

E AND R AMENDMENTS TO LB 746

Introduced by Hansen, 26, Chairman Enrollment and Review

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

3 Section 1. Sections 1 to 14 of this act shall be known and may be
4 cited as the Nebraska Strengthening Families Act.

5 Sec. 2. The Legislature finds that every day a parent makes
6 important decisions about his or her child's participation in activities
7 and that a caregiver for a child in out-of-home care is faced with making
8 the same decisions for a child in his or her care.

9 The Legislature also finds that, when a caregiver makes decisions,
10 he or she must consider applicable laws, rules, and regulations to
11 safeguard the health and safety of a child in out-of-home care and that
12 those laws, rules, and regulations have commonly been interpreted to
13 prohibit children in out-of-home care from participating in
14 extracurricular, enrichment, cultural, and social activities.

15 The Legislature further finds that participation in these types of
16 activities is important to a child's well-being, not only emotionally,
17 but in developing valuable life skills.

18 It is the intent of the Legislature to recognize the importance of
19 making every effort to normalize the lives of children in out-of-home
20 care and to empower a caregiver to approve or disapprove a child's
21 participation in activities based on the caregiver's own assessment using
22 a reasonable and prudent parent standard.

23 Sec. 3. For purposes of the Nebraska Strengthening Families Act:

24 (1) Age or developmentally appropriate means activities or items
25 that are generally accepted as suitable for a child of the same
26 chronological age or level of maturity or that are determined to be
27 developmentally appropriate for a child, based on the development of

1 cognitive, emotional, physical, and behavioral capacities that are
2 typical for an age or age group and, in the case of a specific child,
3 activities or items that are suitable for the child based on the
4 developmental stages attained by the child with respect to the cognitive,
5 emotional, physical, and behavioral capacities of the child;

6 (2) Caregiver means a foster parent with whom a child in foster care
7 has been placed or a designated official for a child-care institution in
8 which a child in foster care has been placed;

9 (3) Child-care institution has the definition found in 42 U.S.C.
10 672(c), as such section existed on January 1, 2016, and also includes the
11 definition of residential child-caring agency as found in section
12 71-1926;

13 (4) Department means the Department of Health and Human Services;

14 (5) Foster family home has the definition found in 42 U.S.C. 672(c),
15 as such section existed on January 1, 2016, and also includes the
16 definition as found in section 71-1901; and

17 (6) Reasonable and prudent parent standard means the standard
18 characterized by careful and sensible parental decisions that maintain
19 the health, safety, and best interest of a child while at the same time
20 encouraging the emotional and developmental growth of the child that a
21 caregiver shall use when determining whether to allow a child in foster
22 care under the responsibility of the state to participate in
23 extracurricular, enrichment, cultural, and social activities.

24 Sec. 4. Every child placed in a foster family home or child-care
25 institution shall be entitled to participate in age or developmentally
26 appropriate extracurricular, enrichment, cultural, and social activities.

27 Sec. 5. Each caregiver shall use the reasonable and prudent parent
28 standard in determining whether to give permission for a child to
29 participate in extracurricular, enrichment, cultural, and social
30 activities. When using the reasonable and prudent parent standard, the
31 caregiver shall consider:

- 1 (1) The child's goals and input;
- 2 (2) To the extent possible, the input of the parent of the child;
- 3 (3) The child's age, maturity, and developmental level to maintain
4 the overall health and safety of the child;
- 5 (4) The potential risk factors and the appropriateness of the
6 extracurricular, enrichment, cultural, or social activity;
- 7 (5) The best interests of the child, based on information known by
8 the caregiver;
- 9 (6) The importance of encouraging the child's emotional and
10 developmental growth;
- 11 (7) The importance of providing the child with the most family-like
12 living experience possible;
- 13 (8) The behavioral history of the child and the child's ability to
14 safely participate in the proposed activity;
- 15 (9) The child's personal and cultural identity; and
- 16 (10) The individualized needs of the child.

17 Sec. 6. (1) The department shall ensure that each foster family
18 home and child-care institution has policies consistent with this section
19 and that such foster family home and child-care institution promote and
20 protect the ability of children to participate in age or developmentally
21 appropriate extracurricular, enrichment, cultural, and social activities.

