

E AND R AMENDMENTS TO LB 216

Introduced by Murante, 49, Chairman Enrollment and Review

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Sections 1 to 14 of this act shall be known
4 and may be cited as the Young Adult Voluntary Services and Support
5 Act.

6 Sec. 2. The purpose of the Young Adult Voluntary Services
7 and Support Act is to support former state wards in transitioning
8 to adulthood, becoming self-sufficient, and creating permanent
9 relationships. The program shall at all times recognize and respect
10 the autonomy of the young adult. Nothing in the Young Adult
11 Voluntary Services and Support Act shall be construed to abrogate
12 any other rights that a person who has attained nineteen years of
13 age may have as an adult under state law.

14 Sec. 3. For purposes of the Young Adult Voluntary
15 Services and Support Act:

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

18 (2) Department means the Department of Health and Human
19 Services;

20 (3) Host home means a living arrangement in which the
21 young adult rents a room in a family or single adult's home;

22 (4) Program means the extended services and support
23 available to a young adult under the Young Adult Voluntary Services

1 and Support Act;

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

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

9 Sec. 4. The program is available, on a voluntary basis,
10 to a young adult:

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

12 (2) Who was adjudicated to be a juvenile described
13 in subdivision (3)(a) of section 43-247 and, upon attaining
14 nineteen years of age, was in an out-of-home placement or had
15 been discharged to independent living; and

16 (3) Who is:

17 (a) Completing secondary education or a program leading
18 to an equivalent credential;

19 (b) Enrolled in an institution which provides
20 postsecondary or vocational education;

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

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

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

1 Sec. 5. Extended services and support provided under the
2 program include, but are not limited to:

3 (1) Medical care under the medical assistance program;

4 (2) Housing support in the form of continued foster care
5 maintenance payments which shall remain at least at the rate set
6 immediately prior to the young adult's exit from foster care. As
7 decided by and with the young adult, young adults may reside in a
8 foster family home, an independent living setting, an institution,
9 or a foster care facility. Placement in an institution or a
10 foster care facility should occur only if necessary due to a young
11 adult's developmental level or medical condition. A young adult
12 who is residing in a foster care facility upon leaving foster
13 care may choose to temporarily stay until he or she is able to
14 transition to a more age-appropriate setting. Independent living
15 setting options shall include, but not be limited to, single
16 or shared apartments, houses, host homes, college dormitories,
17 transitional living facilities, or other postsecondary education
18 or vocational housing. For young adults residing in an independent
19 living setting:

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

24 (b) Rules and restrictions regarding housing options
25 should be respectful of the young adult's autonomy. Specifically,
26 a clean background check shall not be required for an individual
27 residing in the same residence as the young adult; and

1 (3) Case management services that are young-adult driven.

2 Case management shall be a continuation of the independent living
3 transition proposal in section 43-1311.03, including a written
4 description of additional resources that will help the young
5 adult in creating permanent relationships and preparing for the
6 transition to adulthood and independent living. Case management
7 shall include the development of a case plan, developed jointly by
8 the department and the young adult, that includes a description
9 of the identified housing situation or living arrangement and
10 the resources to assist the young adult in the transition from
11 the program to adulthood. The case plan shall incorporate the
12 independent living transition proposal in section 43-1311.03. Case
13 management shall also include, but not be limited to, documentation
14 that assistance has been offered and provided that would help the
15 young adult meet his or her individual goals, if such assistance
16 is appropriate and if the young adult is eligible and consents to
17 receive such assistance. This shall include, but not be limited to,
18 assisting the young adult to:

19 (a) Obtain employment or other financial support;

20 (b) Obtain a government-issued identification card;

21 (c) Open and maintain a bank account;

22 (d) Obtain appropriate community resources, including
23 health, mental health, developmental disability, and other
24 disability services and support;

25 (e) When appropriate, satisfy any juvenile justice system
26 requirements and assist with sealing the young adult's juvenile
27 court record if the young adult is eligible under section

1 43-2,108.01;

2 (f) Complete secondary education;

3 (g) Apply for admission and aid for postsecondary
4 education or vocational courses;

5 (h) Obtain the necessary state court findings and then
6 apply for special immigrant juvenile status as defined in 8 U.S.C.
7 1101(a)(27)(J) or apply for other immigration relief that the young
8 adult may be eligible for;

9 (i) Create a health care power of attorney as required by
10 the federal Patient Protection and Affordable Care Act, Public Law
11 111-148;

12 (j) Obtain a copy of health and education records of the
13 young adult;

14 (k) Apply for any public benefits or benefits that
15 he or she may be eligible for or may be due through his
16 or her parents or relatives, including, but not limited to,
17 aid to dependent children, supplemental security income, social
18 security disability insurance, social security survivors benefits,
19 the Special Supplemental Nutrition Program for Women, Infants,
20 and Children, the Supplemental Nutrition Assistance Program, and
21 low-income home energy assistance programs;

22 (l) Maintain relationships with individuals who are
23 important to the young adult, including searching for individuals
24 with whom the young adult has lost contact;

25 (m) Access information about maternal and paternal
26 relatives, including any siblings;

27 (n) Access young adult empowerment opportunities, such as

1 Project Everlast and peer support groups; and

2 (o) Access pregnancy and parenting resources and
3 services.

