

AMENDMENTS TO LB243

Introduced by Bolz, 29.

1 1. Insert the following new sections:

2 Sec. 10. Section 43-284.02, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

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

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

17 Sec. 11. Section 43-285, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:

19 43-285 (1) When the court awards a juvenile to the care of the
20 Department of Health and Human Services, an association, or an individual
21 in accordance with the Nebraska Juvenile Code, the juvenile shall, unless
22 otherwise ordered, become a ward and be subject to the legal custody and
23 care of the department, association, or individual to whose care he or
24 she is committed. Any such association and the department shall have
25 authority, by and with the assent of the court, to determine the care,
26 placement, medical services, psychiatric services, training, and
27 expenditures on behalf of each juvenile committed to it. Any such

1 association and the department shall be responsible for applying for any
2 health insurance available to the juvenile, including, but not limited
3 to, medical assistance under the Medical Assistance Act. Such custody and
4 care shall not include the guardianship of any estate of the juvenile.

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

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

26 (c) The last court hearing before jurisdiction pursuant to
27 subdivision (3)(a) of section 43-247 is terminated for a child who is
28 sixteen years of age or older shall be called the independence hearing.
29 In addition to other matters and requirements to be addressed at this
30 hearing, the independence hearing shall address the child's future goals
31 and plans and access to services and support for the transition from

1 foster care to adulthood consistent with section 43-1311.03 and the Young
2 Adult Bridge to Independence Act. The child shall not be required to
3 attend the independence hearing, but efforts shall be made to encourage
4 and enable the child's attendance if the child wishes to attend,
5 including scheduling the hearing at a time that permits the child's
6 attendance. An independence coordinator as provided in section 43-4506
7 shall attend the hearing if reasonably practicable, but the department is
8 not required to have legal counsel present. At the independence hearing,
9 the court shall advise the child about the bridge to independence program
10 including, if applicable, the right of young adults in the bridge to
11 independence program to request a court appointed client-directed
12 attorney under subsection (1) of section 43-4510 and the benefits and
13 role of such attorney and to request additional permanency review
14 hearings in the bridge to independence program under subsection (5) of
15 section 43-4508 and how to request such a hearing. The court shall also
16 advise the child, if applicable, of the rights he or she is giving up if
17 he or she chooses not to participate in the bridge to independence
18 program and the option to enter such program at any time between nineteen
19 and twenty-one years of age if the child meets the eligibility
20 requirements of section 43-4504. The department shall present information
21 to the court regarding other community resources that may benefit the
22 child, specifically information regarding state programs established
23 pursuant to 42 U.S.C. 677.

24 (3) Within thirty days after an order awarding a juvenile to the
25 care of the department, an association, or an individual and until the
26 juvenile reaches the age of majority, the department, association, or
27 individual shall file with the court a report stating the location of the
28 juvenile's placement and the needs of the juvenile in order to effectuate
29 the purposes of subdivision (1) of section 43-246. The department,
30 association, or individual shall file a report with the court once every
31 six months or at shorter intervals if ordered by the court or deemed

1 appropriate by the department, association, or individual. Every six
2 months, the report shall provide an updated statement regarding the
3 eligibility of the juvenile for health insurance, including, but not
4 limited to, medical assistance under the Medical Assistance Act. The
5 department, association, or individual shall file a report and notice of
6 placement change with the court and shall send copies of the notice to
7 all interested parties at least seven days before the placement of the
8 juvenile is changed from what the court originally considered to be a
9 suitable family home or institution to some other custodial situation in
10 order to effectuate the purposes of subdivision (1) of section 43-246.
11 The court, on its own motion or upon the filing of an objection to the
12 change by an interested party, may order a hearing to review such a
13 change in placement and may order that the change be stayed until the
14 completion of the hearing. Nothing in this section shall prevent the
15 court on an ex parte basis from approving an immediate change in
16 placement upon good cause shown. The department may make an immediate
17 change in placement without court approval only if the juvenile is in a
18 harmful or dangerous situation or when the foster parents request that
19 the juvenile be removed from their home. Approval of the court shall be
20 sought within twenty-four hours after making the change in placement or
21 as soon thereafter as possible. The department shall provide the
22 juvenile's guardian ad litem with a copy of any report filed with the
23 court by the department pursuant to this subsection.

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

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

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

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

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

18 Sec. 12. Section 43-905, Revised Statutes Cumulative Supplement,
19 2014, is amended to read:

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

29 (2) The contract shall provide (a) for the children's education in
30 the public schools or otherwise, (b) for teaching them some useful
31 occupation, and (c) for kind and proper treatment as members of the

1 family in which they are placed.

