

AMENDMENTS TO LB 216

(Amendments to E & R amendments, ER45)

Introduced by McGill

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Sections 1 to 14 of this act shall be known
4 and may be cited as the Young Adult Voluntary Services and Support
5 Act.

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

15 Sec. 3. For purposes of the Young Adult Voluntary
16 Services and Support Act:

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

19 (2) Department means the Department of Health and Human
20 Services;

21 (3) Extended services program means the extended services
22 and support available to a young adult under the Young Adult

1 Voluntary Services and Support Act other than the state-extended
2 guardianship assistance program described in subdivision (3)(b) of
3 section 14 of this act;

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

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

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

17 Sec. 4. The extended services 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
21 in subdivision (3)(a) of section 43-247 and, upon attaining
22 nineteen years of age, was in an out-of-home placement or had
23 been discharged to independent living; and

24 (3) Who is:

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

27 (b) Enrolled in an institution which provides

1 postsecondary or vocational education;

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

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

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

9 Sec. 5. Extended services and support provided under the
10 extended services program include, but are not limited to:

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

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

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

1 manner that respects the independence of the young adult; and

2 (b) Rules and restrictions regarding housing options

3 should be respectful of the young adult's autonomy and

4 developmental maturity. Specifically, safety assessments of the

5 living arrangements shall be age-appropriate and consistent with

6 federal guidance on a supervised setting in which the individual

7 lives independently. A clean background check shall not be required

8 for an individual residing in the same residence as the young

9 adult; and

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

11 Case management shall be a continuation of the independent living

12 transition proposal in section 43-1311.03, including a written

13 description of additional resources that will help the young

14 adult in creating permanent relationships and preparing for the

15 transition to adulthood and independent living. Case management

16 shall include the development of a case plan, developed jointly by

17 the department and the young adult, that includes a description

18 of the identified housing situation or living arrangement and

19 the resources to assist the young adult in the transition from

20 the extended services program to adulthood. The case plan shall

21 incorporate the independent living transition proposal in section

22 43-1311.03. Case management shall also include, but not be limited

23 to, documentation that assistance has been offered and provided

24 that would help the young adult meet his or her individual goals,

25 if such assistance is appropriate and if the young adult is

26 eligible and consents to receive such assistance. This shall

27 include, but not be limited to, assisting the young adult to:

- 1 (a) Obtain employment or other financial support;
2 (b) Obtain a government-issued identification card;
3 (c) Open and maintain a bank account;
4 (d) Obtain appropriate community resources, including
5 health, mental health, developmental disability, and other
6 disability services and support;
7 (e) When appropriate, satisfy any juvenile justice system
8 requirements and assist with sealing the young adult's juvenile
9 court record if the young adult is eligible under section
10 43-2,108.01;
11 (f) Complete secondary education;
12 (g) Apply for admission and aid for postsecondary
13 education or vocational courses;
14 (h) Obtain the necessary state court findings and then
15 apply for special immigrant juvenile status as defined in 8 U.S.C.
16 1101(a)(27)(J) or apply for other immigration relief that the young
17 adult may be eligible for;
18 (i) Create a health care power of attorney as required by
19 the federal Patient Protection and Affordable Care Act, Public Law
20 111-148;
21 (j) Obtain a copy of health and education records of the
22 young adult;
23 (k) Apply for any public benefits or benefits that
24 he or she may be eligible for or may be due through his
25 or her parents or relatives, including, but not limited to,
26 aid to dependent children, supplemental security income, social
27 security disability insurance, social security survivors benefits,

1 the Special Supplemental Nutrition Program for Women, Infants,
2 and Children, the Supplemental Nutrition Assistance Program, and
3 low-income home energy assistance programs;

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

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

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

11 (o) Access pregnancy and parenting resources and
12 services.

