the juvenile is disconnected from family support that
28 would assist him or her in transitioning to adulthood;

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

31 (C) Whether the Office of Probation Administration has made

1 reasonable efforts to return the juvenile to the family home prior to his
2 or her nineteenth birthday.

3 (iii) The court shall set forth its finding in a written order. If
4 the court finds that return to the family home would be contrary to the
5 juvenile's welfare, the Office of Probation Administration shall notify
6 the Department of Health and Human Services within ten days after such
7 finding is made. As soon as practicable thereafter and prior to the
8 child's nineteenth birthday, a representative of the department shall
9 explain the information contained in the written notice described in this
10 subsection to the juvenile in person and the timeline necessary to avoid
11 a lapse in services and support. If the juvenile remains in a court-
12 ordered out-of-home placement upon attaining nineteen years of age
13 pursuant to a court order as described in section 43-4504, the department
14 shall proceed pursuant to sections 43-4507 and 43-4508.

15 (9) On or before the date the child reaches eighteen or nineteen
16 years of age or twenty-one years of age if the child participates in the
17 bridge to independence program, if the child is leaving foster care, the
18 department shall provide the child with:

19 (a) A certified copy of the child's birth certificate and facilitate
20 securing a federal social security card when the child is eligible for
21 such card;

22 (b) Health insurance information and all documentation required for
23 enrollment in medicaid coverage for former foster care children as
24 available under the federal Patient Protection and Affordable Care Act,
25 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act and section existed on
26 January 1, 2013;

27 (c) A copy of the child's medical records;

28 (d) A driver's license or identification card issued by a state in
29 accordance with the requirements of section 202 of the REAL ID Act of
30 2005, as such section existed on January 1, 2016;

31 (e) A copy of the child's educational records;

1 (f) A credit report check;

2 (g) Contact information, with permission, for family members,
3 including siblings, with whom the child can maintain a safe and
4 appropriate relationship, and other supportive adults;

5 (h) A list of local community resources, including, but not limited
6 to, support groups, health clinics, mental and behavioral health and
7 substance abuse treatment services and support, pregnancy and parenting
8 resources, and employment and housing agencies;

9 (i) Written information, including, but not limited to, contact
10 information, for disability resources or benefits that may assist the
11 child as an adult, specifically including information regarding state
12 programs established pursuant to 42 U.S.C. 677, as such section existed
13 on January 1, 2016, and disability benefits, including supplemental
14 security income pursuant to 42 U.S.C. 1382 et seq., as such sections
15 existed on January 1, 2016, or social security disability insurance
16 pursuant to 42 U.S.C. 423, as such section existed on January 1, 2016, if
17 the child may be eligible as an adult;

18 (j) An application for public assistance and information on how to
19 access the system to determine public assistance eligibility;

20 (k) A letter prepared by the department that verifies the child's
21 name and date of birth, dates the child was in foster care, and whether
22 the child was in foster care on his or her eighteenth, nineteenth, or
23 twenty-first birthday and enrolled in medicaid while in foster care;

24 (l) Written information about the child's Indian heritage or tribal
25 connection, if any; and

26 (m) Written information on how to access personal documents in the
27 future.

28 All fees associated with securing the certified copy of the child's
29 birth certificate or obtaining an operator's license or a state
30 identification card shall be waived by the state.

31 The transition proposal shall document that the child was provided

1 all of the documents listed in this subsection. The court shall make a
2 finding as to whether the child has received the documents as part of the
3 independence hearing as provided in subdivision (2)(d) of section 43-285.

4 Sec. 3. Section 43-4502, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 43-4502 The purpose of the Young Adult Bridge to Independence Act is
7 to support former state wards and other youth exiting state care who are
8 disconnected from family support and at risk of homelessness in
9 transitioning to adulthood, becoming self-sufficient, and creating
10 permanent relationships. The bridge to independence program shall at all
11 times recognize and respect the autonomy of the young adult. Nothing in
12 the Young Adult Bridge to Independence Act shall be construed to abrogate
13 any other rights that a person who has attained nineteen years of age may
14 have as an adult under state law.