22 (2) A caregiver shall use a reasonable and prudent parent standard
23 in determining whether to give permission for a child to participate in
24 extracurricular, enrichment, cultural, and social activities. The
25 caregiver shall take reasonable steps to determine the appropriateness of
26 the activity in consideration of the child's age, maturity, and
27 developmental level.

28 (3) The department shall require, as a condition of each contract
29 entered into by a child-care institution to provide foster care, the
30 presence onsite of at least one official who, with respect to any child
31 placed at the child-care institution, is designated to be the caregiver

1 who is authorized to apply the reasonable and prudent parent standard to
2 decisions involving the participation of the child in age or
3 developmentally appropriate activities, and who is provided with training
4 in how to use and apply the reasonable and prudent parent standard in the
5 same manner as foster parents are provided training in section 7 of this
6 act and who is required to consult whenever possible with the child and
7 staff members identified by the child in applying the reasonable and
8 prudent parent standard.

9 (4) The department shall also require, as a condition of each
10 contract entered into by a child-care institution to provide foster care,
11 that all children placed at the child-care institution be notified
12 verbally and in writing of the process for making a request to
13 participate in age or developmentally appropriate activities and that a
14 written notice of this process be posted in an accessible, public place
15 in the child-care institution.

16 Sec. 7. The department shall adopt and promulgate rules and
17 regulations regarding training for foster parents so that foster parents
18 will be prepared adequately with the appropriate knowledge and skills
19 relating to the reasonable and prudent parent standard for the
20 participation of the child in age or developmentally appropriate
21 activities, including knowledge and skills relating to the developmental
22 stages of the cognitive, emotional, physical, and behavioral capacities
23 of the child and knowledge and skills related to applying the standard to
24 decisions such as whether to allow the child to engage in
25 extracurricular, enrichment, cultural, and social activities, including
26 sports, field trips, and overnight activities lasting one or more days
27 and to decisions involving the signing of permission slips and arranging
28 of transportation for the child to and from extracurricular, enrichment,
29 cultural, and social activities.

30 Sec. 8. A caregiver is not liable for harm caused to a child who
31 participates in an activity approved by the caregiver or by a child who

1 participates in an activity approved by a caregiver if the caregiver has
2 acted in accordance with the reasonable and prudent parent standard. This
3 section may not be interpreted as removing or limiting any existing
4 liability protection afforded by law.

5 Sec. 9. (1) Nothing in the Nebraska Strengthening Families Act or
6 the application of the reasonable and prudent parent standard shall
7 affect the parental rights of a parent whose parental rights have not
8 been terminated pursuant to section 43-292 with respect to his or her
9 child.

10 (2) To the extent possible, a parent shall be consulted about his or
11 her views on the child's participation in age or developmentally
12 appropriate activities in the planning process. The department shall
13 document such consultation in the report filed pursuant to subsection (3)
14 of section 43-285.

15 (3) The child's participation in extracurricular, enrichment,
16 cultural, and social activities shall be considered at any family team
17 meeting.

18 Sec. 10. The department shall document in the report pursuant to
19 subsection (3) of section 43-285 the steps the department is taking to
20 ensure that:

21 (1) The child's caregiver is following the reasonable and prudent
22 parent standard;

23 (2) The child has regular, ongoing opportunities to engage in age or
24 developmentally appropriate activities;

25 (3) The department has consulted with the child in an age or
26 developmentally appropriate manner about the opportunities of the child
27 to participate in age or developmentally appropriate activities; and

28 (4) Any barriers to participation in age or developmentally
29 appropriate activities are identified and addressed.

30 Sec. 11. (1) At every dispositional, review, or permanency planning
31 hearing, the juvenile court shall make a determination regarding:

1 (a) The steps the department is taking to ensure the child's foster
2 family home or child-care institution is following the reasonable and
3 prudent parent standard;

4 (b) Whether the child has regular, ongoing opportunities to engage
5 in age or developmentally appropriate activities; and

6 (c) Whether the department has consulted with the child in an age or
7 developmentally appropriate manner about the opportunities of the child
8 to participate in such activities.

9 (2) In making this determination, the juvenile court shall ask the
10 child, in an age or developmentally appropriate manner, about his or her
11 access to regular and ongoing opportunities to engage in age or
12 developmentally appropriate activities. If the child, the guardian ad
13 litem, the caregiver, or a party to the proceeding believes that the
14 child has not had regular, ongoing opportunities to engage in such
15 activities, the juvenile court may make appropriate findings or orders to
16 ensure the child has regular, ongoing opportunities to engage in age and
17 developmentally appropriate activities. In making such findings or
18 orders, the court shall give deference to the caregiver in making
19 decisions within the reasonable and prudent parent standard.