13 Sec. 6. (1) If a young adult chooses to participate in
14 the extended services program and is eligible under section 4 of
15 this act, the young adult and the department shall sign, and the
16 young adult shall be provided a copy of, a voluntary services
17 and support agreement that includes, at a minimum, information
18 regarding all of the following:

19 (a) The requirement that the young adult continue to be
20 eligible under section 4 of this act for the duration of the
21 voluntary services and support agreement and any other expectations
22 of the young adult;

23 (b) The services and support the young adult shall
24 receive through the extended services program;

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

1 (d) Conditions that may result in the termination of
2 the voluntary services and support agreement and the young adult's
3 early discharge from the extended services program as described in
4 section 7 of this act.

5 (2) As soon as the young adult and the department sign
6 the voluntary services and support agreement and the department
7 determines that the young adult is eligible under section 4 of
8 this act, but not longer than forty-five days after signing the
9 agreement, the department shall provide services and support to the
10 young adult in accordance with the voluntary services and support
11 agreement.

12 (3) A young adult participating in the extended services
13 program shall be assigned a support worker to provide case
14 management services for the young adult. Support workers shall
15 be specialized in primarily providing services for young adults
16 in the extended services program or shall, at minimum, have
17 specialized training in providing transition services and support
18 to young adults.

19 (4) The department shall provide continued efforts at
20 achieving permanency and creating permanent connections for a young
21 adult participating in the extended services program.

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

24 (6) As soon as possible after the young adult is
25 determined eligible under section 4 of this act and signs the
26 voluntary services and support agreement, the department shall
27 conduct a redetermination of income eligibility for purposes of

1 Title IV-E of the federal Social Security Act, 42 U.S.C. 672.

2 Sec. 7. (1) A young adult may choose to terminate
3 the voluntary services and support agreement and stop receiving
4 services and support under the extended services program at any
5 time. If a young adult chooses to terminate the voluntary services
6 and support agreement, the department shall provide the young
7 adult with a clear and developmentally appropriate written notice
8 informing the young adult of the potential negative effects of
9 terminating the voluntary services and support agreement early,
10 the option to reenter the extended services program at any time
11 before attaining twenty-one years of age, and the procedures for
12 reentering the extended services program.

13 (2) If the department determines that the young adult is
14 no longer eligible under section 4 of this act, the department
15 may terminate the voluntary services and support agreement and
16 stop providing services and support to the young adult. Academic
17 breaks in postsecondary education attendance, such as semester
18 and seasonal breaks, and other transitions between eligibility
19 requirements under section 4 of this act, including education and
20 employment transitions of no longer than thirty days, shall not
21 be a basis for termination. Even if a young adult's voluntary
22 services and support agreement has been previously terminated by
23 either the department or the young adult, the young adult may
24 come back into the extended services program by entering into
25 another voluntary services and support agreement at any time, so
26 long as he or she is eligible under section 4 of this act.
27 At least thirty days prior to the termination of the voluntary

1 services and support agreement, the department shall provide a
2 clear and developmentally appropriate written notice to the young
3 adult informing the young adult of the termination of the voluntary
4 services and support agreement and a clear and developmentally
5 appropriate explanation of the basis for the termination. The
6 written termination notice shall also provide information about the
7 process for appealing the termination, information about the option
8 to enter into another voluntary services and support agreement once
9 the young adult reestablishes eligibility under section 4 of this
10 act, and information about and contact information for community
11 resources that may benefit the young adult, specifically including
12 information regarding state programs established pursuant to 42
13 U.S.C. 677. The young adult may appeal the termination of the
14 voluntary services and support agreement, and such appeal shall be
15 in accordance with the Administrative Procedure Act.

16 Sec. 8. (1) Within forty-five days after the voluntary
17 services and support agreement is signed, the department shall file
18 with the juvenile court a written report or petition describing the
19 young adult's current situation, including the young adult's name,
20 date of birth, and current address and the reasons why it is in
21 the young adult's best interests to receive extended services and
22 support. The department shall also provide the juvenile court with
23 a copy of the signed voluntary services and support agreement, a
24 copy of the case plan, and any other information the department or
25 the young adult wants the court to consider.