15 Sec. 4. Section 43-4504, Reissue Revised Statutes of Nebraska, is
16 amended to read:

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

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

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

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

30 (b) Subdivision (1), (2), or (3)(b) of section 43-247 and (i) after
31 October 1, 2018, upon attaining nineteen years of age, was in a court-

1 ordered out-of-home placement and (ii) such placement had been authorized
2 or reauthorized in the six months prior to the juvenile attaining
3 nineteen years of age in a court order finding that it would be contrary
4 to the welfare of the juvenile to remain in or return to his or her
5 family home; and

6 (3) Who is:

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

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

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

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

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

18 The changes made to subdivision (2)(a)(ii) ~~(2)(b)~~ of this section by
19 Laws 2015, LB243, become operative on July 1, 2015.

20 Sec. 5. Section 43-4505, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 43-4505 Extended services and support provided under the bridge to
23 independence program include, but are not limited to:

24 (1) Medical care under the medical assistance program for young
25 adults who meet the eligibility requirements of subdivision (2)(a) of
26 section 43-4504 and have signed a voluntary services and support
27 agreement as provided in section 43-4506;

28 (2) Medical care under the medical assistance program for young
29 adults who meet the eligibility requirements of subdivision (2)(b) of
30 section 43-4504, are eligible for a category of medical assistance
31 pursuant to section 68-915 or other medical assistance category under

1 federal law, and have signed a voluntary services and support agreement
2 as provided in section 43-4506;

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

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

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

26 (4) ~~(3)~~ Case management services that are young-adult driven. Case
27 management shall be a continuation of the independent living transition
28 proposal in section 43-1311.03, including a written description of
29 additional resources that will help the young adult in creating permanent
30 relationships and preparing for the transition to adulthood and
31 independent living. Case management shall include the development of a

1 case plan, developed jointly by the department and the young adult, that
2 includes a description of the identified housing situation or living
3 arrangement, the resources to assist the young adult in the transition
4 from the bridge to independence program to adulthood, and the needs
5 listed in subsection (1) of section 43-1311.03. The case plan shall
6 incorporate the independent living transition proposal in section
7 43-1311.03. A new plan shall be developed for young adults who have no
8 previous independent living transition proposal. Case management shall
9 also include, but not be limited to, documentation that assistance has
10 been offered and provided that would help the young adult meet his or her
11 individual goals, if such assistance is appropriate and if the young
12 adult is eligible and consents to receive such assistance. This shall
13 include, but not be limited to, assisting the young adult to:

- 14 (a) Obtain employment or other financial support;
- 15 (b) Obtain a government-issued identification card;
- 16 (c) Open and maintain a bank account;
- 17 (d) Obtain appropriate community resources, including health, mental
18 health, developmental disability, and other disability services and
19 support;
- 20 (e) When appropriate, satisfy any juvenile justice system
21 requirements and assist with sealing the young adult's juvenile court
22 record if the young adult is eligible under section 43-2,108.01;
- 23 (f) Complete secondary education;
- 24 (g) Apply for admission and aid for postsecondary education or
25 vocational courses;
- 26 (h) Obtain the necessary state court findings and then apply for
27 special immigrant juvenile status as defined in 8 U.S.C. 1101(a)(27)(J)
28 or apply for other immigration relief that the young adult may be
29 eligible for;
- 30 (i) Create a health care power of attorney, health care proxy, or
31 other similar document recognized under state law, at the young adult's

1 option, pursuant to the federal Patient Protection and Affordable Care
2 Act, Public Law 111-148;

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

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

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

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

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

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

20 Sec. 6. Section 43-4508, Reissue Revised Statutes of Nebraska, is
21 amended to read:

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

31 (2) The department shall ensure continuity of care and eligibility

1 by working with a child who wants to participate in the bridge to
2 independence program and, pursuant to section 43-4504, is likely to be
3 eligible to participate in such program immediately following the
4 termination of the juvenile court's jurisdiction ~~pursuant to subdivision~~
5 ~~(3)(a) of section 43-247~~. The voluntary services and support agreement
6 shall be signed and the petition filed with the court upon the child's
7 nineteenth birthday or within ten days thereafter. There shall be no
8 interruption in the foster care maintenance payment and medical
9 assistance coverage for a child who is eligible and chooses to
10 participate in the bridge to independence program immediately following
11 the termination of the juvenile court's jurisdiction pursuant to such
12 subdivision (3)(a) of section 43-247.

