

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 202

Introduced by Pansing Brooks, 28; Bostar, 29; Brewer, 43; Hunt, 8;
McKinney, 11; Vargas, 7; Walz, 15; Wayne, 13; Williams, 36;
Wishart, 27.

Read first time January 08, 2021

Committee:

1 A BILL FOR AN ACT relating to child welfare; to amend sections 43-4505
2 and 71-1902, Reissue Revised Statutes of Nebraska, and sections
3 43-1311.03, 43-4502, 43-4504, 43-4508, 43-4510, 43-4511.01, and
4 43-4514, Revised Statutes Cumulative Supplement, 2020; to change
5 provisions relating to a written independent living transition
6 proposal as prescribed; to restate intent; to change provisions
7 relating to eligibility, extended services and support, and court-
8 appointed representation under the Young Adult Bridge to
9 Independence Act; to provide powers and duties; to harmonize
10 provisions; 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 Cumulative
2 Supplement, 2020, is 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;

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 (d)(i) On and after October 1, 2021, a child adjudicated to be a
19 juvenile as described in subdivision (1), (2), or (3)(b) of section
20 43-247 and who is in a court-ordered out-of-home placement in the six
21 months prior to attaining nineteen years of age shall receive information
22 regarding the Young Adult Bridge to Independence Act and the bridge to
23 independence program available under the act. The Office of Probation
24 Administration shall identify any such juvenile and provide him or her
25 with information regarding the Young Adult Bridge to Independence Act and
26 the bridge to independence program available under the act.

27 (ii) Any party to such juvenile's court case, or the court upon its
28 own motion, may request a hearing in the six months prior to the juvenile
29 attaining nineteen years of age for the court to consider whether it is
30 necessary for the juvenile to remain in the court-ordered out-of-home
31 placement if the requesting party or the court believes it would be

1 contrary to the juvenile's welfare to return to the family home. The
2 following factors may guide the court in finding whether or not return to
3 the family home would be contrary to the juvenile's welfare:

4 (A) Whether the juvenile is disconnected from family support that
5 would assist him or her in transitioning to adulthood;

6 (B) Whether the juvenile faces the risk of homelessness upon closure
7 of the juvenile court case; or

8 (C) Whether the Office of Probation Administration has made
9 reasonable efforts to return the juvenile to the family home prior to the
10 juvenile's nineteenth birthday.

11 (iii) The court shall set forth its finding in a written order. If
12 the court finds that return to the family home would be contrary to the
13 juvenile's welfare, the Office of Probation Administration shall notify
14 the Department of Health and Human Services within ten days after such
15 finding is made. As soon as practicable thereafter and prior to the
16 child's nineteenth birthday, a representative of the department shall
17 explain the information contained in the written notice described in this
18 subsection to the juvenile in person and the timeline necessary to avoid
19 a lapse in services and support. If the juvenile remains in a court-
20 ordered out-of-home placement upon attaining nineteen years of age
21 pursuant to a court order as described in section 43-4504, the department
22 shall proceed pursuant to sections 43-4506 and 43-4508.

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

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

31 (i) A certified copy of the child's birth certificate and facilitate

1 securing a federal social security card when the child is eligible for
2 such card;

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

8 (iii) A copy of the child's medical records;

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

14 (v) A copy of the child's educational records;

15 (vi) A credit report check;

16 (vii) Contact information, with permission, for family members,
17 including siblings, with whom the child can maintain a safe and
18 appropriate relationship, and other supportive adults;

19 (viii) A list of local community resources, including, but not
20 limited to, support groups, health clinics, mental and behavioral health
21 and substance abuse treatment services and support, pregnancy and
22 parenting resources, and employment and housing agencies;

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

1 (x) An application for public assistance and information on how to
2 access the system to determine public assistance eligibility;

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

7 (xii) Written information about the child's Indian heritage or
8 tribal connection, if any; and

9 (xiii) Written information on how to access personal documents in
10 the future.

11 (c) All fees associated with securing the certified copy of the
12 child's birth certificate or obtaining a driver's license or a state
13 identification card shall be waived by the state.