26 (2) To ensure continuity of care and eligibility, the
27 voluntary services and support agreement should be signed prior

1 to and filed with the court at the last court hearing before the
2 young adult is discharged from foster care for all young adults
3 who choose to participate in the extended services program at that
4 time.

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

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

18 (5) The court shall conduct a hearing for permanency
19 review consistent with 42 U.S.C. 675(5)(C) as described in
20 subsection (6) of this section regarding the voluntary services
21 and support agreement at least once per year and at additional
22 times at the request of the young adult, the department, or any
23 other party to the proceeding. The juvenile court may request the
24 appointment of a hearing officer pursuant to section 24-230 to
25 conduct permanency review hearings. The department is not required
26 to have legal counsel present at such hearings.

27 (6) The primary purpose of the permanency review is

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

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

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

1 ensure that the young adult receives the identified services and
2 support.

3 (2) The department and at least one person who is not
4 responsible for case management, in collaboration with the young
5 adult and additional persons identified by the young adult, shall
6 conduct periodic case reviews consistent with 42 U.S.C. 675(5)(B)
7 not less than once every one hundred eighty days to evaluate
8 progress made toward meeting the goals set forth in the case plan.
9 The department is not required to have legal counsel present at
10 such reviews. The department shall utilize a team approach in
11 conducting such reviews.

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

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

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

11 Sec. 11. The department shall provide extended
12 guardianship assistance for a young adult who is at least nineteen
13 years of age but less than twenty-one years of age if the young
14 adult began receiving kinship guardianship assistance pursuant
15 to 42 U.S.C. 673 at sixteen years of age or older or the young
16 adult received state-funded guardianship assistance in a licensed
17 relative placement at sixteen years of age or older and the
18 young adult meets at least one of the following conditions for
19 eligibility:

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

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

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

26 (4) The young adult is participating in a program or
27 activity designed to promote employment or remove barriers to

1 employment; or

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

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

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

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

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

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

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

24 Sec. 13. (1) On or before July 1, 2013, the Nebraska
25 Children's Commission shall appoint a Young Adult Voluntary
26 Services and Support Advisory Committee to make recommendations
27 to the department and the Nebraska Children's Commission for a

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

1 (2) The members of the Young Adult Voluntary Services
2 and Support Advisory Committee shall include, but not be limited
3 to, (a) representatives from all three branches of government, and
4 the representatives from the legislative and judicial branches of
5 government shall be nonvoting, ex officio members, (b) no less than
6 three young adults currently or previously in foster care, which
7 may be filled on a rotating basis by members of Project Everlast
8 or a similar youth support or advocacy group, (c) one or more
9 representatives from a child welfare advocacy organization, (d)
10 one or more representatives from a child welfare service agency,
11 and (e) one or more representatives from an agency providing
12 independent living services.

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

17 Sec. 14. (1) The department shall submit a state plan
18 amendment by October 15, 2013, to seek federal Title IV-E funding
19 under 42 U.S.C. 672 and 42 U.S.C. 673 for the extended services
20 program pursuant to the Young Adult Voluntary Services and Support
21 Act.

22 (2) The extended services or the state-extended
23 guardianship assistance program under either subsection (3) or (4)
24 of this section shall not begin prior to January 1, 2014.

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

26 (a) The department shall implement the extended services
27 program in accordance with the federal Fostering Connections to

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

12 (b) The department shall implement a state-extended
13 guardianship assistance program. The state-extended guardianship
14 assistance program shall not be construed to create an entitlement.
15 Under the state-extended guardianship assistance program, a young
16 adult (i) for whom the state has entered into a guardianship
17 assistance agreement at sixteen years of age or older that
18 is not with a licensed relative and (ii) who meets at least
19 one of the conditions of eligibility under subdivisions (1)
20 through (5) of section 11 of this act, the department shall
21 continue making guardianship assistance payments on behalf of
22 such young adult until he or she attains twenty-one years of
23 age to the extent possible within funds appropriated for the
24 state-extended guardianship assistance program. It is the intent
25 of the Legislature to appropriate four hundred thousand dollars
26 for fiscal years 2013-14 and 2014-15 for the state-extended
27 guardianship assistance program.

