

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 179**

Introduced by Bolz, 29.

Read first time January 10, 2017

Committee:

1 A BILL FOR AN ACT relating to children and youth; to amend sections  
2 29-2260.02, 43-1311.03, 43-4502, 43-4504, 43-4505, 43-4508, 43-4510,  
3 43-4511.01, and 43-4514, Reissue Revised Statutes of Nebraska, and  
4 section 71-1902, Revised Statutes Cumulative Supplement, 2016; to  
5 change provisions relating to the Title IV-E state plan and a  
6 written independent living transition proposal as prescribed; to  
7 change provisions relating to intent, eligibility, extended services  
8 and support, and court-appointed representation under the Young  
9 Adult Bridge to Independence Act; to harmonize provisions; and to  
10 repeal the original sections.

11 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-2260.02, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3 29-2260.02 The Department of Health and Human Services, as the  
4 single state agency administering the Title IV-E state plan, shall, no  
5 later than October 1, 2018, has the authority to enter into the agreement  
6 with the Office of Probation Administration to act as a surrogate of the  
7 Department of Health and Human Services to administer the Title IV-E  
8 state plan for children it has placement and care authority of. The  
9 Department of Health and Human Services as the public agency  
10 administering or supervising the administration of the Title IV-E state  
11 plan in accordance with section 472(a)(2)(B)(ii) of the federal Social  
12 Security Act, 42 U.S.C. 672(a)(2)(B)(ii), to obtain federal reimbursement  
13 for allowable maintenance, administrative, and training expenses in  
14 accordance with Title IV-E of the federal Social Security Act, Public Law  
15 96-272, Public Law 105-89, and Public Law 110-351, maintains the ultimate  
16 responsibility to supervise the Office of Probation Administration's  
17 activities regarding the Title IV-E requirements for eligible children  
18 served under the agreement. In coordinating the interagency agreement  
19 prior to October 1, 2018, the Department of Health and Human Services and  
20 the Office of Probation Administration shall make such recommendations as  
21 necessary to the Legislature regarding any needed changes to Nebraska  
22 statutes to comply with federal law in obtaining federal reimbursement.

23 The Office of Probation Administration has placement and care  
24 responsibility for juveniles in out-of-home placement, also known as  
25 foster care, described in subdivision (1), (2), (3)(b), or (4) of section  
26 43-247. Placement and care constitutes accountability for the day-to-day  
27 care and protection of juveniles. The responsibility of having placement  
28 and care includes the development of an individual case plan for the  
29 juvenile, including periodic review of the appropriateness and  
30 suitability of the plan and the foster care placement, to ensure that  
31 proper care and services are provided to facilitate return to the

1 juvenile's own home or to make an alternative placement. The case plan  
2 activities include such items as assessing family strength and needs,  
3 identifying and using community resources, and the periodic review and  
4 determination of continued appropriateness of placement. Placement and  
5 care does not include rights retained by the legal custodian, including,  
6 but not limited to, provisions and decisions surrounding education,  
7 morality, religion, discipline, and medical care.

8 Sec. 2. Section 43-1311.03, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

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

23 (a) Education;

24 (b) Employment services and other workforce support;

25 (c) Health and health care coverage, including the child's potential  
26 eligibility for medicaid coverage under the federal Patient Protection  
27 and Affordable Care Act, 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act  
28 and section existed on January 1, 2013;

29 (d) Behavioral health treatment and support needs and access to such  
30 treatment and support;

31 (e) Financial assistance, including education on credit card

1 financing, banking, and other services;

2 (f) Housing;

3 (g) Relationship development and permanent connections; and

4 (h) Adult services, if the needs assessment indicates that the child  
5 is reasonably likely to need or be eligible for services or other support  
6 from the adult services system.

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

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

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

1 Strengthening Families Act, the court shall make a finding as to the  
2 child's involvement in the development of the transition proposal and any  
3 revisions or additions to such proposal.

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

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

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

16 (8)(a) ~~(8)~~ A child adjudicated to be a juvenile described in  
17 subdivision (3)(a) of section 43-247 and who is in an out-of-home  
18 placement shall receive information regarding the Young Adult Bridge to  
19 Independence Act and the bridge to independence program available under  
20 the act. The department shall create a clear and developmentally  
21 appropriate written notice discussing the rights of eligible young adults  
22 to participate in the program. The notice shall include information about  
23 eligibility and requirements to participate in the program, the extended  
24 services and support that young adults are eligible to receive under the  
25 program, and how young adults can be a part of the program. The notice  
26 shall also include information about the young adult's right to request a  
27 client-directed attorney to represent the young adult pursuant to section  
28 43-4510 and the benefits and role of an attorney. The department shall  
29 disseminate this information to all children who were adjudicated to be a  
30 juvenile described in subdivision (3)(a) of section 43-247 and who are in  
31 an out-of-home placement at sixteen years of age and yearly thereafter