20 Sec. 12. The department and the courts shall work collaboratively
21 to remove or reduce barriers to a child's participation in age or
22 developmentally appropriate activities.

23 Sec. 13. (1) The plan as provided in subsection (2) of section
24 43-285 for any child in a foster family home or child-care institution
25 who has attained fourteen years of age shall include:

26 (a) A document that describes the rights of the child with respect
27 to education, health, visitation, and court participation, the right to
28 be provided with a copy of any consumer report pursuant to 42 U.S.C.
29 675(5)(I), as such section existed on January 1, 2016, and the right to
30 stay safe and avoid exploitation. The document shall also describe the
31 right of the child to be provided documents relating to his or her

1 education, health, visitation, court participation, and the right to stay
2 safe and avoid exploitation. The document shall also describe additional
3 rights of the child, including, but not limited to, the right to:

- 4 (i) Understand the system or systems in which the child is involved;
5 (ii) Have his or her voice heard in his or her case;
6 (iii) Maintain family connections;
7 (iv) Access personal information;
8 (v) Honest and clear communication;
9 (vi) Have his or her basic needs met;
10 (vii) Learn life skills needed to successfully transition to
11 adulthood; and

12 (viii) Live in the most family-like setting that is safe, healthy,
13 and comfortable and meets the child's needs; and

14 (b) A signed acknowledgment by the child that the child has been
15 provided with a copy of the document described in this section and that
16 the rights contained in the document have been explained to the child in
17 an age or developmentally appropriate manner.

18 (2) The document shall be provided to the child in a hard copy and
19 offered to the child within seventy-two hours of being placed in a foster
20 family home or child-care institution and at every dispositional, review,
21 and permanency planning hearing.

22 (3) The department shall require, as a condition of each contract
23 entered into by a child-care institution to provide foster care, that the
24 child-care institution publicly post the document described in this
25 section in an accessible location.

26 Sec. 14. The department shall adopt and promulgate rules and
27 regulations to carry out the Nebraska Strengthening Families Act and
28 shall revoke any rules or regulations inconsistent with the act by
29 October 15, 2016.

30 Sec. 15. Section 43-272.01, Revised Statutes Supplement, 2015, is
31 amended to read:

1 43-272.01 (1) A guardian ad litem as provided for in subsections (2)
2 and (3) of section 43-272 shall be appointed when a child is removed from
3 his or her surroundings pursuant to subdivision (2) or (3) of section
4 43-248, subsection (2) of section 43-250, or section 43-251. If removal
5 has not occurred, a guardian ad litem shall be appointed at the
6 commencement of all cases brought under subdivision (3)(a) or (7) of
7 section 43-247 and section 28-707.

8 (2) In the course of discharging duties as guardian ad litem, the
9 person so appointed shall consider, but not be limited to, the criteria
10 provided in this subsection. The guardian ad litem:

11 (a) Is appointed to stand in lieu of a parent for a protected
12 juvenile who is the subject of a juvenile court petition, shall be
13 present at all hearings before the court in such matter unless expressly
14 excused by the court, and may enter into such stipulations and agreements
15 concerning adjudication and disposition deemed by him or her to be in the
16 juvenile's best interests;

17 (b) Is not appointed to defend the parents or other custodian of the
18 protected juvenile but shall defend the legal and social interests of
19 such juvenile. Social interests shall be defined generally as the usual
20 and reasonable expectations of society for the appropriate parental
21 custody and protection and quality of life for juveniles without regard
22 to the socioeconomic status of the parents or other custodians of the
23 juvenile;

24 (c) May at any time after the filing of the petition move the court
25 of jurisdiction to provide medical or psychological treatment or
26 evaluation as set out in section 43-258. The guardian ad litem shall have
27 access to all reports resulting from any examination ordered under
28 section 43-258, and such reports shall be used for evaluating the status
29 of the protected juvenile;

30 (d) Shall make every reasonable effort to become familiar with the
31 needs of the protected juvenile which (i) shall include consultation with