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

19 Sec. 2. Section 43-4502, Revised Statutes Cumulative Supplement,
20 2020, is amended to read:

21 43-4502 The purpose of the Young Adult Bridge to Independence Act is
22 to provide support for former state or tribal wards, and for other youth
23 who are exiting state care, who are disconnected from family support, and
24 who are at risk of homelessness, as they transition in transitioning to
25 adulthood, become becoming self-sufficient, and create creating permanent
26 relationships. The bridge to independence program shall at all times
27 recognize and respect the autonomy of the young adult. Nothing in the
28 Young Adult Bridge to Independence Act shall be construed to abrogate any
29 other rights that a person who has attained eighteen or nineteen years of
30 age may have as an adult under state or tribal law.

31 Sec. 3. Section 43-4504, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 43-4504 The bridge to independence program is available, on a
3 voluntary basis, to a young adult:

4 (1) Who has attained the age of eligibility;

5 (2) Who was adjudicated to be a juvenile described in:

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

21 (b) Subdivision (1), (2), or (3)(b) of section 43-247 and (i) after
22 October 1, 2021, upon attaining nineteen years of age, was in a court-
23 ordered out-of-home placement and (ii) such placement had been authorized
24 or reauthorized in the six months prior to the juvenile attaining
25 nineteen years of age in a court order finding that it would be contrary
26 to the welfare of the juvenile to remain in or return to the juvenile's
27 family home;

28 (3) Who is:

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

31 (b) Enrolled in an institution which provides postsecondary or

1 vocational education;

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

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

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

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

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

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

19 Sec. 4. Section 43-4505, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 43-4505 Extended services and support provided under the bridge to
22 independence program include, but are not limited to:

23 (1) Medical care under the medical assistance program for young
24 adults who meet the eligibility requirements of section 43-4504 and have
25 signed a voluntary services and support agreement as provided in section
26 43-4506;

27 (2) Medical care under the medical assistance program for young
28 adults who meet the eligibility requirements of subdivision (2)(b) of
29 section 43-4504, are eligible for a category of medical assistance
30 pursuant to section 68-915 or other medical assistance category under
31 federal law, and have signed a voluntary services and support agreement

1 as provided in section 43-4506;

2 (3) ~~(2)~~ Housing, placement, and support in the form of foster care
3 maintenance payments which shall remain at least at the rate set
4 immediately prior to the young adult's exit from foster care. As decided
5 by and with the young adult, young adults may reside in a foster family
6 home, a supervised independent living setting, an institution, or a
7 foster care facility. Placement in an institution or a foster care
8 facility should occur only if necessary due to a young adult's
9 developmental level or medical condition. A young adult who is residing
10 in a foster care facility upon leaving foster care may choose to
11 temporarily stay until he or she is able to transition to a more age-
12 appropriate setting. For young adults residing in a supervised
13 independent living setting:

14 (a) The department may send all or part of the foster care
15 maintenance payments directly to the young adult. This should be decided
16 on a case-by-case basis by and with the young adult in a manner that
17 respects the independence of the young adult; and

18 (b) Rules and restrictions regarding housing options should be
19 respectful of the young adult's autonomy and developmental maturity.
20 Specifically, safety assessments of the living arrangements shall be age-
21 appropriate and consistent with federal guidance on a supervised setting
22 in which the individual lives independently. A clean background check
23 shall not be required for an individual residing in the same residence as
24 the young adult; and

25 (4) ~~(3)~~ Case management services that are young-adult driven. Case
26 management shall be a continuation of the independent living transition
27 proposal in section 43-1311.03, including a written description of
28 additional resources that will help the young adult in creating permanent
29 relationships and preparing for the transition to adulthood and
30 independent living. Case management shall include the development of a
31 case plan, developed jointly by the department and the young adult, that

1 includes a description of the identified housing situation or living
2 arrangement, the resources to assist the young adult in the transition
3 from the bridge to independence program to adulthood, and the needs
4 listed in subsection (1) of section 43-1311.03. The case plan shall
5 incorporate the independent living transition proposal in section
6 43-1311.03. A new plan shall be developed for young adults who have no
7 previous independent living transition proposal. Case management shall
8 also include, but not be limited to, documentation that assistance has
9 been offered and provided that would help the young adult meet his or her
10 individual goals, if such assistance is appropriate and if the young
11 adult is eligible and consents to receive such assistance. This shall
12 include, but not be limited to, assisting the young adult to:

- 13 (a) Obtain employment or other financial support;
- 14 (b) Obtain a government-issued identification card;
- 15 (c) Open and maintain a bank account;
- 16 (d) Obtain appropriate community resources, including health, mental
17 health, developmental disability, and other disability services and
18 support;
- 19 (e) When appropriate, satisfy any juvenile justice system
20 requirements and assist with sealing the young adult's juvenile court
21 record if the young adult is eligible under section 43-2,108.01;
- 22 (f) Complete secondary education;
- 23 (g) Apply for admission and aid for postsecondary education or
24 vocational courses;
- 25 (h) Obtain the necessary state court findings and then apply for
26 special immigrant juvenile status as defined in 8 U.S.C. 1101(a)(27)(J)
27 or apply for other immigration relief that the young adult may be
28 eligible for;
- 29 (i) Create a health care power of attorney, health care proxy, or
30 other similar document recognized under state law, at the young adult's
31 option, pursuant to the federal Patient Protection and Affordable Care

1 Act, Public Law 111-148;

2 (j) Obtain a copy of health and education records of the young
3 adult;

4 (k) Apply for any public benefits or benefits that he or she may be
5 eligible for or may be due through his or her parents or relatives,
6 including, but not limited to, aid to dependent children, supplemental
7 security income, social security disability insurance, social security
8 survivors benefits, the Special Supplemental Nutrition Program for Women,
9 Infants, and Children, the Supplemental Nutrition Assistance Program, and
10 low-income home energy assistance programs;

11 (l) Maintain relationships with individuals who are important to the
12 young adult, including searching for individuals with whom the young
13 adult has lost contact;

14 (m) Access information about maternal and paternal relatives,
15 including any siblings;

16 (n) Access young adult empowerment opportunities, such as Project
17 Everlast and peer support groups; and

18 (o) Access pregnancy and parenting resources and services.

19 Sec. 5. Section 43-4508, Revised Statutes Cumulative Supplement,
20 2020, is amended to read:

21 43-4508 (1) Within fifteen days after the voluntary services and
22 support agreement is signed, the department shall file a petition with
23 the juvenile court describing the young adult's current situation,
24 including the young adult's name, date of birth, and current address and
25 the reasons why it is in the young adult's best interests to participate
26 in the bridge to independence program. The department shall also provide
27 the juvenile court with a copy of the signed voluntary services and
28 support agreement, a copy of the case plan, and any other information the
29 department or the young adult wants the court to consider.

30 (2) The department shall ensure continuity of care and eligibility
31 by working with a child who wants to participate in the bridge to

1 independence program and, pursuant to section 43-4504, is likely to be
2 eligible to participate in such program immediately following the
3 termination of the juvenile court's jurisdiction pursuant to subdivision
4 (1), (2), (3)(a), or (3)(b) of section 43-247 or subdivision (8) of
5 section 43-247 if the young adult's guardianship or state-funded adoption
6 assistance agreement was disrupted or terminated after he or she had
7 attained the age of sixteen years. The voluntary services and support
8 agreement shall be signed and the petition filed with the court upon the
9 child's nineteenth birthday or within ten days thereafter. There shall be
10 no interruption in the foster care maintenance payment and medical
11 assistance coverage for a child who is eligible and chooses to
12 participate in the bridge to independence program immediately following
13 the termination of the juvenile court's jurisdiction pursuant to
14 subdivision (1), (2), (3)(a), or (3)(b) of section 43-247.

15 (3) The court has the jurisdiction to review the voluntary services
16 and support agreement signed by the department and the young adult under
17 section 43-4506 and to conduct permanency reviews as described in this
18 section. Upon the filing of a petition under subsection (1) of this
19 section, the court shall open a bridge to independence program file for
20 the young adult for the purpose of determining whether continuing in such
21 program is in the young adult's best interests and for the purpose of
22 conducting permanency reviews.

23 (4) The court shall make the best interests determination as
24 described in subsection (3) of this section not later than one hundred
25 eighty days after the young adult and the department enter into the
26 voluntary services and support agreement.