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

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

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

28 Sec. 13. Section 43-1312.01, Revised Statutes Cumulative Supplement,
29 2014, is amended to read:

30 43-1312.01 (1) If the permanency plan for a child established
31 pursuant to section 43-1312 does not recommend return of the child to his

1 or her parent or that the child be placed for adoption, the juvenile
2 court may place the child in a guardianship in a relative home as defined
3 in section 71-1901, in a kinship home as defined in section 71-1901, or
4 with an individual as provided in section 43-285 if:

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

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

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

10 (d) The guardian:

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

13 (ii) Has made a commitment to provide for the financial, medical,
14 physical, and emotional needs of the child until the child reaches the
15 age of majority or until the termination of extended guardianship
16 assistance payments and medical care pursuant to section 43-4511—or
17 ~~43-4514~~;

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

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

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

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

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

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

31 (d) Shall require that the guardian not return the child to the

1 physical care and custody of the person from whom the child was removed
2 without prior approval of the court.

3 (3) The juvenile court shall retain jurisdiction over the child for
4 modification or termination of the guardianship order. The court shall
5 discontinue permanency reviews and case reviews and shall relieve the
6 Department of Health and Human Services of the responsibility of
7 supervising the placement of the child. Notwithstanding the retention of
8 juvenile court jurisdiction, the guardianship placement shall be
9 considered permanent for the child.

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

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

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

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

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

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

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

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

7 Sec. 14. Section 43-4501, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:

9 43-4501 Sections 43-4501 to 43-4514 and section 12 of this act shall
10 be known and may be cited as the Young Adult Bridge to Independence Act.

11 Sec. 15. Section 43-4503, Revised Statutes Cumulative Supplement,
12 2014, is amended to read:

13 43-4503 For purposes of the Young Adult Bridge to Independence Act:

14 (1) Bridge to independence program means the extended services and
15 support available to a young adult under the Young Adult Bridge to
16 Independence Act other than extended the state-extended guardianship
17 assistance program described in section 43-4511 and extended adoption
18 assistance described in section 43-4512 subdivision (3)(b) of section
19 43-4514;

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

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

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

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

31 (6) Young adult means an individual who has attained nineteen years

1 of age but who has not attained twenty-one years of age.

2 Sec. 16. Section 43-4504, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 43-4504 The bridge to independence program is available, on a
5 voluntary basis, to a young adult:

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

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

16 (3) Who is:

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

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

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

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

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

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

30 Sec. 17. Section 43-4505, Revised Statutes Cumulative Supplement,
31 2014, is amended to read:

1 43-4505 Extended services and support provided under the bridge to
2 independence program include, but are not limited to:

3 (1) Medical care under the medical assistance program for young
4 adults who meet the eligibility requirements of section 43-4504 and have
5 signed a voluntary services and support agreement as provided in section
6 43-4506;

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

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

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

30 (3) Case management services that are young-adult driven. Case
31 management shall be a continuation of the independent living transition

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

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

1 or apply for other immigration relief that the young adult may be
2 eligible for;

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

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

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

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

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

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

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

24 Sec. 18. Section 43-4506, Revised Statutes Cumulative Supplement,
25 2014, is amended to read:

26 43-4506 (1) If a young adult chooses to participate in the bridge to
27 independence program and is eligible under section 43-4504, the young
28 adult and the department shall sign, and the young adult shall be
29 provided a copy of, a voluntary services and support agreement that
30 includes, at a minimum, information regarding all of the following:

31 (a) The requirement that the young adult continue to be eligible

1 under section 43-4504 for the duration of the voluntary services and
2 support agreement and any other expectations of the young adult;

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

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

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

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

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

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

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

30 (6) As soon as possible after the young adult is determined eligible
31 for the bridge to independence program under section 43-4504 and signs

1 the voluntary services and support agreement, the department shall
2 conduct a determination of income eligibility for purposes of Title IV-E
3 of the federal Social Security Act, 42 U.S.C. 672.

4 Sec. 19. Section 43-4508, Revised Statutes Cumulative Supplement,
5 2014, is amended to read:

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

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

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

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

13 (5) The court shall conduct a hearing for permanency review
14 consistent with 42 U.S.C. 675(5)(C) as described in subsection (6) of
15 this section regarding the voluntary services and support agreement at
16 least once per year and may conduct such hearing at additional times, but
17 not more times than is reasonably practicable, at the request of the
18 young adult, the department, or any other party to the proceeding. Upon
19 the filing of the petition as provided in subsection (1) of this section
20 or anytime thereafter, the young adult may request in the voluntary
21 services and support agreement or by other appropriate means, a time
22 frame in which the young adult prefers to have the permanency review
23 hearing scheduled and the court shall seek to accommodate the request as
24 practicable and consistent with 42 U.S.C. 675(5)(C). The juvenile court
25 may request the appointment of a hearing officer pursuant to section
26 24-230 to conduct permanency review hearings. The department is not
27 required to have legal counsel present at such hearings. The juvenile
28 court shall conduct the permanency reviews in an expedited manner and
29 shall issue findings and orders, if any, as speedily as possible.