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

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

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

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

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

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

29 (c) The court shall determine whether the bridge to independence
30 program is providing the appropriate services and support as provided in
31 the voluntary services and support agreement to carry out the case plan.

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

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

24 Sec. 7. Section 43-4510, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 43-4510 (1) If desired by the young adult, the young adult shall be
27 provided a court-appointed attorney who has received training appropriate
28 to the role. The attorney's representation of the young adult shall be
29 client-directed. The attorney shall protect the young adult's legal
30 rights and vigorously advocate for the young adult's wishes and goals,
31 including assisting the young adult as necessary to ensure that the

1 bridge to independence program is providing the young adult with the
2 services and support required under the Young Adult Bridge to
3 Independence Act. For young adults who were appointed a guardian ad litem
4 or defense counsel before the young adult attained nineteen years of age,
5 the guardian ad litem's or defense counsel's appointment may be
6 continued, with consent from the young adult, ~~but~~ under a client-directed
7 model of representation. Before entering into a voluntary services and
8 support agreement and at least sixty days prior to each permanency and
9 case review, the independence coordinator shall notify the young adult of
10 his or her right to request a client-directed attorney if the young adult
11 would like an attorney to be appointed and shall provide the young adult
12 with a clear and developmentally appropriate written notice regarding the
13 young adult's right to request a client-directed attorney, the benefits
14 and role of such attorney, and the specific steps to take to request that
15 an attorney be appointed if the young adult would like an attorney
16 appointed.

17 (2) The court has discretion to appoint a court appointed special
18 advocate volunteer or continue the appointment of a previously appointed
19 court appointed special advocate volunteer with the consent of the young
20 adult.

21 Sec. 8. Section 43-4511.01, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 43-4511.01 (1) Young adults who are eligible to participate under
24 both extended guardianship assistance as provided in section 43-4511 and
25 the bridge to independence program as provided in subdivision (2)(a)(ii)
26 ~~(2)(b)~~ of section 43-4504 may choose to participate in either program.

27 (2) The department shall create a clear and developmentally
28 appropriate written notice discussing the rights of young adults who are
29 eligible under both extended guardianship assistance and the bridge to
30 independence program. The notice shall explain the benefits and
31 responsibilities and the process to apply. The department shall provide

1 the written notice and make efforts to provide a verbal explanation to a
2 young adult with respect to whom a kinship guardianship assistance
3 agreement was in effect pursuant to 42 U.S.C. 673 if the young adult had
4 attained sixteen years of age before the agreement became effective or
5 with respect to whom a state-funded guardianship assistance agreement was
6 in effect if the young adult had attained sixteen years of age before the
7 agreement became effective. The department shall provide the notice
8 yearly thereafter until such young adult reaches nineteen years of age
9 and not later than ninety days prior to the young adult attaining
10 nineteen years of age.

11 Sec. 9. Section 43-4514, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 43-4514 (1) The department shall submit an amended state plan
14 amendment by October 15, 2015, to seek federal Title IV-E funding under
15 42 U.S.C. 672 for newly eligible young adults with respect to whom a
16 kinship guardianship assistance agreement was in effect pursuant to 42
17 U.S.C. 673 if the child had attained sixteen years of age before the
18 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 subdivision (2)(a)(ii) ~~(2)(b)~~ of section 43-4504.

22 (2) The department shall implement the bridge to independence
23 program, extended guardianship assistance described in section 43-4511,
24 and extended adoption assistance described in section 43-4512 in
25 accordance with the federal Fostering Connections to Success and
26 Increasing Adoptions Act of 2008, 42 U.S.C. 673 and 42 U.S.C. 675(8)(B)
27 and in accordance with requirements necessary to obtain federal Title IV-
28 E funding under 42 U.S.C. 672 and 42 U.S.C. 673.

