

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 219

FINAL READING

Introduced by Wishart, 27.

Read first time January 14, 2019

Committee: Judiciary

1 A BILL FOR AN ACT relating to children; to amend section 43-4704, Revised
2 Statutes Cumulative Supplement, 2018, and sections 43-1311.03 and
3 68-1212, Revised Statutes Supplement, 2019; to provide requirements
4 for foster care transition proposals and provision of materials
5 relating to acquiring a driver's license; to provide for a child in
6 foster care to obtain a driver's license; to change provisions
7 relating to case management services and provide a duty for the
8 Director of Children and Family Services of the Division of Children
9 and Family Services of the Department of Health and Human Services;
10 and to repeal the original sections.
11 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-1311.03, Revised Statutes Supplement, 2019, is
2 amended to read:

3 43-1311.03 (1) When a child placed in foster care turns fourteen
4 years of age or enters foster care and is at least fourteen years of age,
5 a written independent living transition proposal shall be developed by
6 the Department of Health and Human Services at the direction and
7 involvement of the child to prepare for the transition from foster care
8 to successful adulthood. Any revision or addition to such proposal shall
9 also be made in consultation with the child. The transition proposal
10 shall be personalized based on the child's needs and shall describe the
11 services needed for the child to transition to a successful adulthood as
12 provided in the Nebraska Strengthening Families Act. The transition
13 proposal shall include, but not be limited to, the following needs and
14 the services needed for the child to transition to a successful adulthood
15 as provided in the Nebraska Strengthening Families Act:

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

26 (f) Housing;

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

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

31 (i) Information, planning, and assistance to obtain a driver's

1 license as allowed under state law and consistent with subdivision (9)(b)
2 (iv) of this section, including, but not limited to, providing the child
3 with a copy of a driver's manual, identifying driver safety courses and
4 resources to access a driver safety course, and identifying potential
5 means by which to access a motor vehicle for such purposes.

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

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

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

1 child's involvement in the development of the transition proposal and any
2 revisions or additions to such proposal.

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

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

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

15 (8)(a) Any child who is adjudicated to be a juvenile described in
16 (i) subdivision (3)(a) of section 43-247 and who is in an out-of-home
17 placement or (ii) subdivision (8) of section 43-247 and whose
18 guardianship or state-funded adoption assistance agreement was disrupted
19 or terminated after the child had attained the age of sixteen years,
20 shall receive information regarding the Young Adult Bridge to
21 Independence Act and the bridge to independence program available under
22 the act.

23 (b) The department shall create a clear and developmentally
24 appropriate written notice discussing the rights of eligible young adults
25 to participate in the program. The notice shall include information about
26 eligibility and requirements to participate in the program, the extended
27 services and support that young adults are eligible to receive under the
28 program, and how young adults can be a part of the program. The notice
29 shall also include information about the young adult's right to request a
30 client-directed attorney to represent the young adult pursuant to section
31 43-4510 and the benefits and role of an attorney.

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

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

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

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

30 (ii) ~~(b)~~ Health insurance information and all documentation required
31 for enrollment in medicaid coverage for former foster care children as

1 available under the federal Patient Protection and Affordable Care Act,
2 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act and section existed on
3 January 1, 2013;

4 ~~(iii) (e)~~ A copy of the child's medical records;

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

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

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

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

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

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

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

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

1 whether the child was in foster care on his or her eighteenth,
2 nineteenth, or twenty-first birthday and enrolled in medicaid while in
3 foster care;

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

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

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

11 (d) The transition proposal shall document that the child was
12 provided all of the documents listed in this subsection. The court shall
13 make a finding as to whether the child has received the documents as part
14 of the independence hearing as provided in subdivision (2)(d) of section
15 43-285.

16 Sec. 2. Section 43-4704, Revised Statutes Cumulative Supplement,
17 2018, is 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. 3. Section 68-1212, Revised Statutes Supplement, 2019, is
27 amended to read:

28 68-1212 (1) Except as provided in subsection (2) of this section,
29 for all cases in which a court has awarded a juvenile to the care of the
30 Department of Health and Human Services according to subsection (1) of
31 section 43-285 and for any noncourt and voluntary cases, the case manager

1 shall be an employee of the department. Such case manager shall be
2 responsible for and shall directly oversee: Case planning; service
3 authorization; investigation of compliance; monitoring and evaluation of
4 the care and services provided to children and families; and
5 decisionmaking regarding the determination of visitation and the care,
6 placement, medical services, psychiatric services, training, and
7 expenditures on behalf of each juvenile under subsection (1) of section
8 43-285. Such case manager shall be responsible for decisionmaking and
9 direct preparation regarding the proposed plan for the care, placement,
10 services, and permanency of the juvenile filed with the court required
11 under subsection (2) of section 43-285. The health and safety of the
12 juvenile shall be the paramount concern in the proposed plan in
13 accordance with such subsection.

14 (2) The department may contract with a lead agency for a case
15 management lead agency model pilot project in the department's eastern
16 service area as designated pursuant to section 81-3116. The department
17 shall include in the pilot project the appropriate conditions,
18 performance outcomes, and oversight for the lead agency, including, but
19 not be limited to:

20 (a) The reporting and survey requirements of lead agencies described
21 in sections 43-4406 and 43-4407;

22 (b) Departmental monitoring and functional capacities of lead
23 agencies described in section 43-4408;

24 (c) The key areas of evaluation specified in subsection (3) of
25 section 43-4409;

26 (d) Compliance and coordination with the strategic child welfare
27 priorities determined by the Nebraska Children's Commission as provided
28 in section 43-4204; and

29 (e) Assurance of financial accountability and reporting by the lead
30 agency.

31 (3) A lead agency contracted to provide community-based care for

1 children and families shall:

2 (a) Have a board of directors of which at least fifty-one percent of
3 the membership is comprised of Nebraska residents who are not employed by
4 the lead agency or by a subcontractor of the lead agency;

5 (b) Demonstrate readiness shown by the completion of Complete a
6 readiness assessment as developed by the Department of Health and Human
7 Services to determine the lead agency's viability. The readiness
8 assessment shall evaluate organizational, operational, and programmatic
9 capabilities and performance, including readiness review of: The strength
10 of the board of directors; compliance and oversight; financial risk
11 management; financial liquidity and performance; infrastructure
12 maintenance; funding sources, including state, federal, and external
13 private funding; and operations, including reporting, staffing,
14 evaluation, training, supervision, contract monitoring, and program
15 performance tracking capabilities;

16 (c) Have the ability to provide directly or by contract through a
17 local network of providers the services required of a lead agency. A lead
18 agency shall not directly provide more than thirty-five percent of direct
19 services required under the contract; and

20 (d) Provide accountability for meeting the outcomes and performance
21 standards related to child welfare services established by Nebraska child
22 welfare policy and the federal government.

23 (4) Each condition of subsection (3) of this section shall be met
24 prior to the assumption of service provision by such lead agency under
25 this section. Nothing in this section shall prohibit the department from
26 phasing the transition of case management services to such lead agency
27 over a period of time.

28 (5) The Director of Children and Family Services of the Division of
29 Children and Family Services of the Department of Health and Human
30 Services shall notify the Health and Human Services Committee of the
31 Legislature when the readiness assessment required under subdivision (3)

1 (b) of this section is complete and provide assurance that the lead
2 agency has demonstrated full readiness, prior to the assumption of
3 service provision by such lead agency.

4 Sec. 4. Original section 43-4704, Revised Statutes Cumulative
5 Supplement, 2018, and sections 43-1311.03 and 68-1212, Revised Statutes
6 Supplement, 2019, are repealed.