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

A BILL FOR AN ACT relating to children; to amend sections 43-4502, 43-4503, 43-4510, 43-4511, and 43-4512, Reissue Revised Statutes of Nebraska, and section 43-4504, Revised Statutes Supplement, 2019; to change provisions relating to eligibility for participating in certain programs under the Young Adult Bridge to Independence Act; to restate intent; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,
Section 1. 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 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 eighteen or nineteen years of age may have as an adult under state law.

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

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

(1) Age of eligibility means:

(a) Nineteen years or age; or

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

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

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

(4) Department means the Department of Health and Human Services;

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

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

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

Sec. 3. Section 43-4504, Revised Statutes Supplement, 2019, 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 the age of eligibility at least nineteen years of age;

(2) Who was adjudicated to be a juvenile described in subdivision (3)(a) of section 43-247 or the equivalent under tribal law or who was adjudicated to be a juvenile described in subdivision (8) of section 43-247 or the equivalent under tribal law if the young adult's guardianship or state-funded adoption assistance agreement was disrupted or terminated after he or she had attained the age of sixteen years and who (a) who, upon attaining the age of eligibility nineteen years of age, was in an out-of-home placement or had been discharged to independent living or (b) with respect to whom a kinship guardianship assistance agreement or an adoption 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 or a state-funded adoption assistance agreement was in effect if the young adult had attained sixteen years of age before the agreement became effective;

(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;
(4) Who is a Nebraska resident, except that this requirement shall not disqualify a young adult who was a Nebraska resident but was placed outside Nebraska pursuant to the Interstate Compact for the Placement of Children; and
(5) Who does not meet the level of care for a nursing facility as defined in section 71-424, for a skilled nursing facility as defined in section 71-429, or for an intermediate care facility for persons with developmental disabilities as defined in section 71-421.

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

Sec. 4. 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 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 before the young adult attained the age of eligibility nineteen years of
age, the guardian ad litem'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. 5. Section 43-4511, Reissue Revised Statutes of Nebraska, is
amended to read:

43-4511 (1) The department shall provide extended guardianship
assistance and medical care under the medical assistance program for a
young adult who has attained the age of eligibility is at least nineteen
years of age but is less than twenty-one years of age and 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
and if the young adult meets at least one of the following conditions for
eligibility:

(a) The young adult is completing secondary education or an
educational program leading to an equivalent credential;
(b) The young adult is enrolled in an institution that provides postsecondary or vocational education;

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

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

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

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

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

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

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

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

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

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

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

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

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

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