

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 262

Introduced by Vargas, 7; Pansing Brooks, 28.

Read first time January 11, 2021

Committee:

- 1 A BILL FOR AN ACT relating to public assistance; to amend sections 4-110
- 2 and 43-4505, Reissue Revised Statutes of Nebraska, and sections
- 3 43-4504, 43-4511.01, and 43-4514, Revised Statutes Cumulative
- 4 Supplement, 2020; to provide for participation in the bridge to
- 5 independence program under the Young Adult Bridge to Independence
- 6 Act by young adults not lawfully present in the United States; to
- 7 harmonize provisions; and to repeal the original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 4-110, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 4-110 Verification of lawful presence in the United States pursuant
4 to section 4-108 is not required for:

5 (1) Any purpose for which lawful presence in the United States is
6 not restricted by law, ordinance, or regulation;

7 (2) Assistance for health care services and products, not related to
8 an organ transplant procedure, that are necessary for the treatment of an
9 emergency medical condition, including emergency labor and delivery,
10 manifesting itself by acute symptoms of sufficient severity, including
11 severe pain, such that the absence of immediate medical attention could
12 reasonably be expected to result in (a) placing the patient's health in
13 serious jeopardy, (b) serious impairment to bodily functions, or (c)
14 serious dysfunction of any bodily organ or part;

15 (3) Short-term, noncash, in-kind emergency disaster relief;

16 (4) Public health assistance for immunizations with respect to
17 diseases and for testing and treatment of symptoms of communicable
18 diseases, whether or not such symptoms are caused by a communicable
19 disease;~~or~~

20 (5) Programs, services, or assistance necessary for the protection
21 of life or safety, such as soup kitchens, crisis counseling and
22 intervention, and short-term shelter, which (a) deliver in-kind services
23 at the community level, including those which deliver such services
24 through public or private, nonprofit agencies and (b) do not condition
25 the provision of assistance, the amount of assistance provided, or the
26 cost of assistance provided on the income or resources of the recipient;
27 or -

28 (6) Participation in the bridge to independence program as provided
29 in section 43-4504.

30 The Legislature finds that unborn children do not have immigration
31 status and therefor are not within the scope of section 4-108. Prenatal

1 care services available pursuant to sections 68-915 and 68-972 to unborn
2 children, whose eligibility is independent of the mother's eligibility
3 status, shall not be deemed to be tied to the immigration status of the
4 mother and therefor are not included in the restrictions imposed by
5 section 4-108.

6 Sec. 2. Section 43-4504, Revised Statutes Cumulative Supplement,
7 2020, is amended to read:

8 43-4504 (1) This section applies to all young adults
9 notwithstanding the Personal Responsibility and Work Opportunity
10 Reconciliation Act, Public Law 104-193, 110 Stat. 2105, or other
11 limitations on immigrants' abilities to access public benefits.

12 (2) The bridge to independence program is available, on a voluntary
13 basis, to a young adult:

14 (a) ~~(1)~~ Who has attained the age of eligibility;

15 (b) ~~(2)~~ Who was adjudicated to be a juvenile described in
16 subdivision (3)(a) of section 43-247 or the equivalent under tribal law
17 or who was adjudicated to be a juvenile described in subdivision (8) of
18 section 43-247 or the equivalent under tribal law if the young adult's
19 guardianship or state-funded adoption assistance agreement was disrupted
20 or terminated after he or she had attained the age of sixteen years and

21 (i) ~~(a)~~ who, upon attaining the age of eligibility, was in an out-of-home
22 placement or had been discharged to independent living or (ii) ~~(b)~~ with
23 respect to whom a kinship guardianship assistance agreement or an
24 adoption assistance agreement was in effect pursuant to 42 U.S.C. 673 if
25 the young adult had attained sixteen years of age before the agreement
26 became effective or with respect to whom a state-funded guardianship
27 assistance agreement or a state-funded adoption assistance agreement was
28 in effect if the young adult had attained sixteen years of age before the
29 agreement became effective;

30 (c) ~~(3)~~ Who is:

31 (i) ~~(a)~~ Completing secondary education or an educational program

1 leading to an equivalent credential;

2 ~~(ii) (b)~~ Enrolled in an institution which provides postsecondary or
3 vocational education;

4 ~~(iii) (c)~~ Employed for at least eighty hours per month;

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

7 ~~(v) (e)~~ Incapable of doing any of the activities described in
8 subdivisions ~~(1)(c)(i) (3)(a)~~ through ~~(iv) (d)~~ of this section due to a
9 medical condition, which incapacity is supported by regularly updated
10 information in the case plan of the young adult;

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

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

19 (3) Beginning July 1, 2021, pursuant to the authority in 8 U.S.C.
20 1621(d), as such section existed on January 1, 2021, the bridge to
21 independence program, including all the services and supports available
22 under the bridge to independence program, including, but not limited to,
23 the extended services and supports provided under the bridge to
24 independence program that are listed in section 43-4505, are available,
25 on a voluntary basis, to all young adults as described in subsection (2)
26 of this section, including young adults who are not lawfully present in
27 the United States.

