

AMENDMENTS TO LB226

Introduced by Judiciary.

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

3           Section 1. Section 43-1311.03, Reissue Revised Statutes of Nebraska,  
4 is amended to read:

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

18           (a) Education;

19           (b) Employment services and other workforce support;

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

24           (d) Behavioral health treatment and support needs and access to such  
25 treatment and support;

26           (e) Financial assistance, including education on credit card  
27 financing, banking, and other services;

1 (f) Housing;

2 (g) Relationship development and permanent connections;~~and~~

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

6 (i) Information, planning, and assistance to obtain a driver's  
7 license as allowed under state law and consistent with subdivision (9)(b)  
8 (iv) of this section, including, but not limited to, providing the child  
9 with a copy of a driver's manual, identifying driver safety courses and  
10 resources to access a driver safety course, and identifying potential  
11 means to access a motor vehicle for such purposes.

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

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

30 (4) The transition proposal shall document what efforts were made to  
31 involve and engage the child in the development of the transition

1 proposal and any revisions or additions to the transition proposal. As  
2 provided in the Nebraska Strengthening Families Act, the court shall ask  
3 the child, in an age or developmentally appropriate manner, about his or  
4 her involvement in the development of the transition proposal and any  
5 revisions or additions to such proposal. As provided in the Nebraska  
6 Strengthening Families Act, the court shall make a finding as to the  
7 child's involvement in the development of the transition proposal and any  
8 revisions or additions to such proposal.

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

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

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

21 (8) A child adjudicated to be a juvenile described in subdivision  
22 (3)(a) of section 43-247 and who is in an out-of-home placement shall  
23 receive information regarding the Young Adult Bridge to Independence Act  
24 and the bridge to independence program available under the act. The  
25 department shall create a clear and developmentally appropriate written  
26 notice discussing the rights of eligible young adults to participate in  
27 the program. The notice shall include information about eligibility and  
28 requirements to participate in the program, the extended services and  
29 support that young adults are eligible to receive under the program, and  
30 how young adults can be a part of the program. The notice shall also  
31 include information about the young adult's right to request a client-

1 directed attorney to represent the young adult pursuant to section  
2 43-4510 and the benefits and role of an attorney. The department shall  
3 disseminate this information to all children who were adjudicated to be a  
4 juvenile described in subdivision (3)(a) of section 43-247 and who are in  
5 an out-of-home placement at sixteen years of age and yearly thereafter  
6 until nineteen years of age, and not later than ninety days prior to the  
7 child's last court review before attaining nineteen years of age or being  
8 discharged from foster care to independent living. In addition to  
9 providing the written notice, not later than ninety days prior to the  
10 child's last court review before attaining nineteen years of age or being  
11 discharged from foster care to independent living, a representative of  
12 the department shall explain the information contained in the notice to  
13 the child in person and the timeline necessary to avoid a lapse in  
14 services and support.

15 (9)(a) The department shall provide the child with the documents,  
16 information, and other materials described in subdivision (9)(b) of this  
17 section, (i) if the child is leaving foster care, on ~~(9) 0n~~ or before the  
18 date the child reaches eighteen or nineteen years of age or twenty-one  
19 years of age if the child participates in the bridge to independence  
20 program, and (ii) at the age or as otherwise prescribed in subdivision  
21 (9)(b) of this section. if the child is leaving foster care, the

22 (b) The department shall provide the child with:

23 (i) On or before the date the child reaches fourteen years of age,  
24 or as soon as possible after the child enters foster care for a child who  
25 enters foster care after attaining the age of fourteen years, and again  
26 prior to leaving foster care, a ~~(a)~~ A certified copy of the child's birth  
27 certificate and facilitate securing a federal social security card if  
28 ~~when~~ the child is eligible for such card;

29 (ii) ~~(b)~~ Health insurance information and all documentation required  
30 for enrollment in medicaid coverage for former foster care children as  
31 available under the federal Patient Protection and Affordable Care Act,

1 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act and section existed on  
2 January 1, 2013;

3 (iii) ~~(c)~~ A copy of the child's medical records;