1 until nineteen years of age, and not later than ninety days prior to the  
2 child's last court review before attaining nineteen years of age or being  
3 discharged from foster care to independent living. In addition to  
4 providing the written notice, not later than ninety days prior to the  
5 child's last court review before attaining nineteen years of age or being  
6 discharged from foster care to independent living, a representative of  
7 the department shall explain the information contained in the notice to  
8 the child in person and the timeline necessary to avoid a lapse in  
9 services and support.

10 (b)(i) On and after October 1, 2018, a child adjudicated to be a  
11 juvenile as described in subdivision (1), (2), or (3)(b) of section  
12 43-247 and who is in a court-ordered out-of-home placement in the six  
13 months prior to attaining nineteen years of age shall receive information  
14 regarding the Young Adult Bridge to Independence Act and the bridge to  
15 independence program available under the act. The Office of Probation  
16 Administration shall identify any such juvenile and provide him or her  
17 with information regarding the Young Adult Bridge to Independence Act and  
18 the bridge to independence program available under the act.

19 (ii) Any party to such juvenile's court case, or the court upon its  
20 own motion, may request a hearing in the six months prior to the juvenile  
21 attaining nineteen years of age for the court to consider whether it is  
22 necessary for the juvenile to remain in the court-ordered out-of-home  
23 placement if the requesting party or the court believes it would be  
24 contrary to the juvenile's welfare to return to the family home. The  
25 following factors may guide the court in finding whether or not return to  
26 the family home would be contrary to the juvenile's welfare:

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

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

31 (C) Whether the Office of Probation Administration has made

1 reasonable efforts to return the juvenile to the family home prior to his  
2 or her nineteenth birthday.

3 (iii) The court shall set forth its finding in a written order. If  
4 the court finds that return to the family home would be contrary to the  
5 juvenile's welfare, the Office of Probation Administration shall notify  
6 the Department of Health and Human Services within ten days after such  
7 finding is made. As soon as practicable thereafter and prior to the  
8 child's nineteenth birthday, a representative of the department shall  
9 explain the information contained in the written notice described in this  
10 subsection to the juvenile in person and the timeline necessary to avoid  
11 a lapse in services and support. If the juvenile remains in a court-  
12 ordered out-of-home placement upon attaining nineteen years of age  
13 pursuant to a court order as described in section 43-4504, the department  
14 shall proceed pursuant to sections 43-4507 and 43-4508.

15 (9) On or before the date the child reaches eighteen or nineteen  
16 years of age or twenty-one years of age if the child participates in the  
17 bridge to independence program, if the child is leaving foster care, the  
18 department shall provide the child with:

19 (a) A certified copy of the child's birth certificate and facilitate  
20 securing a federal social security card when the child is eligible for  
21 such card;

22 (b) Health insurance information and all documentation required for  
23 enrollment in medicaid coverage for former foster care children as  
24 available under the federal Patient Protection and Affordable Care Act,  
25 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act and section existed on  
26 January 1, 2013;

27 (c) A copy of the child's medical records;

28 (d) A driver's license or identification card issued by a state in  
29 accordance with the requirements of section 202 of the REAL ID Act of  
30 2005, as such section existed on January 1, 2016;

31 (e) A copy of the child's educational records;

1 (f) A credit report check;

2 (g) Contact information, with permission, for family members,  
3 including siblings, with whom the child can maintain a safe and  
4 appropriate relationship, and other supportive adults;

5 (h) A list of local community resources, including, but not limited  
6 to, support groups, health clinics, mental and behavioral health and  
7 substance abuse treatment services and support, pregnancy and parenting  
8 resources, and employment and housing agencies;

9 (i) Written information, including, but not limited to, contact  
10 information, for disability resources or benefits that may assist the  
11 child as an adult, specifically including information regarding state  
12 programs established pursuant to 42 U.S.C. 677, as such section existed  
13 on January 1, 2016, and disability benefits, including supplemental  
14 security income pursuant to 42 U.S.C. 1382 et seq., as such sections  
15 existed on January 1, 2016, or social security disability insurance  
16 pursuant to 42 U.S.C. 423, as such section existed on January 1, 2016, if  
17 the child may be eligible as an adult;

18 (j) An application for public assistance and information on how to  
19 access the system to determine public assistance eligibility;

20 (k) A letter prepared by the department that verifies the child's  
21 name and date of birth, dates the child was in foster care, and whether  
22 the child was in foster care on his or her eighteenth, nineteenth, or  
23 twenty-first birthday and enrolled in medicaid while in foster care;

24 (l) Written information about the child's Indian heritage or tribal  
25 connection, if any; and

26 (m) Written information on how to access personal documents in the  
27 future.