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

30 Sec. 3. Section 43-4505, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 43-4505 Extended services and support provided under the bridge to
2 independence program include, but are not limited to:

3 (1) Medical care under the medical assistance program for all young
4 adults who meet the eligibility requirements of section 43-4504 and have
5 signed a voluntary services and support agreement as provided in section
6 43-4506, including young adults who are not lawfully present in the
7 United States. This section applies to all young adults notwithstanding
8 the Personal Responsibility and Work Opportunity Reconciliation Act,
9 Public Law 104-193, 110 Stat. 2105. Medical care shall be provided to a
10 young adult under the bridge to independence program pursuant to Title
11 XIX or Title XXI of the federal Social Security Act if there is any
12 category of eligibility under either of such titles for which the young
13 adult qualifies. If a young adult is not eligible, medical care shall be
14 provided to the young adult in the same manner as it was at the time such
15 person was adjudicated to be a juvenile described in subdivision (3)(a)
16 of section 43-247 or the equivalent under tribal law or was adjudicated
17 to be a juvenile described in subdivision (8) of section 43-247 or the
18 equivalent under tribal law, including, but not limited to, payment for
19 such medical care from the state General Fund;

20 (2) Housing, placement, and support in the form of foster care
21 maintenance payments which shall remain at least at the rate set
22 immediately prior to the young adult's exit from foster care. As decided
23 by and with the young adult, young adults may reside in a foster family
24 home, a supervised independent living setting, an institution, or a
25 foster care facility. Placement in an institution or a foster care
26 facility should occur only if necessary due to a young adult's
27 developmental level or medical condition. A young adult who is residing
28 in a foster care facility upon leaving foster care may choose to
29 temporarily stay until he or she is able to transition to a more age-
30 appropriate setting. For young adults residing in a supervised
31 independent living setting:

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

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

12 (3) Case management services that are young-adult driven. Case
13 management shall be a continuation of the independent living transition
14 proposal in section 43-1311.03, including a written description of
15 additional resources that will help the young adult in creating permanent
16 relationships and preparing for the transition to adulthood and
17 independent living. Case management shall include the development of a
18 case plan, developed jointly by the department and the young adult, that
19 includes a description of the identified housing situation or living
20 arrangement, the resources to assist the young adult in the transition
21 from the bridge to independence program to adulthood, and the needs
22 listed in subsection (1) of section 43-1311.03. The case plan shall
23 incorporate the independent living transition proposal in section
24 43-1311.03. A new plan shall be developed for young adults who have no
25 previous independent living transition proposal. Case management shall
26 also include, but not be limited to, documentation that assistance has
27 been offered and provided that would help the young adult meet his or her
28 individual goals, if such assistance is appropriate and if the young
29 adult is eligible and consents to receive such assistance. This shall
30 include, but not be limited to, assisting the young adult to:

31 (a) Obtain employment or other financial support;

- 1 (b) Obtain a government-issued identification card;
- 2 (c) Open and maintain a bank account;
- 3 (d) Obtain appropriate community resources, including health, mental
4 health, developmental disability, and other disability services and
5 support;
- 6 (e) When appropriate, satisfy any juvenile justice system
7 requirements and assist with sealing the young adult's juvenile court
8 record if the young adult is eligible under section 43-2,108.01;
- 9 (f) Complete secondary education;
- 10 (g) Apply for admission and aid for postsecondary education or
11 vocational courses;
- 12 (h) Obtain the necessary state court findings and then apply for
13 special immigrant juvenile status as defined in 8 U.S.C. 1101(a)(27)(J)
14 or apply for other immigration relief that the young adult may be
15 eligible for;
- 16 (i) Create a health care power of attorney, health care proxy, or
17 other similar document recognized under state law, at the young adult's
18 option, pursuant to the federal Patient Protection and Affordable Care
19 Act, Public Law 111-148;
- 20 (j) Obtain a copy of health and education records of the young
21 adult;
- 22 (k) Apply for any public benefits or benefits that he or she may be
23 eligible for or may be due through his or her parents or relatives,
24 including, but not limited to, aid to dependent children, supplemental
25 security income, social security disability insurance, social security
26 survivors benefits, the Special Supplemental Nutrition Program for Women,
27 Infants, and Children, the Supplemental Nutrition Assistance Program, and
28 low-income home energy assistance programs;
- 29 (l) Maintain relationships with individuals who are important to the
30 young adult, including searching for individuals with whom the young
31 adult has lost contact;