4 Sec. 6. (1) If a young adult chooses to participate in
5 the program and is eligible under section 4 of this act, the young
6 adult and the department shall sign, and the young adult shall be
7 provided a copy of, a voluntary services and support agreement that
8 includes, at a minimum, information regarding all of the following:

9 (a) The requirement that the young adult continue to be
10 eligible under section 4 of this act for the duration of the
11 voluntary services and support agreement and any other expectations
12 of the young adult;

13 (b) The services and support the young adult shall
14 receive through the program;

15 (c) The voluntary nature of the young adult's
16 participation and the young adult's right to terminate the
17 voluntary services and support agreement at any time; and

18 (d) Conditions that may result in the termination of
19 the voluntary services and support agreement and the young adult's
20 early discharge from the program as described in section 7 of this
21 act.

22 (2) As soon as the young adult and the department sign
23 the voluntary services and support agreement and the department
24 determines that the young adult is eligible under section 4 of
25 this act, but not longer than forty-five days after signing the
26 agreement, the department shall provide services and support to the
27 young adult in accordance with the voluntary services and support

1 agreement.

2 (3) A young adult participating in the program shall be
3 assigned a support worker to provide case management services for
4 the young adult. Support workers shall be specialized in primarily
5 providing services for young adults in the program or shall, at
6 minimum, have specialized training in providing transition services
7 and support to young adults.

8 (4) The department shall provide continued efforts at
9 achieving permanency and creating permanent connections for a young
10 adult participating in the program.

11 (5) As soon as possible after the young adult is
12 determined eligible under section 4 of this act and signs the
13 voluntary services and support agreement, the department shall
14 conduct a redetermination of income eligibility for purposes of
15 Title IV-E of the federal Social Security Act, 42 U.S.C. 672.

16 Sec. 7. (1) A young adult may choose to terminate
17 the voluntary services and support agreement and stop receiving
18 program services and support at any time. If a young adult
19 chooses to terminate the voluntary services and support agreement,
20 the department shall provide the young adult with a clear and
21 developmentally appropriate written notice informing the young
22 adult of the potential negative effects of terminating the
23 voluntary services and support agreement early, the option to
24 reenter the program at any time before attaining twenty-one years
25 of age, and the procedures for reentering the program.

26 (2) If the department determines that the young adult is
27 no longer eligible under section 4 of this act, the department

1 may terminate the voluntary services and support agreement and
2 stop providing services and support to the young adult. Academic
3 breaks in postsecondary education attendance, such as semester
4 and seasonal breaks, and other transitions between eligibility
5 requirements under section 4 of this act, including education and
6 employment transitions of no longer than thirty days, shall not
7 be a basis for termination. Even if a young adult's voluntary
8 services and support agreement has been previously terminated by
9 either the department or the young adult, the young adult may
10 come back into the program by entering into another voluntary
11 services and support agreement at any time, so long as he or
12 she is eligible under section 4 of this act. At least thirty
13 days prior to the termination of the voluntary services and
14 support agreement, the department shall provide a clear and
15 developmentally appropriate written notice to the young adult
16 informing the young adult of the termination of the voluntary
17 services and support agreement and a clear and developmentally
18 appropriate explanation of the basis for the termination. The
19 written termination notice shall also provide information about the
20 process for appealing the termination, information about the option
21 to enter into another voluntary services and support agreement once
22 the young adult reestablishes eligibility under section 4 of this
23 act, and information about and contact information for community
24 resources that may benefit the young adult, specifically including
25 information regarding state programs established pursuant to 42
26 U.S.C. 677. The young adult may appeal the termination of the
27 voluntary services and support agreement, and such appeal shall be

1 in accordance with the Administrative Procedure Act.

2 Sec. 8. (1) Within forty-five days after the voluntary
3 services and support agreement is signed, the department shall file
4 with the juvenile court a written report or petition describing the
5 young adult's current situation, including the young adult's name,
6 date of birth, and current address and the reasons why it is in
7 the young adult's best interests to receive extended services and
8 support. The department shall also provide the juvenile court with
9 a copy of the signed voluntary services and support agreement, a
10 copy of the case plan, and any other information the department or
11 the young adult wants the court to consider.

