LEGISLATIVE BILL 179

Introduced by Bolz, 29.

Read first time January 10, 2017

Committee: Health and Human Services

A BILL FOR AN ACT relating to children and youth; to amend sections 29-2260.02, 43-1311.03, 43-4502, 43-4504, 43-4505, 43-4508, 43-4510, 43-4511.01, and 43-4514, Reissue Revised Statutes of Nebraska, and section 71-1902, Revised Statutes Cumulative Supplement, 2016; to change provisions relating to the Title IV-E state plan and a written independent living transition proposal as prescribed; to change provisions relating to intent, eligibility, extended services and support, and court-appointed representation under the Young Adult Bridge to Independence Act; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 29-2260.02, Reissue Revised Statutes of Nebraska, is amended to read:

29-2260.02 The Department of Health and Human Services, as the single state agency administering the Title IV-E state plan, shall, no later than October 1, 2018, has the authority to enter into the agreement with the Office of Probation Administration to act as a surrogate of the Department of Health and Human Services to administer the Title IV-E state plan for children it has placement and care authority of. The Department of Health and Human Services as the public agency administering or supervising the administration of the Title IV-E state plan in accordance with section 472(a)(2)(B)(ii) of the federal Social Security Act, 42 U.S.C. 672(a)(2)(B)(ii), to obtain federal reimbursement for allowable maintenance, administrative, and training expenses in accordance with Title IV-E of the federal Social Security Act, Public Law 96-272, Public Law 105-89, and Public Law 110-351, maintains the ultimate responsibility to supervise the Office of Probation Administration's activities regarding the Title IV-E requirements for eligible children served under the agreement. In coordinating the interagency agreement prior to October 1, 2018, the Department of Health and Human Services and the Office of Probation Administration shall make such recommendations as necessary to the Legislature regarding any needed changes to Nebraska statutes to comply with federal law in obtaining federal reimbursement.

The Office of Probation Administration has placement and care responsibility for juveniles in out-of-home placement, also known as foster care, described in subdivision (1), (2), (3)(b), or (4) of section 43-247. Placement and care constitutes accountability for the day-to-day care and protection of juveniles. The responsibility of having placement and care includes the development of an individual case plan for the juvenile, including periodic review of the appropriateness and suitability of the plan and the foster care placement, to ensure that proper care and services are provided to facilitate return to the
juvenile's own home or to make an alternative placement. The case plan activities include such items as assessing family strength and needs, identifying and using community resources, and the periodic review and determination of continued appropriateness of placement. Placement and care does not include rights retained by the legal custodian, including, but not limited to, provisions and decisions surrounding education, morality, religion, discipline, and medical care.

Sec. 2. Section 43-1311.03, Reissue Revised Statutes of Nebraska, is amended to read:

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

(a) Education;

(b) Employment services and other workforce support;

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

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

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

(f) Housing;

(g) Relationship development and permanent connections; and

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

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

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

(4) The transition proposal shall document what efforts were made to
involve and engage the child in the development of the transition
proposal and any revisions or additions to the transition proposal. As
provided in the Nebraska Strengthening Families Act, the court shall ask
the child, in an age or developmentally appropriate manner, about his or
her involvement in the development of the transition proposal and any
revisions or additions to such proposal. As provided in the Nebraska
Strengthening Families Act, the court shall make a finding as to the child’s involvement in the development of the transition proposal and any revisions or additions to such proposal.

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

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

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

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

(b)(i) On and after October 1, 2018, a child adjudicated to be a juvenile as described in subdivision (1), (2), or (3)(b) of section 43-247 and who is in a court-ordered out-of-home placement in the six months prior to attaining nineteen years of age shall receive information regarding the Young Adult Bridge to Independence Act and the bridge to independence program available under the act. The Office of Probation Administration shall identify any such juvenile and provide him or her with information regarding the Young Adult Bridge to Independence Act and the bridge to independence program available under the act.

(ii) Any party to such juvenile’s court case, or the court upon its own motion, may request a hearing in the six months prior to the juvenile attaining nineteen years of age for the court to consider whether it is necessary for the juvenile to remain in the court-ordered out-of-home placement if the requesting party or the court believes it would be contrary to the juvenile’s welfare to return to the family home. The following factors may guide the court in finding whether or not return to the family home would be contrary to the juvenile’s welfare:

(A) Whether the juvenile is disconnected from family support that would assist him or her in transitioning to adulthood;

(B) Whether the juvenile faces the risk of homelessness upon closure of the juvenile court case; or

(C) Whether the Office of Probation Administration has made
reasonable efforts to return the juvenile to the family home prior to his or her nineteenth birthday.