1 the juvenile in his or her respective placement within two weeks after
2 the appointment and once every six months thereafter, unless the court
3 approves other methods of consultation as provided in subsection (6) of
4 this section, and inquiry of the most current caseworker, foster parent,
5 or other custodian and (ii) may include inquiry of others directly
6 involved with the juvenile or who may have information or knowledge about
7 the circumstances which brought the juvenile court action or related
8 cases and the development of the juvenile, including biological parents,
9 physicians, psychologists, teachers, and clergy members;

10 (e) May present evidence and witnesses and cross-examine witnesses
11 at all evidentiary hearings. In any proceeding under this section
12 relating to a child of school age, certified copies of school records
13 relating to attendance and academic progress of such child are admissible
14 in evidence;

15 (f) Shall be responsible for making written reports and
16 recommendations to the court at every dispositional, review, or
17 permanency planning hearing regarding (i) the temporary and permanent
18 placement of the protected juvenile, (ii) the type and number of contacts
19 with the juvenile, (iii) the type and number of contacts with other
20 individuals described in subdivision (d) of this subsection, (iv) the
21 child's access to regular, ongoing opportunities to engage in age or
22 developmentally appropriate activities and any barriers to the child's
23 participation in such activities, (v) whether the guardian ad litem has
24 discussed with the child, if applicable pursuant to section 13 of this
25 act, the rights of the child, in an age or developmentally appropriate
26 manner, including inquiring of the child if the child believes any of his
27 or her rights have been violated, (vi) the efforts to involve or engage
28 the child in the development of his or her case plan pursuant to
29 subdivision (1)(g) of section 43-1312 and, if applicable, his or her
30 transition proposal, pursuant to subsection (4) of section 43-1311.03,
31 (vii) the efforts to prepare the child to participate in court, in an age

1 or developmentally appropriate manner, if the child desires to
2 participate in court, (viii) whether the transition proposal includes the
3 services needed to assist the child to make the transition from foster
4 care to adulthood, if applicable pursuant to section 43-1311.03, (ix) the
5 requirements of subsection (4) of section 43-1312, if applicable, and (x)
6 any further relevant information on a form prepared by the Supreme Court.
7 As an alternative to the written reports and recommendations, the court
8 may provide the guardian ad litem with a checklist that shall be
9 completed and presented to the court at every dispositional or review
10 hearing. A copy of the written reports and recommendations to the court
11 or a copy of the checklist presented to the court shall also be submitted
12 to the Foster Care Review Office for any juvenile in foster care
13 placement as defined in section 43-1301;

14 (g) Shall consider such other information as is warranted by the
15 nature and circumstances of a particular case; and

16 (h) May file a petition in the juvenile court on behalf of the
17 juvenile, including a supplemental petition as provided in section
18 43-291.

19 (3) Nothing in this section shall operate to limit the discretion of
20 the juvenile court in protecting the best interests of a juvenile who is
21 the subject of a juvenile court petition.

22 (4) For purposes of subdivision (2)(d) of this section, the court
23 may order the expense of such consultation, if any, to be paid by the
24 county in which the juvenile court action is brought or the court may,
25 after notice and hearing, assess the cost of such consultation, if any,
26 in whole or in part to the parents of the juvenile. The ability of the
27 parents to pay and the amount of the payment shall be determined by the
28 court by appropriate examination.

29 (5) The guardian ad litem may be compensated on a per-case
30 appointment system or pursuant to a system of multi-case contracts.
31 Regardless of the method of compensation, billing hours and expenses for

1 court-appointed guardian ad litem services shall be submitted to the
2 court for approval and shall be recorded on a written, itemized billing
3 statement signed by the attorney responsible for the case. Billing hours
4 and expenses for guardian ad litem services rendered under a contract for
5 such services shall be submitted to the entity with whom the guardian ad
6 litem contracts in the form and manner prescribed by such entity for
7 approval. Case time for guardian ad litem services shall be scrupulously
8 accounted for by the attorney responsible for the case. Additionally, in
9 the case of a multi-lawyer firm or organization retained for guardian ad
10 litem services, the name of the attorney or attorneys assigned to each
11 guardian ad litem case shall be recorded.