1 (4) If the state plan amendment is denied, the department
2 shall implement the extended services program as a state-only pilot
3 program within sixty days after the department receives the notice
4 of denial. If implemented as a state-only pilot program, it is the
5 intent of the Legislature to appropriate two million dollars for
6 fiscal years 2013-14 and 2014-15 for such state-only pilot program.
7 The department shall administer the state-only pilot program to
8 serve as many eligible young adults as possible within the funds
9 appropriated. If a state-only pilot program is established, the
10 Young Adult Voluntary Services and Support Advisory Committee
11 shall make recommendations to the department and the Nebraska
12 Children's Commission regarding eligibility criteria and private or
13 alternative funding options within thirty days after the department
14 receives the notice of denial.

15 (5) Prior to January 1, 2014, the department shall adopt
16 and promulgate rules and regulations to carry out the Young Adult
17 Voluntary Services and Support Act.

18 (6) All references to the United States Code in the Young
19 Adult Voluntary Services and Support Act refer to sections of the
20 code as such sections existed on January 1, 2013.

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

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

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

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

26 (3) Within thirty days after an order awarding a juvenile
27 to the care of the department, an association, or an individual

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

1 filed with the court by the department pursuant to this subsection.

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

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

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

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

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

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

3 43-905 (1) The Department of Health and Human Services
4 shall be the legal guardian of all children committed to
5 it. The department shall afford temporary care and shall use
6 special diligence to provide suitable homes for such children.
7 The department shall make reasonable efforts to accomplish
8 joint-sibling placement or sibling visitation or ongoing
9 interaction between siblings as provided in section 43-1311.02.
10 The department is authorized to place such children in suitable
11 families for adoption, foster care, or guardianship or, in the
12 discretion of the department, on a written contract.

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

17 (3) Whenever any child who has been committed to the
18 department becomes self-supporting, the department shall declare
19 that fact and the guardianship of the department shall cease.
20 Thereafter the child shall be entitled to his or her own earnings.
21 Guardianship of and services by the department shall never extend
22 beyond the age of majority, except that services by the department
23 to a child shall continue until the child reaches the age of
24 twenty-one if the child is a student regularly attending a
25 school, college, or university or regularly attending a course
26 of vocational or technical training designed to prepare such child
27 for gainful employment or the child receives extended services

1 and support as provided in the Young Adult Voluntary Services and
2 Support Act.

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

8 (5) Whenever permanent free homes for the children cannot
9 be obtained, the department shall have the authority to provide and
10 pay for the maintenance of the children in private families, in
11 foster care, in guardianship, in boarding homes, or in institutions
12 for care of children.

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

15 43-1311.03 (1) When a child placed in foster care turns
16 sixteen years of age or enters foster care and is at least sixteen
17 years of age, a written independent living transition proposal
18 shall be developed by the Department of Health and Human Services
19 at the direction and involvement of the child to prepare for the
20 transition from foster care to adulthood. The transition proposal
21 shall be personalized based on the child's needs. The transition
22 proposal shall include, but not be limited to, the following needs:

- 23 (a) Education;
- 24 (b) Employment services and other workforce support;
- 25 (c) Health and health care coverage;
- 26 (d) Financial assistance, including education on credit
27 card financing, banking, and other services;

1 (e) Housing;

2 (f) Relationship development; and

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

6 (2) The transition proposal shall be developed and
7 frequently reviewed by the department in collaboration with the
8 child's transition team. The transition team shall be comprised
9 of the child, the child's caseworker, the child's guardian ad
10 litem, individuals selected by the child, and individuals who have
11 knowledge of services available to the child.