4 (iv) ~~(d)~~ A driver's license or identification card issued by a state  
5 in accordance with the requirements of section 202 of the REAL ID Act of  
6 2005, as such section existed on January 1, 2016, and when requested by a  
7 child fourteen years of age or older, all documents necessary to obtain  
8 such license or card;

9 (v) ~~(e)~~ A copy of the child's educational records;

10 (vi) ~~(f)~~ A credit report check;

11 (vii) ~~(g)~~ Contact information, with permission, for family members,  
12 including siblings, with whom the child can maintain a safe and  
13 appropriate relationship, and other supportive adults;

14 (viii) ~~(h)~~ A list of local community resources, including, but not  
15 limited to, support groups, health clinics, mental and behavioral health  
16 and substance abuse treatment services and support, pregnancy and  
17 parenting resources, and employment and housing agencies;

18 (ix) ~~(i)~~ Written information, including, but not limited to, contact  
19 information, for disability resources or benefits that may assist the  
20 child as an adult, specifically including information regarding state  
21 programs established pursuant to 42 U.S.C. 677, as such section existed  
22 on January 1, 2016, and disability benefits, including supplemental  
23 security income pursuant to 42 U.S.C. 1382 et seq., as such sections  
24 existed on January 1, 2016, or social security disability insurance  
25 pursuant to 42 U.S.C. 423, as such section existed on January 1, 2016, if  
26 the child may be eligible as an adult;

27 (x) ~~(j)~~ An application for public assistance and information on how  
28 to access the system to determine public assistance eligibility;

29 (xi) ~~(k)~~ A letter prepared by the department that verifies the  
30 child's name and date of birth, dates the child was in foster care, and  
31 whether the child was in foster care on his or her eighteenth,

1 nineteenth, or twenty-first birthday and enrolled in medicaid while in  
2 foster care;

3 (xii) ~~(1)~~ Written information about the child's Indian heritage or  
4 tribal connection, if any; and

5 (xiii) ~~(m)~~ Written information on how to access personal documents  
6 in the future.

7 (c) All fees associated with securing the certified copy of the  
8 child's birth certificate or obtaining a driver's ~~an operator's~~ license  
9 or a state identification card shall be waived by the state.

10 (d) The transition proposal shall document that the child was  
11 provided all of the documents listed in this subsection. The court shall  
12 make a finding as to whether the child has received the documents as part  
13 of the independence hearing as provided in subdivision (2)(d) of section  
14 43-285.

15 Sec. 2. Section 43-4218, Revised Statutes Supplement, 2017, is  
16 amended to read:

17 43-4218 (1) ~~(1)~~(a) ~~The Normalcy Task Force is created. On July 1,~~  
18 ~~2017, the Normalcy Task Force shall become the Nebraska Strengthening~~  
19 ~~Families Act Committee is created. The committee~~ ~~(b)(i)~~ ~~Beginning July 1,~~  
20 ~~2016, until July 1, 2017, the Normalcy Task Force shall monitor and make~~  
21 ~~recommendations regarding the implementation in Nebraska of the federal~~  
22 ~~Preventing Sex Trafficking and Strengthening Families Act, Public Law~~  
23 ~~113-183, as such act existed on January 1, 2016. (ii) On and after July~~  
24 ~~1, 2017, the Nebraska Strengthening Families Act Committee shall monitor~~  
25 and make recommendations regarding the implementation in Nebraska of the  
26 federal Preventing Sex Trafficking and Strengthening Families Act, Public  
27 Law 113-183, as such act existed on January 1, 2017, and the Nebraska  
28 Strengthening Families Act.