12 (6) The guardian ad litem shall meet in person with the juvenile for
13 purposes of the consultation required by subdivision (2)(d) of this
14 section unless prohibited or made impracticable by exceptional
15 circumstances, including, but not limited to, situations in which an
16 unreasonable geographical distance is involved between the location of
17 the guardian ad litem and the juvenile. When such exceptional
18 circumstances exist, the guardian ad litem shall attempt such
19 consultation by other reasonable means, including, but not limited to, by
20 telephone or suitable electronic means, if the juvenile is of sufficient
21 age and capacity to participate in such means of communication and there
22 are no other barriers preventing such means of communication. If
23 consultation by telephone or suitable electronic means is not feasible,
24 the guardian ad litem shall seek direction from the court as to any other
25 acceptable method by which to accomplish consultation required by
26 subdivision (2)(d) of this section.

27 Sec. 16. Section 43-285, Revised Statutes Supplement, 2015, is
28 amended to read:

29 43-285 (1) When the court awards a juvenile to the care of the
30 Department of Health and Human Services, an association, or an individual
31 in accordance with the Nebraska Juvenile Code, the juvenile shall, unless

1 otherwise ordered, become a ward and be subject to the legal custody and
2 care of the department, association, or individual to whose care he or
3 she is committed. Any such association and the department shall have
4 authority, by and with the assent of the court, to determine the care,
5 placement, medical services, psychiatric services, training, and
6 expenditures on behalf of each juvenile committed to it. Any such
7 association and the department shall be responsible for applying for any
8 health insurance available to the juvenile, including, but not limited
9 to, medical assistance under the Medical Assistance Act. Such custody and
10 care shall not include the guardianship of any estate of the juvenile.

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

18 (b) The department shall provide opportunities for the child, in an
19 age or developmentally appropriate manner, to be consulted in the
20 development of his or her plan.

21 (c) ~~b~~ The department shall include in the plan for a child who is
22 fourteen ~~sixteen~~ years of age or older and subject to the legal care and
23 custody of the department a written independent living transition
24 proposal which meets the requirements of section 43-1311.03 and, for
25 eligible children, the Young Adult Bridge to Independence Act. The
26 juvenile court shall provide a copy of the plan to all interested parties
27 before the hearing. The court may approve the plan, modify the plan,
28 order that an alternative plan be developed, or implement another plan
29 that is in the child's best interests. In its order the court shall
30 include a finding regarding the appropriateness of the programs and
31 services described in the proposal designed to help the child prepare for

1 the transition from foster care to a successful adulthood. The court
2 shall also ask the child, in an age or developmentally appropriate
3 manner, if he or she participated in the development of his or her plan
4 and make a finding regarding the child's participation in the development
5 of his or her plan ~~assist the child in acquiring independent living~~
6 ~~skills~~. Rules of evidence shall not apply at the dispositional hearing
7 when the court considers the plan that has been presented.

8 (d e) The last court hearing before jurisdiction pursuant to
9 subdivision (3)(a) of section 43-247 is terminated for a child who is
10 sixteen years of age or older shall be called the independence hearing.
11 In addition to other matters and requirements to be addressed at this
12 hearing, the independence hearing shall address the child's future goals
13 and plans and access to services and support for the transition from
14 foster care to adulthood consistent with section 43-1311.03 and the Young
15 Adult Bridge to Independence Act. The child shall not be required to
16 attend the independence hearing, but efforts shall be made to encourage
17 and enable the child's attendance if the child wishes to attend,
18 including scheduling the hearing at a time that permits the child's
19 attendance. An independence coordinator as provided in section 43-4506
20 shall attend the hearing if reasonably practicable, but the department is
21 not required to have legal counsel present. At the independence hearing,
22 the court shall advise the child about the bridge to independence
23 program, including, if applicable, the right of young adults in the
24 bridge to independence program to request a court-appointed, client-
25 directed attorney under subsection (1) of section 43-4510 and the
26 benefits and role of such attorney and to request additional permanency
27 review hearings in the bridge to independence program under subsection
28 (5) of section 43-4508 and how to request such a hearing. The court shall
29 also advise the child, if applicable, of the rights he or she is giving
30 up if he or she chooses not to participate in the bridge to independence
31 program and the option to enter such program at any time between nineteen

1 and twenty-one years of age if the child meets the eligibility
2 requirements of section 43-4504. The department shall present information
3 to the court regarding other community resources that may benefit the
4 child, specifically information regarding state programs established
5 pursuant to 42 U.S.C. 677. The court shall also make a finding as to
6 whether the child has received the documents as required by subsection
7 (9) of section 43-1311.03.