28 All fees associated with securing the certified copy of the child's  
29 birth certificate or obtaining an operator's license or a state  
30 identification card shall be waived by the state.

31 The transition proposal shall document that the child was provided



1 all of the documents listed in this subsection. The court shall make a  
2 finding as to whether the child has received the documents as part of the  
3 independence hearing as provided in subdivision (2)(d) of section 43-285.

4 Sec. 3. Section 43-4502, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 43-4502 The purpose of the Young Adult Bridge to Independence Act is  
7 to support former state wards and other youth exiting state care who are  
8 disconnected from family support and at risk of homelessness in  
9 transitioning to adulthood, becoming self-sufficient, and creating  
10 permanent relationships. The bridge to independence program shall at all  
11 times recognize and respect the autonomy of the young adult. Nothing in  
12 the Young Adult Bridge to Independence Act shall be construed to abrogate  
13 any other rights that a person who has attained nineteen years of age may  
14 have as an adult under state law.

15 Sec. 4. Section 43-4504, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 43-4504 The bridge to independence program is available, on a  
18 voluntary basis, to a young adult:

19 (1) Who has attained at least nineteen years of age;

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

21 (a) Subdivision ~~subdivision~~ (3)(a) of section 43-247 or the  
22 equivalent under tribal law and (i) ~~(a)~~ upon attaining nineteen years of  
23 age, was in an out-of-home placement or had been discharged to  
24 independent living or (ii) ~~(b)~~ with respect to whom a kinship  
25 guardianship assistance agreement was in effect pursuant to 42 U.S.C. 673  
26 if 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 was in effect if the young adult had attained  
29 sixteen years of age before the agreement became effective; or ~~and~~

30 (b) Subdivision (1), (2), or (3)(b) of section 43-247 and (i) after  
31 October 1, 2018, upon attaining nineteen years of age, was in a court-

1 ordered out-of-home placement and (ii) such placement had been authorized  
2 or reauthorized in the six months prior to the juvenile attaining  
3 nineteen years of age in a court order finding that it would be contrary  
4 to the welfare of the juvenile to remain in or return to his or her  
5 family home; and

6 (3) Who is:

7 (a) Completing secondary education or an educational program leading  
8 to an equivalent credential;

9 (b) Enrolled in an institution which provides postsecondary or  
10 vocational education;

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

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

14 (e) Incapable of doing any of the activities described in  
15 subdivisions (3)(a) through (d) of this section due to a medical  
16 condition, which incapacity is supported by regularly updated information  
17 in the case plan of the young adult.

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

20 Sec. 5. Section 43-4505, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

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

24 (1) Medical care under the medical assistance program for young  
25 adults who meet the eligibility requirements of subdivision (2)(a) of  
26 section 43-4504 and have signed a voluntary services and support  
27 agreement as provided in section 43-4506;

28 (2) Medical care under the medical assistance program for young  
29 adults who meet the eligibility requirements of subdivision (2)(b) of  
30 section 43-4504, are eligible for a category of medical assistance  
31 pursuant to section 68-915 or other medical assistance category under

1 federal law, and have signed a voluntary services and support agreement  
2 as provided in section 43-4506;

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

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

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

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

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

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

1 option, pursuant to the federal Patient Protection and Affordable Care  
2 Act, Public Law 111-148;

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

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

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

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

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

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

20 Sec. 6. Section 43-4508, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

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

31 (2) The department shall ensure continuity of care and eligibility

1 by working with a child who wants to participate in the bridge to  
2 independence program and, pursuant to section 43-4504, is likely to be  
3 eligible to participate in such program immediately following the  
4 termination of the juvenile court's jurisdiction ~~pursuant to subdivision~~  
5 ~~(3)(a) of section 43-247~~. The voluntary services and support agreement  
6 shall be signed and the petition filed with the court upon the child's  
7 nineteenth birthday or within ten days thereafter. There shall be no  
8 interruption in the foster care maintenance payment and medical  
9 assistance coverage for a child who is eligible and chooses to  
10 participate in the bridge to independence program immediately following  
11 the termination of the juvenile court's jurisdiction pursuant to such  
12 subdivision (3)(a) of section 43-247.