(iii) The court shall set forth its finding in a written order. If the court finds that return to the family home would be contrary to the juvenile’s welfare, the Office of Probation Administration shall notify the Department of Health and Human Services within ten days after such finding is made. As soon as practicable thereafter and prior to the child’s nineteenth birthday, a representative of the department shall explain the information contained in the written notice described in this subsection to the juvenile in person and the timeline necessary to avoid a lapse in services and support. If the juvenile remains in a court-ordered out-of-home placement upon attaining nineteen years of age pursuant to a court order as described in section 43-4504, the department shall proceed pursuant to sections 43-4507 and 43-4508.

(9) On or before the date the child reaches eighteen or nineteen years of age or twenty-one years of age if the child participates in the bridge to independence program, if the child is leaving foster care, the department shall provide the child with:

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

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

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

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

(e) A copy of the child’s educational records;
(f) A credit report check;
(g) Contact information, with permission, for family members, including siblings, with whom the child can maintain a safe and appropriate relationship, and other supportive adults;
(h) A list of local community resources, including, but not limited to, support groups, health clinics, mental and behavioral health and substance abuse treatment services and support, pregnancy and parenting resources, and employment and housing agencies;
(i) Written information, including, but not limited to, contact information, for disability resources or benefits that may assist the child as an adult, specifically including information regarding state programs established pursuant to 42 U.S.C. 677, as such section existed on January 1, 2016, and disability benefits, including supplemental security income pursuant to 42 U.S.C. 1382 et seq., as such sections existed on January 1, 2016, or social security disability insurance pursuant to 42 U.S.C. 423, as such section existed on January 1, 2016, if the child may be eligible as an adult;
(j) An application for public assistance and information on how to access the system to determine public assistance eligibility;
(k) A letter prepared by the department that verifies the child’s name and date of birth, dates the child was in foster care, and whether the child was in foster care on his or her eighteenth, nineteenth, or twenty-first birthday and enrolled in medicaid while in foster care;
(l) Written information about the child’s Indian heritage or tribal connection, if any; and
(m) Written information on how to access personal documents in the future.

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

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

Sec. 3. Section 43-4502, Reissue Revised Statutes of Nebraska, is amended to read:

43-4502 The purpose of the Young Adult Bridge to Independence Act is to support former state wards and other youth exiting state care who are disconnected from family support and at risk of homelessness in transitioning to adulthood, becoming self-sufficient, and creating permanent relationships. The bridge to independence program shall at all times recognize and respect the autonomy of the young adult. Nothing in the Young Adult Bridge to Independence Act shall be construed to abrogate any other rights that a person who has attained nineteen years of age may have as an adult under state law.

Sec. 4. Section 43-4504, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

(2) Who was adjudicated to be a juvenile described in:

(a) Subdivision (3)(a) of section 43-247 or the equivalent under tribal law and (i) (a) upon attaining nineteen years of age, was in an out-of-home placement or had been discharged to independent living or (ii) (b) with respect to whom a kinship guardianship assistance agreement was in effect pursuant to 42 U.S.C. 673 if the young adult 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 young adult had attained sixteen years of age before the agreement became effective; or and

(b) Subdivision (1), (2), or (3)(b) of section 43-247 and (i) after October 1, 2018, upon attaining nineteen years of age, was in a court-
ordered out-of-home placement and (ii) such placement had been authorized or reauthorized in the six months prior to the juvenile attaining nineteen years of age in a court order finding that it would be contrary to the welfare of the juvenile to remain in or return to his or her family home; and

(3) Who is:

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

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

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

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

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

The changes made to subdivision (2)(a)(ii) (2)(b) of this section by Laws 2015, LB243, become operative on July 1, 2015.