8 (3) Within thirty days after an order awarding a juvenile to the
9 care of the department, an association, or an individual and until the
10 juvenile reaches the age of majority, the department, association, or
11 individual shall file with the court a report stating the location of the
12 juvenile's placement and the needs of the juvenile in order to effectuate
13 the purposes of subdivision (1) of section 43-246. The department,
14 association, or individual shall file a report with the court once every
15 six months or at shorter intervals if ordered by the court or deemed
16 appropriate by the department, association, or individual. Every six
17 months, the report shall provide an updated statement regarding the
18 eligibility of the juvenile for health insurance, including, but not
19 limited to, medical assistance under the Medical Assistance Act. The
20 department, association, or individual shall file a report and notice of
21 placement change with the court and shall send copies of the notice to
22 all interested parties at least seven days before the placement of the
23 juvenile is changed from what the court originally considered to be a
24 suitable family home or institution to some other custodial situation in
25 order to effectuate the purposes of subdivision (1) of section 43-246.
26 The court, on its own motion or upon the filing of an objection to the
27 change by an interested party, may order a hearing to review such a
28 change in placement and may order that the change be stayed until the
29 completion of the hearing. Nothing in this section shall prevent the
30 court on an ex parte basis from approving an immediate change in
31 placement upon good cause shown. The department may make an immediate

1 change in placement without court approval only if the juvenile is in a
2 harmful or dangerous situation or when the foster parents request that
3 the juvenile be removed from their home. Approval of the court shall be
4 sought within twenty-four hours after making the change in placement or
5 as soon thereafter as possible. The department shall provide the
6 juvenile's guardian ad litem with a copy of any report filed with the
7 court by the department pursuant to this subsection.

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

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

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

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

27 (8) The executive director and any agent or employee of the Foster
28 Care Review Office or any member of any local foster care review board
29 participating in an investigation or making any report pursuant to the
30 Foster Care Review Act or participating in a judicial proceeding pursuant
31 to this section shall be immune from any civil liability that would

1 otherwise be incurred except for false statements negligently made.

2 Sec. 17. Section 43-1311.03, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 43-1311.03 (1) When a child placed in foster care turns fourteen
5 ~~sixteen~~ years of age or enters foster care and is at least fourteen
6 ~~sixteen~~ years of age, a written independent living transition proposal
7 shall be developed by the Department of Health and Human Services at the
8 direction and involvement of the child to prepare for the transition from
9 foster care to successful adulthood. Any revision or addition to such
10 proposal shall also be made in consultation with the child. The
11 transition proposal shall be personalized based on the child's needs and
12 shall describe the services needed for the child to transition to a
13 successful adulthood. The transition proposal shall include, but not be
14 limited to, the following needs and the services needed for the child to
15 transition to a successful adulthood:

16 (a) Education;

17 (b) Employment services and other workforce support;

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

22 (d) Behavioral health treatment and support needs and access to such
23 treatment and support;

24 (e d) Financial assistance, including education on credit card
25 financing, banking, and other services;

26 (f e) Housing;

27 (g f) Relationship development and permanent connections; and

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

31 (2) The transition proposal shall be developed and frequently

1 reviewed by the department in collaboration with the child's transition
2 team. The transition team shall be comprised of the child, the child's
3 caseworker, the child's guardian ad litem, individuals selected by the
4 child, and individuals who have knowledge of services available to the
5 child. One of the individuals selected by the child may be designated as
6 the child's advisor and, as necessary, advocate for the child with
7 respect to the application of the reasonable and prudent parent standard
8 and for the child on normalcy activities. The department may reject an
9 individual selected by the child to be a member of the team if the
10 department has good cause to believe the individual would not act in the
11 best interests of the child.

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

17 (4) The transition proposal shall document what efforts were made to
18 involve and engage the child in the development of the transition
19 proposal and any revisions or additions to the transition proposal. The
20 court shall ask the child, in an age or developmentally appropriate
21 manner, about his or her involvement in the development of the transition
22 proposal and any revisions or additions to such proposal. The court shall
23 make a finding as to the child's involvement in the development of the
24 transition proposal and any revisions or additions to such proposal.

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

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

31 (7) The department shall provide without cost a copy of any consumer

1 report as defined in 15 U.S.C. 1681a(d), as such section existed on
2 January 1, 2016, pertaining to the child each year until the child is
3 discharged from care and assistance, including when feasible, from the
4 child's guardian ad litem, in interpreting and resolving any inaccuracies
5 in the report.