27 (5) The court shall conduct a hearing for permanency review
28 consistent with 42 U.S.C. 675(5)(C) as described in subsection (6) of
29 this section regarding the voluntary services and support agreement at
30 least once per year and may conduct such hearing at additional times, but
31 not more times than is reasonably practicable, at the request of the

1 young adult, the department, or any other party to the proceeding. The
2 court shall make a reasonable effort finding required by subdivision (6)
3 (c) of this section within twelve months after the court makes its best
4 interests determination under subsection (4) of this section. Upon the
5 filing of the petition as provided in subsection (1) of this section or
6 anytime thereafter, the young adult may request, in the voluntary
7 services and support agreement or by other appropriate means, a timeframe
8 in which the young adult prefers to have the permanency review hearing
9 scheduled and the court shall seek to accommodate the request as
10 practicable and consistent with 42 U.S.C. 675(5)(C). The juvenile court
11 may request the appointment of a hearing officer pursuant to section
12 24-230 to conduct permanency review hearings. The department is not
13 required to have legal counsel present at such hearings. The juvenile
14 court shall conduct the permanency reviews in an expedited manner and
15 shall issue findings and orders, if any, as speedily as possible.

16 (6)(a) The primary purpose of the permanency review is to ensure
17 that the bridge to independence program is providing the young adult with
18 the needed services and support to help the young adult move toward
19 permanency and self-sufficiency. This shall include that, in all
20 permanency reviews or hearings regarding the transition of the young
21 adult from foster care to independent living, the court shall consult, in
22 an age-appropriate manner, with the young adult regarding the proposed
23 permanency or transition plan for the young adult. The young adult shall
24 have a clear self-advocacy role in the permanency review in accordance
25 with section 43-4510, and the hearing shall support the active engagement
26 of the young adult in key decisions. Permanency reviews shall be
27 conducted on the record and in an informal manner and, whenever possible,
28 outside of the courtroom.

29 (b) The department shall prepare and present to the juvenile court a
30 report, at the direction of the young adult, addressing progress made in
31 meeting the goals in the case plan, including the independent living

1 transition proposal, and shall propose modifications as necessary to
2 further those goals.

3 (c) The court shall determine whether the bridge to independence
4 program is providing the appropriate services and support as provided in
5 the voluntary services and support agreement to carry out the case plan.
6 The court shall also determine whether reasonable efforts have been made
7 to achieve the permanency goal as set forth in the case plan and the
8 department's report provided under subdivision (6)(b) of this section.
9 The court shall issue specific written findings regarding such reasonable
10 efforts. The court has the authority to determine whether the young adult
11 is receiving the services and support he or she is entitled to receive
12 under the Young Adult Bridge to Independence Act and the department's
13 policies or state or federal law to help the young adult move toward
14 permanency and self-sufficiency. If the court believes that the young
15 adult requires additional services and support to achieve the goals
16 documented in the case plan or under the Young Adult Bridge to
17 Independence Act and the department's policies or state or federal law,
18 the court may make appropriate findings or order the department to take
19 action to ensure that the young adult receives the identified services
20 and support.

21 (7) All pleadings, filings, documents, and reports filed pursuant to
22 this section and subdivision (11) of section 43-247 shall be
23 confidential. The proceedings pursuant to this section and subdivision
24 (11) of section 43-247 shall be confidential unless a young adult
25 provides a written waiver or a verbal waiver in court. Such waiver may be
26 made by the young adult in order to permit the proceedings to be held
27 outside of the courtroom or for any other reason. The Foster Care Review
28 Office shall have access to any and all pleadings, filings, documents,
29 reports, and proceedings necessary to complete its case review process.
30 This section shall not prevent the juvenile court from issuing an order
31 identifying individuals and agencies who shall be allowed to receive

1 otherwise confidential information for legitimate and official purposes
2 as authorized by section 43-3001.