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

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

25 (5) The court shall conduct a hearing for permanency review  
26 consistent with 42 U.S.C. 675(5)(C) as described in subsection (6) of  
27 this section regarding the voluntary services and support agreement at  
28 least once per year and may conduct such hearing at additional times, but  
29 not more times than is reasonably practicable, at the request of the  
30 young adult, the department, or any other party to the proceeding. Upon  
31 the filing of the petition as provided in subsection (1) of this section

1 or anytime thereafter, the young adult may request, in the voluntary  
2 services and support agreement or by other appropriate means, a timeframe  
3 in which the young adult prefers to have the permanency review hearing  
4 scheduled and the court shall seek to accommodate the request as  
5 practicable and consistent with 42 U.S.C. 675(5)(C). The juvenile court  
6 may request the appointment of a hearing officer pursuant to section  
7 24-230 to conduct permanency review hearings. The department is not  
8 required to have legal counsel present at such hearings. The juvenile  
9 court shall conduct the permanency reviews in an expedited manner and  
10 shall issue findings and orders, if any, as speedily as possible.

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

24 (b) The department shall prepare and present to the juvenile court a  
25 report, at the direction of the young adult, addressing progress made in  
26 meeting the goals in the case plan, including the independent living  
27 transition proposal, and shall propose modifications as necessary to  
28 further those goals.

29 (c) The court shall determine whether the bridge to independence  
30 program is providing the appropriate services and support as provided in  
31 the voluntary services and support agreement to carry out the case plan.

1 The court has the authority to determine whether the young adult is  
2 receiving the services and support he or she is entitled to receive under  
3 the Young Adult Bridge to Independence Act and the department's policies  
4 or state or federal law to help the young adult move toward permanency  
5 and self-sufficiency. If the court believes that the young adult requires  
6 additional services and support to achieve the goals documented in the  
7 case plan or under the Young Adult Bridge to Independence Act and the  
8 department's policies or state or federal law, the court may make  
9 appropriate findings or order the department to take action to ensure  
10 that the young adult receives the identified services and support.

11 (7) All pleadings, filings, documents, and reports filed pursuant to  
12 this section and subdivision (11) of section 43-247 shall be  
13 confidential. The proceedings pursuant to this section and subdivision  
14 (11) of section 43-247 shall be confidential unless a young adult  
15 provides a written waiver or a verbal waiver in court. Such waiver may be  
16 made by the young adult in order to permit the proceedings to be held  
17 outside of the courtroom or for any other reason. The Foster Care Review  
18 Office shall have access to any and all pleadings, filings, documents,  
19 reports, and proceedings necessary to complete its case review process.  
20 This section shall not prevent the juvenile court from issuing an order  
21 identifying individuals and agencies who shall be allowed to receive  
22 otherwise confidential information for legitimate and official purposes  
23 as authorized by section 43-3001.

24 Sec. 7. Section 43-4510, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 43-4510 (1) If desired by the young adult, the young adult shall be  
27 provided a court-appointed attorney who has received training appropriate  
28 to the role. The attorney's representation of the young adult shall be  
29 client-directed. The attorney shall protect the young adult's legal  
30 rights and vigorously advocate for the young adult's wishes and goals,  
31 including assisting the young adult as necessary to ensure that the



1 bridge to independence program is providing the young adult with the  
2 services and support required under the Young Adult Bridge to  
3 Independence Act. For young adults who were appointed a guardian ad litem  
4 or defense counsel before the young adult attained nineteen years of age,  
5 the guardian ad litem's or defense counsel's appointment may be  
6 continued, with consent from the young adult, ~~but~~ under a client-directed  
7 model of representation. Before entering into a voluntary services and  
8 support agreement and at least sixty days prior to each permanency and  
9 case review, the independence coordinator shall notify the young adult of  
10 his or her right to request a client-directed attorney if the young adult  
11 would like an attorney to be appointed and shall provide the young adult  
12 with a clear and developmentally appropriate written notice regarding the  
13 young adult's right to request a client-directed attorney, the benefits  
14 and role of such attorney, and the specific steps to take to request that  
15 an attorney be appointed if the young adult would like an attorney  
16 appointed.

17 (2) The court has discretion to appoint a court appointed special  
18 advocate volunteer or continue the appointment of a previously appointed  
19 court appointed special advocate volunteer with the consent of the young  
20 adult.

21 Sec. 8. Section 43-4511.01, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 43-4511.01 (1) Young adults who are eligible to participate under  
24 both extended guardianship assistance as provided in section 43-4511 and  
25 the bridge to independence program as provided in subdivision (2)(a)(ii)  
26 ~~(2)(b)~~ of section 43-4504 may choose to participate in either program.