30 (6)(a) The primary purpose of the permanency review is to ensure
31 that the bridge to independence program is providing the young adult with

1 the needed services and support to help the young adult move toward
2 permanency and self-sufficiency. This shall include that, in all
3 permanency reviews or hearings regarding the transition of the young
4 adult from foster care to independent living, the court shall consult, in
5 an age-appropriate manner, with the young adult regarding the proposed
6 permanency or transition plan for the young adult. The young adult shall
7 have a clear self-advocacy role in the permanency review in accordance
8 with section 43-4510, and the hearing shall support the active engagement
9 of the young adult in key decisions. Permanency reviews shall be
10 conducted on the record and in an informal manner and, whenever possible,
11 outside of the courtroom.

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

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

30 (7) All pleadings, filings, documents, and reports filed pursuant to
31 this section and subdivision (11) of section 43-247 shall be

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

12 Sec. 20. Section 43-4511, Revised Statutes Cumulative Supplement,
13 2014, is amended to read:

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

- 28 (a) The young adult is completing secondary education or an
29 educational program leading to an equivalent credential;
30 (b) The young adult is enrolled in an institution that provides
31 postsecondary or vocational education;

1 (c) The young adult is employed for at least eighty hours per month;
2 (d) The young adult is participating in a program or activity
3 designed to promote employment or remove barriers to employment; or
4 (e) The young adult is incapable of doing any part of the activities
5 in subdivisions (1)(a) through (d) of this section due to a medical
6 condition, which incapacity must be supported by regularly updated
7 information in the case plan of the young adult.

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

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

15 Sec. 21. (1) Young adults who are eligible to participate under
16 both extended guardianship assistance as provided in section 43-4511 and
17 the bridge to independence program as provided in subdivision (2)(b) of
18 section 43-4504 may choose to participate in either program.

19 (2) The department shall create a clear and developmentally
20 appropriate written notice discussing the rights of young adults who are
21 eligible under both extended guardianship assistance and the bridge to
22 independence program. The notice shall explain the benefits and
23 responsibilities and the process to apply. The department shall provide
24 the written notice and make efforts to provide a verbal explanation to a
25 young adult with respect to whom a kinship guardianship assistance
26 agreement was in effect pursuant to 42 U.S.C. 673 if the young adult had
27 attained sixteen years of age before the agreement became effective or
28 with respect to whom a state-funded guardianship assistance agreement was
29 in effect if the young adult had attained sixteen years of age before the
30 agreement became effective. The department shall provide the notice
31 yearly thereafter until such young adult reaches nineteen years of age

1 and not later than ninety days prior to the young adult attaining
2 nineteen years of age.

3 Sec. 22. Section 43-4512, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 43-4512 (1) The department shall provide extended adoption
6 assistance and medical care under the medical assistance program for a
7 young adult who is at least nineteen years of age but less than twenty-
8 one years of age and with respect to whom an adoption assistance
9 agreement was in effect if the young adult had attained sixteen years of
10 age before the agreement became effective if the young adult began
11 ~~receiving adoption assistance at sixteen years of age or older~~ and meets
12 at least one of the following conditions of eligibility:

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

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

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

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

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

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

29 Sec. 23. Section 43-4513, Revised Statutes Cumulative Supplement,
30 2014, is amended to read:

31 43-4513 (1) On or before July 1, 2013, the Nebraska Children's

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

1 submitted electronically.

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

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

16 Sec. 24. Section 43-4514, Revised Statutes Cumulative Supplement,
17 2014, is amended to read:

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

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

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

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

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

31 (4) If the state plan amendment is denied, the department shall

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

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

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

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

21 Sec. 25. Section 71-824, Revised Statutes Cumulative Supplement,
22 2014, is amended to read:

23 71-824 No later than January 1, 2010, the department shall provide
24 post-adoption and post-guardianship case management services for adoptive
25 and guardianship families of former state wards on a voluntary basis. The
26 department shall notify adoptive parents and guardians of the
27 availability of such services and the process to access such services and
28 that such services are provided on a voluntary basis. Notification shall
29 be in writing and shall be provided at the time of finalization of the
30 adoption agreement or completion of the guardianship and each six months
31 thereafter until dissolution of the adoption, until termination of the

1 guardianship, until the former state ward attains nineteen years of age,
2 or until extended guardianship assistance payments and medical care are
3 terminated pursuant to section 43-4511—~~or~~ 43-4514, whichever is earlier.
4 Post-adoption and post-guardianship case management services under this
5 section shall be administered by the Division of Children and Family
6 Services and shall be evaluated. The evaluation shall include, but not be
7 limited to, the number and percentage of persons receiving such services
8 and the degree of problem resolution reported by families receiving such
9 services.

10 Sec. 26. Sections 1 to 9 of this act becomes operative three
11 calendar months after the adjournment of this legislative session. The
12 other sections of this act become operative on their effective date.

13 Sec. 27. Original sections 43-284.02, 43-285, 43-905, 43-1312.01,
14 43-4501, 43-4503, 43-4504, 43-4505, 43-4506, 43-4508, 43-4511, 43-4512,
15 43-4513, 43-4514, and 71-824, Revised Statutes Cumulative Supplement,
16 2014, are repealed.

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