Sec. 5. Section 43-4505, Reissue Revised Statutes of Nebraska, is amended to read:

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

(1) Medical care under the medical assistance program for young adults who meet the eligibility requirements of subdivision (2)(a) of section 43-4504 and have signed a voluntary services and support agreement as provided in section 43-4506;

(2) Medical care under the medical assistance program for young adults who meet the eligibility requirements of subdivision (2)(b) of section 43-4504, are eligible for a category of medical assistance pursuant to section 68-915 or other medical assistance category under
federal law, and have signed a voluntary services and support agreement as provided in section 43-4506;

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

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

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

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

(a) Obtain employment or other financial support;
(b) Obtain a government-issued identification card;
(c) Open and maintain a bank account;
(d) Obtain appropriate community resources, including health, mental health, developmental disability, and other disability services and support;
(e) When appropriate, satisfy any juvenile justice system requirements and assist with sealing the young adult's juvenile court record if the young adult is eligible under section 43-2,108.01;
(f) Complete secondary education;
(g) Apply for admission and aid for postsecondary education or vocational courses;
(h) Obtain the necessary state court findings and then apply for special immigrant juvenile status as defined in 8 U.S.C. 1101(a)(27)(J) or apply for other immigration relief that the young adult may be eligible for;
(i) Create a health care power of attorney, health care proxy, or other similar document recognized under state law, at the young adult's
option, pursuant to the federal Patient Protection and Affordable Care Act, Public Law 111-148;

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

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

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

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

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

(o) Access pregnancy and parenting resources and services.

Sec. 6. Section 43-4508, Reissue Revised Statutes of Nebraska, is amended to read:

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

(2) The department shall ensure continuity of care and eligibility
by working with a child who wants to participate in the bridge to independence program and, pursuant to section 43-4504, is likely to be eligible to participate in such program immediately following the termination of the juvenile court's jurisdiction pursuant to subdivision (3)(a) of section 43-247. The voluntary services and support agreement shall be signed and the petition filed with the court upon the child's nineteenth birthday or within ten days thereafter. There shall be no interruption in the foster care maintenance payment and medical assistance coverage for a child who is eligible and chooses to participate in the bridge to independence program immediately following the termination of the juvenile court's jurisdiction pursuant to such subdivision (3)(a) of section 43-247.

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

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

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

(6)(a) The primary purpose of the permanency review is to ensure
that the bridge to independence program is providing the young adult with
the needed services and support to help the young adult move toward
permanency and self-sufficiency. This shall include that, in all
permanency reviews or hearings regarding the transition of the young
adult from foster care to independent living, the court shall consult, in
an age-appropriate manner, with the young adult regarding the proposed
permanency or transition plan for the young adult. The young adult shall
have a clear self-advocacy role in the permanency review in accordance
with section 43-4510, and the hearing shall support the active engagement
of the young adult in key decisions. Permanency reviews shall be
conducted on the record and in an informal manner and, whenever possible,
outside of the courtroom.

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

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

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

Sec. 7. Section 43-4510, Reissue Revised Statutes of Nebraska, is amended to read:

43-4510 (1) If desired by the young adult, the young adult shall be provided a court-appointed attorney who has received training appropriate to the role. The attorney's representation of the young adult shall be client-directed. The attorney shall protect the young adult's legal rights and vigorously advocate for the young adult's wishes and goals, including assisting the young adult as necessary to ensure that the
The bridge to independence program is providing the young adult with the services and support required under the Young Adult Bridge to Independence Act. For young adults who were appointed a guardian ad litem or defense counsel before the young adult attained nineteen years of age, the guardian ad litem's or defense counsel's appointment may be continued with consent from the young adult, but under a client-directed model of representation. Before entering into a voluntary services and support agreement and at least sixty days prior to each permanency and case review, the independence coordinator shall notify the young adult of his or her right to request a client-directed attorney if the young adult would like an attorney to be appointed and shall provide the young adult with a clear and developmentally appropriate written notice regarding the young adult's right to request a client-directed attorney, the benefits and role of such attorney, and the specific steps to take to request that an attorney be appointed if the young adult would like an attorney appointed.

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

Sec. 8. Section 43-4511.01, Reissue Revised Statutes of Nebraska, is amended to read:

43-4511.01 (1) Young adults who are eligible to participate under both extended guardianship assistance as provided in section 43-4511 and the bridge to independence program as provided in subdivision (2)(a)(ii) (2)(b) of section 43-4504 may choose to participate in either program.

(2) The department shall create a clear and developmentally appropriate written notice discussing the rights of young adults who are eligible under both extended guardianship assistance and the bridge to independence program. The notice shall explain the benefits and responsibilities and the process to apply. The department shall provide
the written notice and make efforts to provide a verbal explanation to a young adult with respect to whom a kinship guardianship assistance agreement was in effect pursuant to 42 U.S.C. 673 if the young adult 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 young adult had attained sixteen years of age before the agreement became effective. The department shall provide the notice yearly thereafter until such young adult reaches nineteen years of age and not later than ninety days prior to the young adult attaining nineteen years of age.