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

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

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

21 (6) A child adjudicated to be a juvenile described in
22 subdivision (3)(a) of section 43-247 and who is in an out-of-home
23 placement shall receive information regarding the Young Adult
24 Voluntary Services and Support Act and the extended services and
25 support available under the act. The department shall create a
26 clear and developmentally appropriate written notice discussing the
27 rights of eligible young adults to receive extended services and

1 support. The notice shall include information about eligibility
2 and requirements to receive extended services and support, the
3 extended services and support that young adults are eligible to
4 receive, and how young adults can access the extended services and
5 support. The notice shall also include information about the young
6 adult's right to request a client-directed attorney to represent
7 the young adult pursuant to section 10 of this act and the benefits
8 and role of an attorney. The department shall disseminate this
9 information to all children who were adjudicated to be a juvenile
10 described in subdivision (3) (a) of section 43-247 and who are in an
11 out-of-home placement at sixteen years of age and yearly thereafter
12 until nineteen years of age, and not later than ninety days
13 prior to the child's last court review before attaining nineteen
14 years of age or being discharged from foster care to independent
15 living. In addition to providing the written notice, not later
16 than ninety days prior to the child's last court review before
17 attaining nineteen years of age or being discharged from foster
18 care to independent living, a representative of the department
19 shall explain the information contained in the notice to the child
20 in person and the timeline necessary to avoid a lapse in services
21 and support.

22 ~~(6)~~ (7) On or before the date the child reaches nineteen
23 years of age, the department shall provide the child a certified
24 copy of the child's birth certificate and facilitate securing a
25 federal social security card when the child is eligible for such
26 card. All fees associated with securing the certified copy shall be
27 waived by the state.

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

3 71-1902 (1) Except as otherwise provided in this section,
4 no person shall furnish or offer to furnish foster care for one
5 or more children not related to such person by blood, marriage,
6 or adoption without having in full force and effect a written
7 license issued by the department upon such terms and conditions
8 as may be prescribed by general rules and regulations adopted
9 and promulgated by the department. The department may issue a
10 time-limited, nonrenewable provisional license to an applicant who
11 is unable to comply with all licensure requirements and standards,
12 is making a good faith effort to comply, and is capable of
13 compliance within the time period stated in the license. The
14 department may issue a time-limited, nonrenewable probationary
15 license to a licensee who agrees to establish compliance with rules
16 and regulations that, when violated, do not present an unreasonable
17 risk to the health, safety, or well-being of the foster children in
18 the care of the applicant. No license shall be issued pursuant to
19 this section unless the applicant has completed the required hours
20 of training in foster care as prescribed by the department.

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

1 the renewal application. No license issued pursuant to this section
2 shall be renewed unless the licensee has completed the required
3 hours of training in foster care in the preceding twelve months as
4 prescribed by the department. For the issuance or renewal of each
5 nonprovisional and nonprobationary license, the department shall
6 charge a fee of fifty dollars for a group home, fifty dollars for a
7 child-caring agency, and fifty dollars for a child-placing agency.
8 For the issuance of each provisional license and each probationary
9 license, the department shall charge a fee of twenty-five dollars
10 for a group home, twenty-five dollars for a child-caring agency,
11 and twenty-five dollars for a child-placing agency. A license may
12 be revoked for cause, after notice and hearing, in accordance with
13 rules and regulations adopted and promulgated by the department.

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

18 ~~(3)~~ (4) For purposes of this section:

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

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

27 (c) Child-caring agency means an organization which is

1 organized as a corporation or a limited liability company for the
2 purpose of providing care for children in buildings maintained by
3 the organization for that purpose; and

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

7 Sec. 19. If any section in this act or any part of any
8 section is declared invalid or unconstitutional, the declaration
9 shall not affect the validity or constitutionality of the remaining
10 portions.

11 Sec. 20. Original sections 43-285, 43-905, 43-1311.03,
12 and 71-1902, Revised Statutes Cumulative Supplement, 2012, are
13 repealed.

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