27 (2) The department shall create a clear and developmentally  
28 appropriate written notice discussing the rights of young adults who are  
29 eligible under both extended guardianship assistance and the bridge to  
30 independence program. The notice shall explain the benefits and  
31 responsibilities and the process to apply. The department shall provide

1 the written notice and make efforts to provide a verbal explanation to a  
2 young adult with respect to whom a kinship guardianship assistance  
3 agreement was in effect pursuant to 42 U.S.C. 673 if the young adult had  
4 attained sixteen years of age before the agreement became effective or  
5 with respect to whom a state-funded guardianship assistance agreement was  
6 in effect if the young adult had attained sixteen years of age before the  
7 agreement became effective. The department shall provide the notice  
8 yearly thereafter until such young adult reaches nineteen years of age  
9 and not later than ninety days prior to the young adult attaining  
10 nineteen years of age.

11 Sec. 9. Section 43-4514, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 43-4514 (1) The department shall submit an amended state plan  
14 amendment by October 15, 2015, to seek federal Title IV-E funding under  
15 42 U.S.C. 672 for newly eligible young adults with respect to whom a  
16 kinship guardianship assistance agreement was in effect pursuant to 42  
17 U.S.C. 673 if the child had attained sixteen years of age before the  
18 agreement became effective or with respect to whom a state-funded  
19 guardianship assistance agreement was in effect if the child had attained  
20 sixteen years of age before the agreement became effective pursuant to  
21 subdivision (2)(a)(ii) ~~(2)(b)~~ of section 43-4504.

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

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

31 (4) All references to the United States Code in the Young Adult

1 Bridge to Independence Act refer to sections of the code as such sections  
2 existed on January 1, 2015.

3 Sec. 10. Section 71-1902, Revised Statutes Cumulative Supplement,  
4 2016, is amended to read:

5 71-1902 (1) The department shall adopt and promulgate rules and  
6 regulations on requirements for licenses, waivers, variances, and  
7 approval of foster family homes taking into consideration the health,  
8 safety, well-being, and best interests of the child. An initial  
9 assessment of a foster family home shall be completed and shall focus on  
10 the safety, protection, and immediate health, educational, developmental,  
11 and emotional needs of the child and the willingness and ability of the  
12 foster home, relative home, or kinship home to provide a safe, stable,  
13 and nurturing environment for a child for whom the department or child-  
14 placing agency has assumed responsibility.

15 (2)(a) Except as otherwise provided in this section, no person shall  
16 furnish or offer to furnish foster care for one or more children without  
17 having in full force and effect a written license issued by the  
18 department upon such terms and conditions as may be prescribed by general  
19 rules and regulations adopted and promulgated by the department. The  
20 terms and conditions for licensure may allow foster family homes to meet  
21 licensing standards through variances equivalent to the established  
22 standards.

23 (b) The department may issue a time-limited, nonrenewable  
24 provisional license to an applicant who is unable to comply with all  
25 licensure requirements and standards, is making a good faith effort to  
26 comply, and is capable of compliance within the time period stated in the  
27 license. The department may issue a time-limited, nonrenewable  
28 probationary license to a licensee who agrees to establish compliance  
29 with rules and regulations that, when violated, do not present an  
30 unreasonable risk to the health, safety, or well-being of the foster  
31 children in the care of the applicant.

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

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

26           (5) All nonprovisional and nonprobationary licenses issued under  
27 sections 71-1901 to 71-1906.01 shall expire two years from the date of  
28 issuance and shall be subject to renewal under the same terms and  
29 conditions as the original license, except that if a licensee submits a  
30 completed renewal application thirty days or more before the license's  
31 expiration date, the license shall remain in effect until the department

1 either renews the license or denies the renewal application. No license  
2 issued pursuant to this section shall be renewed unless the licensee has  
3 completed the required hours of training in foster care in the preceding  
4 twelve months as prescribed by the department. A license may be revoked  
5 for cause, after notice and hearing, in accordance with rules and  
6 regulations adopted and promulgated by the department.

7 (6) A young adult continuing to reside in a foster family home as  
8 provided in subdivision (3) ~~(2)~~ of section 43-4505 does not constitute an  
9 unrelated adult for the purpose of determining eligibility of the family  
10 to be licensed as a foster family home.

11 Sec. 11. Original sections 29-2260.02, 43-1311.03, 43-4502,  
12 43-4504, 43-4505, 43-4508, 43-4510, 43-4511.01, and 43-4514, Reissue  
13 Revised Statutes of Nebraska, and section 71-1902, Revised Statutes  
14 Cumulative Supplement, 2016, are repealed.