

E AND R AMENDMENTS TO LB 219

Introduced by Slama, 1, Chairman Enrollment and Review

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

3           Section 1. Section 43-1311.03, Revised Statutes Supplement, 2019, is  
4 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 by which 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) Any child who is adjudicated to be a juvenile described in  
22 (i) subdivision (3)(a) of section 43-247 and who is in an out-of-home  
23 placement or (ii) subdivision (8) of section 43-247 and whose  
24 guardianship or state-funded adoption assistance agreement was disrupted  
25 or terminated after the child had attained the age of sixteen years,  
26 shall receive information regarding the Young Adult Bridge to  
27 Independence Act and the bridge to independence program available under  
28 the act.

29 (b) The department shall create a clear and developmentally  
30 appropriate written notice discussing the rights of eligible young adults  
31 to participate in the program. The notice shall include information about

1 eligibility and requirements to participate in the program, the extended  
2 services and support that young adults are eligible to receive under the  
3 program, and how young adults can be a part of the program. The notice  
4 shall also include information about the young adult's right to request a  
5 client-directed attorney to represent the young adult pursuant to section  
6 43-4510 and the benefits and role of an attorney.

7 (c) The department shall disseminate this information to any child  
8 who was adjudicated to be a juvenile described in subdivision (3)(a) of  
9 section 43-247 and who is in an out-of-home placement at sixteen years of  
10 age and any child who was adjudicated to be a juvenile under subdivision  
11 (8) of section 43-247 and whose guardianship or state-funded adoption  
12 assistance agreement was disrupted or terminated after the child had  
13 attained the age of sixteen years. The department shall disseminate this  
14 information to any such child yearly thereafter until such child attains  
15 the age of nineteen years and not later than ninety days prior to the  
16 child's last court review before attaining nineteen years of age or being  
17 discharged from foster care to independent living. In addition to  
18 providing the written notice, not later than ninety days prior to the  
19 child's last court review before attaining nineteen years of age or being  
20 discharged from foster care to independent living, a representative of  
21 the department shall explain the information contained in the notice to  
22 the child in person and the timeline necessary to avoid a lapse in  
23 services and support.

24 (9)(a) The department shall provide the child with the documents,  
25 information, records, and other materials described in subdivision (9)(b)  
26 of this section, (i) if the child is leaving foster care, on ~~(9) or~~ or  
27 before the date the child reaches eighteen or nineteen years of age or  
28 twenty-one years of age if the child participates in the bridge to  
29 independence program, and (ii) at the age or as otherwise prescribed in  
30 subdivision (9)(b) of this section. if the child is leaving foster care,  
31 the

1           **(b)** The department shall provide the child with:

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

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

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

11          **(iv)** ~~(d)~~ A driver's license or identification card issued by a state  
12 in accordance with the requirements of section 202 of the REAL ID Act of  
13 2005, as such section existed on January 1, 2016, and when requested by a  
14 child fourteen years of age or older, all documents necessary to obtain  
15 such license or card;

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

17          **(vi)** ~~(f)~~ A credit report check;

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

25          **(ix)** ~~(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 existed 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 (x) ~~(j)~~ An application for public assistance and information on how  
4 to access the system to determine public assistance eligibility;

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

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

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

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

17 (d) The transition proposal shall document that the child was  
18 provided all of the documents listed in this subsection. The court shall  
19 make a finding as to whether the child has received the documents as part  
20 of the independence hearing as provided in subdivision (2)(d) of section  
21 43-285.

22 Sec. 2. Section 43-4704, Revised Statutes Cumulative Supplement,  
23 2018, is amended to read:

24 43-4704 (1) Every child placed by the department in a foster family  
25 home or child-care institution shall be entitled to access to reasonable  
26 opportunities to participate in age or developmentally appropriate  
27 extracurricular, enrichment, cultural, and social activities.

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

1           Sec. 3. Original section 43-4704, Revised Statutes Cumulative  
2 Supplement, 2018, and section 43-1311.03, Revised Statutes Supplement,  
3 2019, are repealed.

4           2. On page 1, strike beginning with "sections" in line 1 through  
5 line 8 and insert "section 43-4704, Revised Statutes Cumulative  
6 Supplement, 2018, and section 43-1311.03, Revised Statutes Supplement,  
7 2019; to provide requirements for foster care transition proposals and  
8 provision of materials relating to acquiring a driver's license; to  
9 provide for a child in foster care to obtain a driver's license; and to  
10 repeal the original sections."