29 (2) ~~The~~ ~~Until July 1, 2017, the members of the task force, and on~~  
30 ~~and after July 1, 2017, the members of the committee shall include, but~~  
31 not be limited to, (a) representatives from the legislative, executive,

1 and judicial branches of government. The representatives from the  
2 legislative and judicial branches shall be nonvoting, ex officio members,  
3 (b) no fewer than three young adults currently or previously in foster  
4 care which may be filled on a rotating basis by members of Project  
5 Everlast or a similar youth support or advocacy group, (c) a  
6 representative from the juvenile probation system, (d) the executive  
7 director of the Foster Care Review Office, (e) one or more  
8 representatives from a child welfare advocacy organization, (f) one or  
9 more representatives from a child welfare service agency, (g) one or more  
10 representatives from an agency providing independent living services, (h)  
11 one or more representatives of a child-care institution as defined in  
12 section 43-4703, (i) one or more current or former foster parents, (j)  
13 one or more parents who have experience in the foster care system, (k)  
14 one or more professionals who have relevant practical experience such as  
15 a caseworker, and (l) one or more guardians ad litem who practice in  
16 juvenile court.

17 (3) ~~The On or before July 1, 2016, the Nebraska Children's~~  
18 ~~Commission shall appoint the members of the task force. On July 1, 2017,~~  
19 ~~the members of the task force shall become members of the committee. The~~  
20 members of the committee serving on July 1, 2017, shall serve the amount  
21 of time remaining on their initial terms of office, and are eligible for  
22 reappointment by the Nebraska Children's Commission. Members shall be  
23 appointed for terms of two years. The commission shall appoint a  
24 chairperson or chairpersons of the committee and may fill vacancies on  
25 the committee as such vacancies occur.

26 (4) The committee shall provide a written report with  
27 recommendations regarding the initial and ongoing implementation of the  
28 federal Preventing Sex Trafficking and Strengthening Families Act, as  
29 such act existed on January 1, 2017, and the Nebraska Strengthening  
30 Families Act and related efforts to improve normalcy for children in  
31 foster care and related populations to the Nebraska Children's

1 Commission, the Health and Human Services Committee of the Legislature,  
2 the Department of Health and Human Services, and the Governor by December  
3 15 of each year. The report to the Health and Human Services Committee of  
4 the Legislature shall be submitted electronically.

5 (5) The Nebraska Strengthening Families Act Committee, with  
6 assistance from and in collaboration with the Department of  
7 Administrative Services, the Department of Health and Human Services, the  
8 Department of Insurance, and the Department of Motor Vehicles, shall  
9 examine the costs and benefits of implementing or supporting a program  
10 under which children in foster care may be insured under a motor vehicle  
11 insurance policy. The committee shall submit its recommendations to the  
12 Nebraska Children's Commission, the Department of Health and Human  
13 Services, and the Health and Human Services Committee of the Legislature  
14 on or before September 15, 2019. The report to the Health and Human  
15 Services Committee of the Legislature shall be submitted electronically.

16 Sec. 3. Section 43-4704, Revised Statutes Supplement, 2017, is  
17 amended to read:

18 43-4704 (1) Every child placed by the department in a foster family  
19 home or child-care institution shall be entitled to access to reasonable  
20 opportunities to participate in age or developmentally appropriate  
21 extracurricular, enrichment, cultural, and social activities.

22 (2) A child in foster care shall not be required, by virtue of his  
23 or her status as a child in foster care, to meet any more requirements  
24 for a driver's license under the Motor Vehicle Operator's License Act  
25 than any other child applying for the same license.

26 Sec. 4. Section 43-4708, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 43-4708 (1) A caregiver is not liable for harm caused to a child  
29 who participates in an activity approved by the caregiver or by a child  
30 who participates in an activity approved by a caregiver if the caregiver  
31 has acted in accordance with the reasonable and prudent parent standard.



1           (2) A caregiver of a child in foster care who obtains a driver's  
2 license as described in subsection (9) of section 43-1311.03 is not  
3 liable for harm caused to the child or by the child, for actions arising  
4 from the child learning to drive or driving a motor vehicle, if the  
5 caregiver has acted in accordance with the reasonable and prudent parent  
6 standard.

7           (3) This section may not be interpreted as removing or limiting any  
8 existing liability protection afforded by law.

9           Sec. 5. Original sections 43-1311.03 and 43-4708, Reissue Revised  
10 Statutes of Nebraska, and sections 43-4218 and 43-4704, Revised Statutes  
11 Supplement, 2017, are repealed.