12 (2) To ensure continuity of care and eligibility, the
13 voluntary services and support agreement should be signed prior
14 to and filed with the court at the last court hearing before the
15 young adult is discharged from foster care for all young adults who
16 choose to participate in the program at that time.

17 (3) The court has the jurisdiction to review the
18 voluntary services and support agreement signed by the department
19 and the young adult under section 6 of this act. Upon the filing
20 of a report or petition under subsection (1) of this section,
21 the court shall open an extended services and support file for
22 the young adult for the purpose of determining whether continuing
23 in extended services and support is in the young adult's best
24 interests and for the purpose of conducting permanency reviews as
25 described in subsection (5) of this section.

26 (4) The court shall make the best interests determination
27 as described in subsection (3) of this section not later than one

1 hundred eighty days after the young adult and the department enter
2 into the voluntary services and support agreement.

3 (5) The court shall conduct a hearing for permanency
4 review described in subsection (6) of this section regarding the
5 voluntary services and support agreement at least once per year
6 and at additional times at the request of the young adult, the
7 department, or any other party to the proceeding. The juvenile
8 court may request the appointment of a hearing officer pursuant
9 to section 24-230 to conduct permanency review hearings. The
10 department is not required to have legal counsel present at such
11 hearings.

12 (6) The primary purpose of the permanency review is
13 to ensure that the young adult is getting the needed services
14 and support to help the young adult move toward permanency and
15 self-sufficiency. This shall include the procedural protections
16 described in 42 U.S.C. 675(5)(C), including that, in all permanency
17 reviews or hearings regarding the transition of the young adult
18 from foster care to independent living, the court shall consult,
19 in an age-appropriate manner, with the young adult regarding the
20 proposed permanency or transition plan for the young adult and any
21 other procedural protections that apply to children under nineteen
22 years of age under existing state law. The young adult shall have
23 a clear self-advocacy role in the permanency review in accordance
24 with section 10 of this act, and the hearing shall support the
25 active engagement of the young adult in key decisions. Permanency
26 reviews shall be conducted in an informal manner and, whenever
27 possible, outside of the courtroom.

1 Sec. 9. (1)(a) The department shall prepare and present
2 to the juvenile court a report, at the direction of the young
3 adult, addressing progress made in meeting the goals in the case
4 plan, including the independent living transition proposal, and
5 shall propose modifications as necessary to further those goals.

6 (b) The court shall determine whether the department
7 is providing the appropriate services and support as provided in
8 the voluntary services and support agreement to carry out the
9 case plan. If the court believes that the young adult requires
10 additional services and support to achieve the goals documented
11 in the case plan or under the department's policies or state or
12 federal law, the court may order the department to take action to
13 ensure that the young adult receives the identified services and
14 support.

15 (2) The department, in collaboration with the young adult
16 and additional persons identified by the young adult including at
17 least one person who is not responsible for case management, shall
18 conduct periodic case reviews not less than once every one hundred
19 eighty days to evaluate progress made toward meeting the goals set
20 forth in the case plan. The department is not required to have
21 legal counsel present at such reviews. The department shall utilize
22 a team approach in conducting such reviews.

23 Sec. 10. (1) If desired by the young adult, the young
24 adult shall be provided a court-appointed attorney who has received
25 training appropriate to the role. The attorney's representation
26 of the young adult shall be client-directed. The attorney shall
27 protect the young adult's legal rights and vigorously advocate

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

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

22 Sec. 11. The department shall provide extended
23 guardianship assistance for a young adult who is at least nineteen
24 years of age but less than twenty-one years of age if the young
25 adult entered into a guardianship after January 1, 2014, began
26 receiving guardianship assistance at sixteen years of age or older,
27 and meets at least one of the following conditions for eligibility:

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

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

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

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

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

14 Sec. 12. The department shall provide extended adoption
15 assistance for a young adult who is at least nineteen years of
16 age but less than twenty-one years of age if the young adult was
17 adopted after January 1, 2014, began receiving adoption assistance
18 at sixteen years of age or older, and meets at least one of the
19 following conditions of eligibility:

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

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

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

26 (4) The young adult is participating in a program or
27 activity designed to promote employment or remove barriers to