3 Sec. 6. Section 43-4510, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 43-4510 (1) If desired by the young adult, the young adult shall be
6 provided a court-appointed attorney who has received training appropriate
7 to the role. The attorney's representation of the young adult shall be
8 client-directed. The attorney shall protect the young adult's legal
9 rights and vigorously advocate for the young adult's wishes and goals,
10 including assisting the young adult as necessary to ensure that the
11 bridge to independence program is providing the young adult with the
12 services and support required under the Young Adult Bridge to
13 Independence Act. For young adults who were appointed a guardian ad litem
14 or defense counsel before the young adult attained the age of
15 eligibility, the guardian ad litem's or defense counsel's appointment may
16 be continued, with consent from the young adult, but under a client-
17 directed model of representation. Before entering into a voluntary
18 services and support agreement and at least sixty days prior to each
19 permanency and case review, the independence coordinator shall notify the
20 young adult of his or her right to request a client-directed attorney if
21 the young adult would like an attorney to be appointed and shall provide
22 the young adult with a clear and developmentally appropriate written
23 notice regarding the young adult's right to request a client-directed
24 attorney, the benefits and role of such attorney, and the specific steps
25 to take to request that an attorney be appointed if the young adult would
26 like an attorney appointed.

27 (2) The court has discretion to appoint a court appointed special
28 advocate volunteer or continue the appointment of a previously appointed
29 court appointed special advocate volunteer with the consent of the young
30 adult.

31 Sec. 7. Section 43-4511.01, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 43-4511.01 (1)(a) Young adults who are eligible to participate under
3 both extended guardianship assistance as provided in section 43-4511 and
4 the bridge to independence program as provided in subdivision (2)(a)(ii)
5 ~~(2)(b)~~ of section 43-4504 may choose to participate in either program.

6 (b) Young adults who are eligible to participate under both extended
7 adoption assistance as provided in section 43-4512 and the bridge to
8 independence program as provided in subdivision (2)(a)(ii) ~~(2)(b)~~ of
9 section 43-4504 may choose to participate in either program.

10 (2) The department shall create a clear and developmentally
11 appropriate written notice discussing the rights of young adults who are
12 eligible under both extended guardianship assistance and the bridge to
13 independence program and a notice for young adults who are eligible under
14 both extended adoption assistance and the bridge to independence program.
15 The notice shall explain the benefits and responsibilities and the
16 process to apply. The department shall provide the written notice and
17 make efforts to provide a verbal explanation to a young adult with
18 respect to whom a kinship guardianship assistance agreement or an
19 adoption assistance agreement was in effect pursuant to 42 U.S.C. 673 if
20 the young adult had attained sixteen years of age before the agreement
21 became effective or with respect to whom a state-funded guardianship
22 assistance agreement or state-funded adoption assistance agreement was in
23 effect if the young adult had attained sixteen years of age before the
24 agreement became effective. The department shall provide the notice
25 yearly thereafter until such young adult reaches nineteen years of age
26 and not later than ninety days prior to the young adult attaining
27 nineteen years of age.

28 Sec. 8. Section 43-4514, Revised Statutes Cumulative Supplement,
29 2020, is amended to read:

30 43-4514 (1) The department shall submit an amended state plan
31 amendment by October 1, 2021 ~~15, 2019~~, to seek federal Title IV-E funding

1 under 42 U.S.C. 672 for any newly eligible young adult who was
2 adjudicated to be a juvenile described in subdivision (1), (2), or (3)(b)
3 ~~(8)~~ of section 43-247 and who meets the requirements under ~~if such young~~
4 ~~adult's guardianship or state-funded adoption assistance agreement was~~
5 ~~disrupted or terminated after the young adult had attained the age of~~
6 ~~sixteen years and for any newly eligible young adult with respect to whom~~
7 ~~an adoption assistance agreement was in effect pursuant to 42 U.S.C. 673~~
8 ~~if the child had attained sixteen years of age before the agreement~~
9 ~~became effective or with respect to whom a state-funded adoption~~
10 ~~assistance agreement was in effect if the child had attained sixteen~~
11 ~~years of age before the agreement became effective pursuant to~~
12 ~~subdivision (2)(b) of section 43-4504.~~

13 (2) The department shall implement the bridge to independence
14 program, extended guardianship assistance described in section 43-4511,
15 and extended adoption assistance described in section 43-4512 in
16 accordance with the federal Fostering Connections to Success and
17 Increasing Adoptions Act of 2008, 42 U.S.C. 673 and 42 U.S.C. 675(8)(B)
18 and in accordance with requirements necessary to obtain federal Title IV-
19 E funding under 42 U.S.C. 672 and 42 U.S.C. 673.

20 (3) The department shall adopt and promulgate rules and regulations
21 as needed to carry out this section by October 1, 2021 ~~15, 2015~~.

