

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 849

Introduced by Pansing Brooks, 28; Bolz, 29; Brewer, 43; Howard, 9;
Scheer, 19; Walz, 15.

Read first time January 08, 2020

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to children; to amend sections 43-4502,
2 43-4503, 43-4510, 43-4511, and 43-4512, Reissue Revised Statutes of
3 Nebraska, and section 43-4504, Revised Statutes Supplement, 2019; to
4 change provisions relating to eligibility for participating in
5 certain programs under the Young Adult Bridge to Independence Act;
6 to restate intent; to define and redefine terms; to harmonize
7 provisions; and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-4502, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-4502 The purpose of the Young Adult Bridge to Independence Act is
4 to support former state wards in transitioning to adulthood, becoming
5 self-sufficient, and creating permanent relationships. The bridge to
6 independence program shall at all times recognize and respect the
7 autonomy of the young adult. Nothing in the Young Adult Bridge to
8 Independence Act shall be construed to abrogate any other rights that a
9 person who has attained eighteen or nineteen years of age may have as an
10 adult under state law.

11 Sec. 2. Section 43-4503, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 43-4503 For purposes of the Young Adult Bridge to Independence Act:

14 (1) Age of eligibility means:

15 (a) Nineteen years or age; or

16 (b) Eighteen years of age if the young adult has become ineligible
17 for participation in a tribal court due to attaining eighteen years of
18 age;

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
27 Services;

28 (5) ~~(4)~~ Supervised independent living setting means an independent
29 supervised setting, consistent with 42 U.S.C. 672(c). Supervised
30 independent living settings shall include, but not be limited to, single
31 or shared apartments, houses, host homes, college dormitories, or other

1 postsecondary educational or vocational housing;

2 ~~(6) (5)~~ Voluntary services and support agreement means a voluntary
3 placement agreement as defined in 42 U.S.C. 672(f) between the department
4 and a young adult as his or her own guardian; and

5 ~~(7) (6)~~ Young adult means an individual who has attained the age of
6 eligibility ~~nineteen years of age~~ but who has not attained twenty-one
7 years of age.

8 Sec. 3. Section 43-4504, Revised Statutes Supplement, 2019, is
9 amended to read:

10 43-4504 The bridge to independence program is available, on a
11 voluntary basis, to a young adult:

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

14 (2) Who was adjudicated to be a juvenile described in subdivision
15 (3)(a) of section 43-247 or the equivalent under tribal law or who was
16 adjudicated to be a juvenile described in subdivision (8) of section
17 43-247 or the equivalent under tribal law if the young adult's
18 guardianship or state-funded adoption assistance agreement was disrupted
19 or terminated after he or she had attained the age of sixteen years and
20 ~~who~~ (a) who, upon attaining the age of eligibility ~~nineteen years of age~~,
21 was in an out-of-home placement or had been discharged to independent
22 living or (b) with respect to whom a kinship guardianship assistance
23 agreement or an adoption assistance agreement was in effect pursuant to
24 42 U.S.C. 673 if the young adult had attained sixteen years of age before
25 the agreement became effective or with respect to whom a state-funded
26 guardianship assistance agreement or a state-funded adoption assistance
27 agreement was in effect if the young adult had attained sixteen years of
28 age before the agreement became effective;

29 (3) Who is:

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

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

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

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

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

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

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

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

20 Sec. 4. Section 43-4510, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 43-4510 (1) If desired by the young adult, the young adult shall be
23 provided a court-appointed attorney who has received training appropriate
24 to the role. The attorney's representation of the young adult shall be
25 client-directed. The attorney shall protect the young adult's legal
26 rights and vigorously advocate for the young adult's wishes and goals,
27 including assisting the young adult as necessary to ensure that the
28 bridge to independence program is providing the young adult with the
29 services and support required under the Young Adult Bridge to
30 Independence Act. For young adults who were appointed a guardian ad litem
31 before the young adult attained the age of eligibility ~~nineteen years of~~

1 age, the guardian ad litem's appointment may be continued, with consent
2 from the young adult, but under a client-directed model of
3 representation. Before entering into a voluntary services and support
4 agreement and at least sixty days prior to each permanency and case
5 review, the independence coordinator shall notify the young adult of his
6 or her right to request a client-directed attorney if the young adult
7 would like an attorney to be appointed and shall provide the young adult
8 with a clear and developmentally appropriate written notice regarding the
9 young adult's right to request a client-directed attorney, the benefits
10 and role of such attorney, and the specific steps to take to request that
11 an attorney be appointed if the young adult would like an attorney
12 appointed.

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

17 Sec. 5. Section 43-4511, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 43-4511 (1) The department shall provide extended guardianship
20 assistance and medical care under the medical assistance program for a
21 young adult who has attained the age of eligibility ~~is at least nineteen~~
22 ~~years of age~~ but is less than twenty-one years of age and with respect to
23 whom a kinship guardianship assistance agreement was in effect pursuant
24 to 42 U.S.C. 673 if the young adult had attained sixteen years of age
25 before the agreement became effective or with respect to whom a state-
26 funded guardianship assistance agreement was in effect if the young adult
27 had attained sixteen years of age before the agreement became effective
28 and if the young adult meets at least one of the following conditions for
29 eligibility:

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

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

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

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

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

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

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

17 Sec. 6. Section 43-4512, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 43-4512 (1) The department shall provide extended adoption
20 assistance and medical care under the medical assistance program for a
21 young adult who has attained the age of eligibility ~~is at least nineteen~~
22 ~~years of age~~ but is less than twenty-one years of age and with respect to
23 whom an adoption assistance agreement was in effect if the young adult
24 had attained sixteen years of age before the agreement became effective
25 and who meets at least one of the following conditions of eligibility:

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

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

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

31 (d) The young adult is participating in a program or activity

1 designed to promote employment or remove barriers to employment; or

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

6 (2) The adoptive parent or parents shall ensure that any adoption
7 assistance funds provided by the department and received by the adoptive
8 parent shall be used for the benefit of the young adult. The department
9 shall adopt and promulgate rules and regulations defining services and
10 supports encompassed by such benefit.

11 Sec. 7. Original sections 43-4502, 43-4503, 43-4510, 43-4511, and
12 43-4512, Reissue Revised Statutes of Nebraska, and section 43-4504,
13 Revised Statutes Supplement, 2019, are repealed.