

ONE HUNDRED THIRD LEGISLATURE - SECOND SESSION - 2014
COMMITTEE STATEMENT
LB853

Hearing Date: Wednesday January 22, 2014
Committee On: Health and Human Services
Introducer: McGill
One Liner: Change and rename the Young Adult Voluntary Services and Support Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier
Nay:
Absent:
Present Not Voting:

Proponents:	Representing:
Senator Amanda McGill	District 26
Mickey Alder	Project Everlast
Sarah Helvey	Nebraska Appleseed
Kristina Dellacroce	Project Everlast
Linda M. Cox	Foster Care Review Office

Opponents:	Representing:
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Neutral:	Representing:
Karen Authier	Nebraska Children's Commission

Summary of purpose and/or changes:

The purpose of the bill is to change and rename the Young Adult Voluntary Services and Support Act to the Young Adult Bridge to Independence Act and make changes to the program.

43-284.02 is amended so that payments made on behalf of a child who has been a ward of the Department of Health and Human Services ("the Department") after the appointment of a guardian will no longer terminate on or before the child's nineteenth birthday if the child is eligible for extended guardianship assistance pursuant to 43-4511 and 43-4514.

43-905 is amended so guardianship of, and services by, the Department shall continue until the child reaches the age of twenty-one if the child is in the bridge to independence program regardless whether the child is regularly attending school or training programs.

43-4503 is amended to define the bridge to independence program as the extended services and support available to a young adult under the bridges program, exclusive of the state-extended guardianship assistance program in 43-4514(3)(b).

43-4507(1) is amended so that, if a young adult chooses to terminate the voluntary services and support agreement, the Department shall provide information about and contact information for community resources that may benefit the young adult, specifically including information regarding state programs established pursuant to 42 U.S.C. 677 (the John H.

Chafee Foster Care Independence Program).

43-4507(2) is amended so that, if the department determines that a young adult is no longer eligible, an independence coordinator shall meet with that young adult to explain the information in the termination notice, and to assist the young adult in reestablishing eligibility if he or she wishes to do so. The young adult's right to appeal the termination includes any other administrative action or inaction by the Department as allowed under the Administrative Procedure Act.

43-4507) (3) adds that, if a young adult remains in the bridge to independence program until he or she attains twenty-one years of age, the Department shall provide him or her with written notice of the termination and with information about and contact information for community resources that may benefit the young adult, specifically including information regarding state programs established pursuant to 42 U.S.C. 677 (the John H. Chafee Foster Care Independence Program).

LB 853 requires that within forty-five days the Department shall file a petition with the juvenile court regarding the youth and the signed voluntary agreement. 43-4508 is amended to extend to the juvenile court the jurisdiction to conduct permanency reviews. The bill outlines the permanency review process under the bridges program. At the direction of a young adult, the Department shall prepare and present to the juvenile court a report 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. The court shall determine whether the bridge to independence program is providing the appropriate services and support provided for in the voluntary services and support agreement, the bridges program, the department's policies, state law, or federal law to help the young adult move toward permanency and self-sufficiency, and the court has the authority to do so. If the court believes the young adult requires additional services and support, it may make appropriate findings or order the department to take action to ensure that the young adult receives those services and support. At least thirty days before each permanency or case review, the independence coordinator shall meet with the young adult under review to notify the young adult of the date, time, and location of the review, explain its purpose, identify and assist in making arrangements for the attendance of additional persons the young adult would like to attend the hearing, and help the young adult prepare for issues of concern that may arise in the review.

45-4509 is amended so that the Department shall seek to facilitate the participation of the young adult when conducting its periodic case review. Reviews shall be conducted informally and, whenever possible, scheduled at times that allow for the attendance and participation of the young adult. At the end of each case review, the reviewer shall notify the young adult of the young adult's right to request an additional permanency review or a client-directed attorney, as well as explain the benefits and necessary procedures to obtain either.

Explanation of amendments:

The Committee Amendment addresses some technical concerns raised by the Department of Health and Human Services (DHHS) in the hearing on LB 853.

The Amendment:

Adds language to strengthen and clarify the purpose of extended guardianship and adoption subsidies to clarify that guardians and adoptive parents receiving assistance funds shall use those subsidies for the benefit of the young adult. The department shall adopt and promulgate rules and regulations defining what services and supports may be included.

Clarifies that creation of a health care power of attorney for young adults is optional and not mandatory for all young adults in the program. This is consistent with the federal Affordable Care Act (ACA).

Removes the requirement that DHHS conduct a re-determination of income eligibility on young adults in the program for purposes of Title IV-E because this might result in the disqualification of individuals who otherwise would have remained eligible for IV-E funds.

Clarifies that independence coordinators must "make an effort to meet" with young adults who are being terminated from the program rather than "shall meet", because the young adult may be unwilling to meet with the independence coordinator.

Strikes the requirement in LB 853 that independence coordinators "help the young adult prepare for how he or she may respond to issues of concern that may arise in the review" when meeting with young adults 30 days prior to each permanency or case review. This amendment addresses concerns that the language might result in independence coordinators acting beyond their professional training and inappropriately providing legal advice.

Changes the title of the "Young Adult Voluntary Services and Support Advisory Committee" to the "Bridge to Independence Advisory Committee."

Kathy Campbell, Chairperson