22 (4) All references to the United States Code in the Young Adult
23 Bridge to Independence Act refer to sections of the code as such sections
24 existed on January 1, 2015.

25 Sec. 9. Section 71-1902, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 71-1902 (1) The department shall adopt and promulgate rules and
28 regulations on requirements for licenses, waivers, variances, and
29 approval of foster family homes taking into consideration the health,
30 safety, well-being, and best interests of the child. An initial
31 assessment of a foster family home shall be completed and shall focus on

1 the safety, protection, and immediate health, educational, developmental,
2 and emotional needs of the child and the willingness and ability of the
3 foster home, relative home, or kinship home to provide a safe, stable,
4 and nurturing environment for a child for whom the department or child-
5 placing agency has assumed responsibility.

6 (2)(a) Except as otherwise provided in this section, no person shall
7 furnish or offer to furnish foster care for one or more children without
8 having in full force and effect a written license issued by the
9 department upon such terms and conditions as may be prescribed by general
10 rules and regulations adopted and promulgated by the department. The
11 terms and conditions for licensure may allow foster family homes to meet
12 licensing standards through variances equivalent to the established
13 standards.

14 (b) The department may issue a time-limited, nonrenewable
15 provisional license to an applicant who is unable to comply with all
16 licensure requirements and standards, is making a good faith effort to
17 comply, and is capable of compliance within the time period stated in the
18 license. The department may issue a time-limited, nonrenewable
19 probationary license to a licensee who agrees to establish compliance
20 with rules and regulations that, when violated, do not present an
21 unreasonable risk to the health, safety, or well-being of the foster
22 children in the care of the applicant.

23 (3) Kinship homes and relative homes are exempt from licensure,
24 however, such homes should make efforts to be licensed if such license
25 will facilitate the permanency plan of the child. The department and
26 child-placing agencies shall, when requested or as part of the child's
27 permanency plan, provide resources for and assistance with licensure,
28 including, but not limited to, information on licensure, waivers for
29 relative homes, kinship-specific and relative-specific foster care
30 training, referral to local service providers and support groups, and
31 funding and resources available to address home safety or other barriers

1 to licensure.

2 (4) Prior to placement in a nonlicensed relative home or kinship
3 home, approval shall be obtained from the department. Requirements for
4 initial approval shall include, but not be limited to, the initial
5 assessment provided for in subsection (1) of this section, a home visit
6 to assure adequate and safe housing, and a criminal background check of
7 all adult residents. Final approval shall include, but not be limited to,
8 requirements as appropriate under section 71-1903. The department or
9 child-placing agency shall provide assistance to an approved relative
10 home or kinship home to support the care, protection, and nurturing of
11 the child. Support may include, but not be limited to, information on
12 licensure, waivers, and variances, kinship-specific and relative-specific
13 foster care training, mental and physical health care, options for
14 funding for needs of the child, and service providers and support groups
15 to address the needs of relative and kinship parents, families, and
16 children.

17 (5) All nonprovisional and nonprobationary licenses issued under
18 sections 71-1901 to 71-1906.01 shall expire two years from the date of
19 issuance and shall be subject to renewal under the same terms and
20 conditions as the original license, except that if a licensee submits a
21 completed renewal application thirty days or more before the license's
22 expiration date, the license shall remain in effect until the department
23 either renews the license or denies the renewal application. No license
24 issued pursuant to this section shall be renewed unless the licensee has
25 completed the required hours of training in foster care in the preceding
26 twelve months as prescribed by the department. A license may be revoked
27 for cause, after notice and hearing, in accordance with rules and
28 regulations adopted and promulgated by the department.

29 (6) A young adult continuing to reside in a foster family home as
30 provided in subdivision (3) ~~(2)~~ of section 43-4505 does not constitute an
31 unrelated adult for the purpose of determining eligibility of the family

1 to be licensed as a foster family home.

2 Sec. 10. Original sections 43-4505 and 71-1902, Reissue Revised
3 Statutes of Nebraska, and sections 43-1311.03, 43-4502, 43-4504, 43-4508,
4 43-4510, 43-4511.01, and 43-4514, Revised Statutes Cumulative Supplement,
5 2020, are repealed.