

AMENDMENTS TO LB848

(Amendments to Standing Committee amendments, AM2578)

Introduced by Brewer, 43.

1 1. Insert the following new sections:

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

4 43-4502 The purpose of the Young Adult Bridge to Independence Act is
5 to support former state or tribal wards in transitioning to adulthood,
6 becoming self-sufficient, and creating permanent relationships. The
7 bridge to independence program shall at all times recognize and respect
8 the autonomy of the young adult. Nothing in the Young Adult Bridge to
9 Independence Act shall be construed to abrogate any other rights that a
10 person who has attained eighteen or nineteen years of age may have as an
11 adult under state or tribal law.

12 Sec. 4. Section 43-4503, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 43-4503 For purposes of the Young Adult Bridge to Independence Act:

15 (1) Age of eligibility means:

16 (a) Nineteen years or age; or

17 (b) Eighteen years of age if the young adult has attained the age of
18 majority under tribal law;

19 (2) ~~(1)~~ Bridge to independence program means the extended services
20 and support available to a young adult under the Young Adult Bridge to
21 Independence Act other than extended guardianship assistance described in
22 section 43-4511 and extended adoption assistance described in section
23 43-4512;

24 (3) ~~(2)~~ Child means an individual who has not attained twenty-one
25 years of age;

26 (4) ~~(3)~~ Department means the Department of Health and Human

1 Services;

2 (5) (4) Supervised independent living setting means an independent
3 supervised setting, consistent with 42 U.S.C. 672(c). Supervised
4 independent living settings shall include, but not be limited to, single
5 or shared apartments, houses, host homes, college dormitories, or other
6 postsecondary educational or vocational housing;

7 (6) (5) Voluntary services and support agreement means a voluntary
8 placement agreement as defined in 42 U.S.C. 672(f) between the department
9 and a young adult as his or her own guardian; and

10 (7) (6) Young adult means an individual who has attained the age of
11 eligibility ~~nineteen years of age~~ but who has not attained twenty-one
12 years of age.

13 Sec. 5. Section 43-4504, Revised Statutes Supplement, 2019, is
14 amended to read:

15 43-4504 The bridge to independence program is available, on a
16 voluntary basis, to a young adult:

17 (1) Who has attained the age of eligibility ~~at least nineteen years~~
18 ~~of age~~;

19 (2) Who was adjudicated to be a juvenile described in subdivision
20 (3)(a) of section 43-247 or the equivalent under tribal law or who was
21 adjudicated to be a juvenile described in subdivision (8) of section
22 43-247 or the equivalent under tribal law if the young adult's
23 guardianship or state-funded adoption assistance agreement was disrupted
24 or terminated after he or she had attained the age of sixteen years and
25 ~~who~~ (a) who, upon attaining the age of eligibility ~~nineteen years of age~~,
26 was in an out-of-home placement or had been discharged to independent
27 living or (b) with respect to whom a kinship guardianship assistance
28 agreement or an adoption assistance agreement was in effect pursuant to
29 42 U.S.C. 673 if the young adult had attained sixteen years of age before
30 the agreement became effective or with respect to whom a state-funded
31 guardianship assistance agreement or a state-funded adoption assistance

1 agreement was in effect if the young adult had attained sixteen years of
2 age before the agreement became effective;

3 (3) Who is:

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

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

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

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

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

15 (4) Who is a Nebraska resident, except that this requirement shall
16 not disqualify a young adult who was a Nebraska resident but was placed
17 outside Nebraska pursuant to the Interstate Compact for the Placement of
18 Children; and

19 (5) Who does not meet the level of care for a nursing facility as
20 defined in section 71-424, for a skilled nursing facility as defined in
21 section 71-429, or for an intermediate care facility for persons with
22 developmental disabilities as defined in section 71-421.

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

25 Sec. 6. Section 43-4510, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 43-4510 (1) If desired by the young adult, the young adult shall be
28 provided a court-appointed attorney who has received training appropriate
29 to the role. The attorney's representation of the young adult shall be
30 client-directed. The attorney shall protect the young adult's legal
31 rights and vigorously advocate for the young adult's wishes and goals,

1 including assisting the young adult as necessary to ensure that the
2 bridge to independence program is providing the young adult with the
3 services and support required under the Young Adult Bridge to
4 Independence Act. For young adults who were appointed a guardian ad litem
5 before the young adult attained the age of eligibility ~~nineteen years of~~
6 ~~age~~, the guardian ad litem's appointment may be continued, with consent
7 from the young adult, but under a client-directed model of
8 representation. Before entering into a voluntary services and support
9 agreement and at least sixty days prior to each permanency and case
10 review, the independence coordinator shall notify the young adult of his
11 or her right to request a client-directed attorney if the young adult
12 would like an attorney to be appointed and shall provide the young adult
13 with a clear and developmentally appropriate written notice regarding the
14 young adult's right to request a client-directed attorney, the benefits
15 and role of such attorney, and the specific steps to take to request that
16 an attorney be appointed if the young adult would like an attorney
17 appointed.

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

22 Sec. 7. Section 43-4511, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 43-4511 (1) The department shall provide extended guardianship
25 assistance and medical care under the medical assistance program for a
26 young adult who has attained the age of eligibility ~~is at least nineteen~~
27 ~~years of age~~ but is less than twenty-one years of age and with respect to
28 whom a kinship guardianship assistance agreement was in effect pursuant
29 to 42 U.S.C. 673 if the young adult had attained sixteen years of age
30 before the agreement became effective or with respect to whom a state-
31 funded guardianship assistance agreement was in effect if the young adult

1 had attained sixteen years of age before the agreement became effective
2 and if the young adult meets at least one of the following conditions for
3 eligibility:

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

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

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

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

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

15 (2) The guardian shall ensure that any guardianship assistance funds
16 provided by the department and received by the guardian shall be used for
17 the benefit of the young adult. The department shall adopt and promulgate
18 rules and regulations defining services and supports encompassed by such
19 benefit.

20 (3) The changes made to this section by Laws 2015, LB243, become
21 operative on July 1, 2015.

22 Sec. 8. Section 43-4512, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 43-4512 (1) The department shall provide extended adoption
25 assistance and medical care under the medical assistance program for a
26 young adult who has attained the age of eligibility ~~is at least nineteen~~
27 ~~years of age~~ but is less than twenty-one years of age and with respect to
28 whom an adoption assistance agreement was in effect if the young adult
29 had attained sixteen years of age before the agreement became effective
30 and who meets at least one of the following conditions of eligibility:

31 (a) The young adult is completing secondary education or an

1 educational program leading to an equivalent credential;

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

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

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

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

11 (2) The adoptive parent or parents shall ensure that any adoption
12 assistance funds provided by the department and received by the adoptive
13 parent shall be used for the benefit of the young adult. The department
14 shall adopt and promulgate rules and regulations defining services and
15 supports encompassed by such benefit.

16 2. Renumber the remaining sections and correct the repealer
17 accordingly.