6 (8 6) A child adjudicated to be a juvenile described in subdivision
7 (3)(a) of section 43-247 and who is in an out-of-home placement shall
8 receive information regarding the Young Adult Bridge to Independence Act
9 and the bridge to independence program available under the act. The
10 department shall create a clear and developmentally appropriate written
11 notice discussing the rights of eligible young adults to participate in
12 the program. The notice shall include information about eligibility and
13 requirements to participate in the program, the extended services and
14 support that young adults are eligible to receive under the program, and
15 how young adults can be a part of the program. The notice shall also
16 include information about the young adult's right to request a client-
17 directed attorney to represent the young adult pursuant to section
18 43-4510 and the benefits and role of an attorney. The department shall
19 disseminate this information to all children who were adjudicated to be a
20 juvenile described in subdivision (3)(a) of section 43-247 and who are in
21 an out-of-home placement at sixteen years of age and yearly thereafter
22 until nineteen years of age, and not later than ninety days prior to the
23 child's last court review before attaining nineteen years of age or being
24 discharged from foster care to independent living. In addition to
25 providing the written notice, not later than ninety days prior to the
26 child's last court review before attaining nineteen years of age or being
27 discharged from foster care to independent living, a representative of
28 the department shall explain the information contained in the notice to
29 the child in person and the timeline necessary to avoid a lapse in
30 services and support.

31 (9 7) On or before the date the child reaches eighteen or nineteen

1 years of age or twenty-one years of age if the child participates in the
2 bridge to independence program, if the child is leaving foster care, the
3 department shall provide the child with:

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

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

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

13 (d) A driver's license or identification card issued by a state in
14 accordance with the requirements of section 202 of the REAL ID Act of
15 2005, as such section existed on January 1, 2016;

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

17 (f) A credit report check;

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

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

25 (i) Written information, including, but not limited to, contact
26 information, for disability resources or benefits that may assist the
27 child as an adult, specifically including information regarding state
28 programs established pursuant to 42 U.S.C. 677, as such section existed
29 on January 1, 2016, and disability benefits, including supplemental
30 security income pursuant to 42 U.S.C. 1382 et seq., as such sections
31 exited on January 1, 2016, or social security disability insurance

1 pursuant to 42 U.S.C. 423, as such section existed on January 1, 2016, if
2 the child may be eligible as an adult;

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

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

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

11 (m) Written information on how to access personal documents in the
12 future.

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

16 The transition proposal shall document that the child was provided
17 all of the documents listed in this subsection. The court shall make a
18 finding as to whether the child has received the documents as part of the
19 independence hearing as provided in subdivision (2)(d) of section 43-285.

20 Sec. 18. Section 43-1312, Revised Statutes Cumulative Supplement,
21 2014, is amended to read:

22 43-1312 (1) Following the investigation conducted pursuant to
23 section 43-1311 and immediately following the initial placement of the
24 child, the person or court in charge of the child shall cause to be
25 established a safe and appropriate plan for the child. The plan shall
26 contain at least the following:

27 (a) The purpose for which the child has been placed in foster care;

28 (b) The estimated length of time necessary to achieve the purposes
29 of the foster care placement;

30 (c) A description of the services which are to be provided in order
31 to accomplish the purposes of the foster care placement;

1 (d) The person or persons who are directly responsible for the
2 implementation of such plan;

3 (e) A complete record of the previous placements of the foster
4 child;~~and~~

5 (f) The name of the school the child shall attend as provided in
6 section 43-1311; and -

7 (g) The efforts made to involve and engage the child in the
8 development of such plan.

9 (2) If the return of the child to his or her parents is not likely
10 based upon facts developed as a result of the investigation, the
11 Department of Health and Human Services shall recommend termination of
12 parental rights and referral for adoption, guardianship, placement with a
13 relative, or, as a last resort, and only in the case of a child who has
14 attained sixteen years of age, another planned permanent living
15 arrangement. If the child is removed from his or her home, the department
16 shall make reasonable efforts to accomplish joint-sibling placement or
17 sibling visitation or ongoing interaction between the siblings as
18 provided in section 43-1311.02.