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

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

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

3 Sec. 10. Section 71-1902, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 71-1902 (1) The department shall adopt and promulgate rules and
6 regulations on requirements for licenses, waivers, variances, and
7 approval of foster family homes taking into consideration the health,
8 safety, well-being, and best interests of the child. An initial
9 assessment of a foster family home shall be completed and shall focus on
10 the safety, protection, and immediate health, educational, developmental,
11 and emotional needs of the child and the willingness and ability of the
12 foster home, relative home, or kinship home to provide a safe, stable,
13 and nurturing environment for a child for whom the department or child-
14 placing agency has assumed responsibility.

15 (2)(a) Except as otherwise provided in this section, no person shall
16 furnish or offer to furnish foster care for one or more children without
17 having in full force and effect a written license issued by the
18 department upon such terms and conditions as may be prescribed by general
19 rules and regulations adopted and promulgated by the department. The
20 terms and conditions for licensure may allow foster family homes to meet
21 licensing standards through variances equivalent to the established
22 standards.

23 (b) The department may issue a time-limited, nonrenewable
24 provisional license to an applicant who is unable to comply with all
25 licensure requirements and standards, is making a good faith effort to
26 comply, and is capable of compliance within the time period stated in the
27 license. The department may issue a time-limited, nonrenewable
28 probationary license to a licensee who agrees to establish compliance
29 with rules and regulations that, when violated, do not present an
30 unreasonable risk to the health, safety, or well-being of the foster
31 children in the care of the applicant.

1 (3) Kinship homes and relative homes are exempt from licensure,
2 however, such homes should make efforts to be licensed if such license
3 will facilitate the permanency plan of the child. The department and
4 child-placing agencies shall, when requested or as part of the child's
5 permanency plan, provide resources for and assistance with licensure,
6 including, but not limited to, information on licensure, waivers for
7 relative homes, kinship-specific and relative-specific foster care
8 training, referral to local service providers and support groups, and
9 funding and resources available to address home safety or other barriers
10 to licensure.

11 (4) Prior to placement in a nonlicensed relative home or kinship
12 home, approval shall be obtained from the department. Requirements for
13 initial approval shall include, but not be limited to, the initial
14 assessment provided for in subsection (1) of this section, a home visit
15 to assure adequate and safe housing, and a criminal background check of
16 all adult residents. Final approval shall include, but not be limited to,
17 requirements as appropriate under section 71-1903. The department or
18 child-placing agency shall provide assistance to an approved relative
19 home or kinship home to support the care, protection, and nurturing of
20 the child. Support may include, but not be limited to, information on
21 licensure, waivers, and variances, kinship-specific and relative-specific
22 foster care training, mental and physical health care, options for
23 funding for needs of the child, and service providers and support groups
24 to address the needs of relative and kinship parents, families, and
25 children.

26 (5) All nonprovisional and nonprobationary licenses issued under
27 sections 71-1901 to 71-1906.01 shall expire two years from the date of
28 issuance and shall be subject to renewal under the same terms and
29 conditions as the original license, except that if a licensee submits a
30 completed renewal application thirty days or more before the license's
31 expiration date, the license shall remain in effect until the department

1 either renews the license or denies the renewal application. No license
2 issued pursuant to this section shall be renewed unless the licensee has
3 completed the required hours of training in foster care in the preceding
4 twelve months as prescribed by the department. A license may be revoked
5 for cause, after notice and hearing, in accordance with rules and
6 regulations adopted and promulgated by the department.

7 (6) A young adult continuing to reside in a foster family home as
8 provided in subdivision (3) ~~(2)~~ of section 43-4505 does not constitute an
9 unrelated adult for the purpose of determining eligibility of the family
10 to be licensed as a foster family home.

11 Sec. 11. Original sections 29-2260.02, 43-1311.03, 43-4502,
12 43-4504, 43-4505, 43-4508, 43-4510, 43-4511.01, and 43-4514, Reissue
13 Revised Statutes of Nebraska, and section 71-1902, Revised Statutes
14 Cumulative Supplement, 2016, are repealed.