1 (m) Access information about maternal and paternal relatives,
2 including any siblings;

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

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

6 Sec. 4. Section 43-4511.01, Revised Statutes Cumulative Supplement,
7 2020, is amended to read:

8 43-4511.01 (1)(a) Young adults who are eligible to participate under
9 both extended guardianship assistance as provided in section 43-4511 and
10 the bridge to independence program as provided in subdivision (1)(b)(ii)
11 ~~(2)(b)~~ of section 43-4504 may choose to participate in either program.

12 (b) Young adults who are eligible to participate under both extended
13 adoption assistance as provided in section 43-4512 and the bridge to
14 independence program as provided in subdivision (1)(b)(ii) ~~(2)(b)~~ of
15 section 43-4504 may choose to participate in either program.

16 (2) The department shall create a clear and developmentally
17 appropriate written notice discussing the rights of young adults who are
18 eligible under both extended guardianship assistance and the bridge to
19 independence program and a notice for young adults who are eligible under
20 both extended adoption assistance and the bridge to independence program.
21 The notice shall explain the benefits and responsibilities and the
22 process to apply. The department shall provide the written notice and
23 make efforts to provide a verbal explanation to a young adult with
24 respect to whom a kinship guardianship assistance agreement or an
25 adoption assistance agreement was in effect pursuant to 42 U.S.C. 673 if
26 the young adult had attained sixteen years of age before the agreement
27 became effective or with respect to whom a state-funded guardianship
28 assistance agreement or state-funded adoption assistance agreement was in
29 effect if the young adult had attained sixteen years of age before the
30 agreement became effective. The department shall provide the notice
31 yearly thereafter until such young adult reaches nineteen years of age

1 and not later than ninety days prior to the young adult attaining
2 nineteen years of age.

3 Sec. 5. Section 43-4514, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 43-4514 (1) The department shall submit an amended state plan
6 amendment by October 15, 2019, to seek federal Title IV-E funding under
7 42 U.S.C. 672 for any newly eligible young adult who was adjudicated to
8 be a juvenile described in subdivision (8) of section 43-247 if such
9 young adult's guardianship or state-funded adoption assistance agreement
10 was disrupted or terminated after the young adult had attained the age of
11 sixteen years and for any newly eligible young adult with respect to whom
12 an adoption assistance agreement was in effect pursuant to 42 U.S.C. 673
13 if the child had attained sixteen years of age before the agreement
14 became effective or with respect to whom a state-funded adoption
15 assistance agreement was in effect if the child had attained sixteen
16 years of age before the agreement became effective pursuant to
17 subdivision ~~(1)(b)(ii)~~ ~~(2)(b)~~ of section 43-4504.

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

25 (3) On or before October 15, 2021, the department shall submit an
26 application to the Centers for Medicare and Medicaid Services of the
27 United States Department of Health and Human Services to amend the
28 medicaid state plan to provide medical assistance to young adults
29 participating in the bridge to independence program who are eligible for
30 the medical assistance program and the federal Children's Health
31 Insurance Program established pursuant to 42 U.S.C. 1397aa et seq., under

1 the federal Children's Health Insurance Program Reauthorization Act of
2 2009, until the age of twenty-one years, including for those young adults
3 who are not lawfully residing in the United States.

4 (4) ~~(3)~~ The department shall adopt and promulgate rules and
5 regulations as needed to carry out this section by October 15, 2021 ~~2015~~.

6 (5) Except as otherwise specifically provided, all ~~(4)~~ ~~All~~
7 references to the United States Code in the Young Adult Bridge to
8 Independence Act refer to sections of the code as such sections existed
9 on January 1, 2021 ~~2015~~.

10 Sec. 6. Original sections 4-110 and 43-4505, Reissue Revised
11 Statutes of Nebraska, and sections 43-4504, 43-4511.01, and 43-4514,
12 Revised Statutes Cumulative Supplement, 2020, are repealed.