19 (3) Each child in foster care under the supervision of the state
20 shall have a permanency hearing by a court, no later than twelve months
21 after the date the child enters foster care and annually thereafter
22 during the continuation of foster care. The court's order shall include
23 the determinations required by section 11 of this act and a finding
24 regarding the appropriateness of the permanency plan determined for the
25 child and shall include whether, and if applicable when, the child will
26 be:

27 (a) Returned to the parent;

28 (b) Referred to the state for filing of a petition for termination
29 of parental rights;

30 (c) Placed for adoption;

31 (d) Referred for guardianship; or

1 (e) In cases where the state agency has documented to the court a
2 compelling reason for determining that it would not be in the best
3 interests of the child to return home, (i) referred for termination of
4 parental rights, (ii) placed for adoption with a fit and willing
5 relative, or (iii) placed with a guardian.

6 (4) In the case of any child age sixteen years of age or older for
7 whom another planned permanent living arrangement is the recommended or
8 court-approved permanency plan:

9 (a) The permanency plan shall include the identification of
10 significant, supportive connections with identified adults willing to be
11 consistently involved in the child's life as the child transitions to
12 adulthood;

13 (b) The department shall document the intensive, ongoing, and, as of
14 the date of the hearing, unsuccessful efforts made by the department to
15 return the child home or secure a placement for the child with a fit and
16 willing relative, a legal guardian, or an adoptive parent; and

17 (c) The court shall:

18 (i) Ask the child about the desired permanency outcome for the
19 child;

20 (ii) Make a determination explaining why, as of the date of the
21 hearing, another planned permanent living arrangement is the best
22 permanency plan for the child and the compelling reasons why it continued
23 to not be in the best interests of the child to return home, be placed
24 for adoption, be placed with a legal guardian, or be placed with a fit
25 and willing relative; and

26 (iii) Make a determination that the department has met the
27 requirements in subdivisions (a) and (b) of this subsection before
28 approving a permanency plan of another planned permanent living
29 arrangement for a child sixteen years of age or older.

30 Sec. 19. (1) The Normalcy Task Force is created. The Normalcy Task
31 Force shall monitor and make recommendations regarding the implementation

1 of the federal Preventing Sex Trafficking and Strengthening Families Act,
2 Public Law 113-183, as such act existed on January 1, 2016, in Nebraska.

3 (2) The members of the task force shall include, but not be limited
4 to, (a) representatives from the legislative, executive, and judicial
5 branches of government. The representatives from the legislative and
6 judicial branches shall be nonvoting, ex officio members, (b) no fewer
7 than three young adults currently or previously in foster care which may
8 be filled on a rotating basis by members of Project Everlast or a similar
9 youth support or advocacy group, (c) a representative from the juvenile
10 probation system, (d) the executive director of the Foster Care Review
11 Office, (e) one or more representatives from a child welfare advocacy
12 organization, (f) one or more representatives from a child welfare
13 service agency, (g) one or more representatives from an agency providing
14 independent living services, (h) one or more representatives of a child-
15 care institution, (i) one or more current or former foster parents, (j)
16 one or more parents who have experience in the foster care system, and
17 (k) one or more professionals who have relevant practical experience such
18 as a caseworker.

19 (3) On or before July 1, 2016, the Nebraska Children's Commission
20 shall appoint the members of the task force. Members of the task force
21 shall be appointed for terms of two years. The commission shall appoint a
22 chairperson or chairpersons of the task force and may fill vacancies on
23 the task force as such vacancies occur.

24 (4) The task force shall provide a written report with
25 recommendations regarding the initial and ongoing implementation of the
26 federal Preventing Sex Trafficking and Strengthening Families Act, as
27 such act existed on January 1, 2016, and related efforts to improve
28 normalcy for children in foster care and related populations to the
29 Nebraska Children's Commission, the Health and Human Services Committee
30 of the Legislature, the department, and the Governor by December 15 of
31 each year. The report to the Health and Human Services Committee of the

1 Legislature shall be submitted electronically.

2 Sec. 20. This act becomes operative on July 1, 2016.

3 Sec. 21. Original sections 43-1311.03 and 43-1312, Revised Statutes
4 Cumulative Supplement, 2014, and sections 43-272.01 and 43-285, Revised
5 Statutes Supplement, 2015, are repealed.

6 Sec. 22. Since an emergency exists, this act takes effect when
7 passed and approved according to law.

8 2. On page 1, line 7, after the second semicolon insert "to provide
9 an operative date;".