Sec. 9. Section 43-4514, Reissue Revised Statutes of Nebraska, is amended to read:

43-4514 (1) The department shall submit an amended state plan amendment by October 15, 2015, to seek federal Title IV-E funding under 42 U.S.C. 672 for newly eligible young adults 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)(a)(ii) (2)(b) of section 43-4504.

(2) The department shall implement the bridge to independence program, extended guardianship assistance described in section 43-4511, and extended adoption assistance described in section 43-4512 in accordance with the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, 42 U.S.C. 673 and 42 U.S.C. 675(8)(B) and in accordance with requirements necessary to obtain federal Title IV-E funding under 42 U.S.C. 672 and 42 U.S.C. 673.

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

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

Sec. 10. Section 71-1902, Revised Statutes Cumulative Supplement, 2016, is amended to read:

71-1902 (1) The department shall adopt and promulgate rules and regulations on requirements for licenses, waivers, variances, and approval of foster family homes taking into consideration the health, safety, well-being, and best interests of the child. An initial assessment of a foster family home shall be completed and shall focus on the safety, protection, and immediate health, educational, developmental, and emotional needs of the child and the willingness and ability of the foster home, relative home, or kinship home to provide a safe, stable, and nurturing environment for a child for whom the department or child-placing agency has assumed responsibility.

(2)(a) Except as otherwise provided in this section, no person shall furnish or offer to furnish foster care for one or more children without having in full force and effect a written license issued by the department upon such terms and conditions as may be prescribed by general rules and regulations adopted and promulgated by the department. The terms and conditions for licensure may allow foster family homes to meet licensing standards through variances equivalent to the established standards.

(b) The department may issue a time-limited, nonrenewable provisional license to an applicant who is unable to comply with all licensure requirements and standards, is making a good faith effort to comply, and is capable of compliance within the time period stated in the license. The department may issue a time-limited, nonrenewable probationary license to a licensee who agrees to establish compliance with rules and regulations that, when violated, do not present an unreasonable risk to the health, safety, or well-being of the foster children in the care of the applicant.
(3) Kinship homes and relative homes are exempt from licensure, however, such homes should make efforts to be licensed if such license will facilitate the permanency plan of the child. The department and child-placing agencies shall, when requested or as part of the child's permanency plan, provide resources for and assistance with licensure, including, but not limited to, information on licensure, waivers for relative homes, kinship-specific and relative-specific foster care training, referral to local service providers and support groups, and funding and resources available to address home safety or other barriers to licensure.

(4) Prior to placement in a nonlicensed relative home or kinship home, approval shall be obtained from the department. Requirements for initial approval shall include, but not be limited to, the initial assessment provided for in subsection (1) of this section, a home visit to assure adequate and safe housing, and a criminal background check of all adult residents. Final approval shall include, but not be limited to, requirements as appropriate under section 71-1903. The department or child-placing agency shall provide assistance to an approved relative home or kinship home to support the care, protection, and nurturing of the child. Support may include, but not be limited to, information on licensure, waivers, and variances, kinship-specific and relative-specific foster care training, mental and physical health care, options for funding for needs of the child, and service providers and support groups to address the needs of relative and kinship parents, families, and children.

(5) All nonprovisional and nonprobationary licenses issued under sections 71-1901 to 71-1906.01 shall expire two years from the date of issuance and shall be subject to renewal under the same terms and conditions as the original license, except that if a licensee submits a completed renewal application thirty days or more before the license's expiration date, the license shall remain in effect until the department
either renews the license or denies the renewal application. No license issued pursuant to this section shall be renewed unless the licensee has completed the required hours of training in foster care in the preceding twelve months as prescribed by the department. A license may be revoked for cause, after notice and hearing, in accordance with rules and regulations adopted and promulgated by the department.

(6) A young adult continuing to reside in a foster family home as provided in subdivision (3) (2) of section 43-4505 does not constitute an unrelated adult for the purpose of determining eligibility of the family to be licensed as a foster family home.

Sec. 11. Original sections 29-2260.02, 43-1311.03, 43-4502, 43-4504, 43-4505, 43-4508, 43-4510, 43-4511.01, and 43-4514, Reissue Revised Statutes of Nebraska, and section 71-1902, Revised Statutes Cumulative Supplement, 2016, are repealed.