1 employment; or

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

6 Sec. 13. (1) On or before July 1, 2013, the Nebraska
7 Children's Commission shall appoint a Young Adult Voluntary
8 Services and Support Advisory Committee to make recommendations
9 to the department and the Nebraska Children's Commission for a
10 statewide implementation plan meeting the program requirements of
11 the Young Adult Voluntary Services and Support Act. The committee
12 shall provide a written report regarding the initial implementation
13 of the program to the Nebraska Children's Commission, the Health
14 and Human Services Committee of the Legislature, the department,
15 and the Governor by October 1, 2013. The report to the Health and
16 Human Services Committee of the Legislature shall be submitted
17 electronically. The Young Adult Voluntary Services and Support
18 Advisory Committee shall meet on a biannual basis thereafter
19 to advise the department and the Nebraska Children's Commission
20 regarding ongoing implementation of the program and shall provide a
21 written report regarding ongoing implementation, including program
22 participation and early discharge rates and reasons obtained from
23 the department, to the Nebraska Children's Commission, the Health
24 and Human Services Committee of the Legislature, the department,
25 and the Governor by December 15th of each year. By December 15,
26 2015, the committee shall develop specific recommendations for
27 expanding to or improving outcomes for similar groups of at-risk

1 young adults. The report to the Health and Human Services Committee
2 of the Legislature shall be submitted electronically.

3 (2) The members of the Young Adult Voluntary Services
4 and Support Advisory Committee shall include, but not be limited
5 to, (a) representatives from all three branches of government, and
6 the representatives from the legislative and judicial branches of
7 government shall be nonvoting, ex officio members, (b) no less than
8 three young adults currently or previously in foster care, which
9 may be filled on a rotating basis by members of Project Everlast
10 or a similar youth support or advocacy group, (c) one or more
11 representatives from a child welfare advocacy organization, (d)
12 one or more representatives from a child welfare service agency,
13 and (e) one or more representatives from an agency providing
14 independent living services.

15 (3) Members of the committee shall be appointed for terms
16 of two years. The Nebraska Children's Commission shall appoint
17 the chairperson of the committee and may fill vacancies on the
18 committee as they occur.

19 Sec. 14. (1) The department shall implement the Young
20 Adult Voluntary Services and Support Act in accordance with the
21 federal Fostering Connections to Success and Increasing Adoptions
22 Act of 2008, 42 U.S.C. 673 and 42 U.S.C. 675(8)(B), and in
23 accordance with requirements necessary to obtain federal Title IV-E
24 funding under 42 U.S.C. 672 and 42 U.S.C. 673. The department shall
25 implement the Young Adult Voluntary Services and Support Act in
26 accordance with the state's approved medicaid state plan for Title
27 IV-E and shall submit any necessary amendment to implement the

1 Young Adult Voluntary Services and Support Act in accordance with
2 42 U.S.C. 670 by October 15, 2013.

3 (2) Young adults who are eligible under section 4 of this
4 act shall be eligible for the medical assistance program effective
5 July 1, 2013.

6 (3) Beginning January 1, 2014, all provisions of the
7 Young Adult Voluntary Services and Support Act shall take full
8 effect, and the department shall adopt and promulgate rules and
9 regulations to carry out the act by such date.

10 Sec. 15. Section 43-285, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 43-285 (1) When the court awards a juvenile to the care
13 of the Department of Health and Human Services, an association,
14 or an individual in accordance with the Nebraska Juvenile Code,
15 the juvenile shall, unless otherwise ordered, become a ward and
16 be subject to the guardianship of the department, association,
17 or individual to whose care he or she is committed. Any such
18 association and the department shall have authority, by and
19 with the assent of the court, to determine the care, placement,
20 medical services, psychiatric services, training, and expenditures
21 on behalf of each juvenile committed to it. Such guardianship shall
22 not include the guardianship of any estate of the juvenile.

23 (2) Following an adjudication hearing at which a juvenile
24 is adjudged to be under subdivision (3) of section 43-247, the
25 court may order the department to prepare and file with the court
26 a proposed plan for the care, placement, services, and permanency
27 which are to be provided to such juvenile and his or her family.

1 The health and safety of the juvenile shall be the paramount
2 concern in the proposed plan. The department shall include in the
3 plan for a juvenile who is sixteen years of age or older and
4 subject to the guardianship of the department a written independent
5 living transition proposal which meets the requirements of section
6 43-1311.03 and, for eligible juveniles, the Young Adult Voluntary
7 Services and Support Act. The court may approve the plan, modify
8 the plan, order that an alternative plan be developed, or implement
9 another plan that is in the juvenile's best interests. In its order
10 the court shall include a finding regarding the appropriateness of
11 the programs and services described in the proposal designed to
12 assist the juvenile in acquiring independent living skills. Rules
13 of evidence shall not apply at the dispositional hearing when the
14 court considers the plan that has been presented.

15 (3) Within thirty days after an order awarding a juvenile
16 to the care of the department, an association, or an individual
17 and until the juvenile reaches the age of majority, the department,
18 association, or individual shall file with the court a report
19 stating the location of the juvenile's placement and the needs of
20 the juvenile in order to effectuate the purposes of subdivision
21 (1) of section 43-246. The department, association, or individual
22 shall file a report with the court once every six months or at
23 shorter intervals if ordered by the court or deemed appropriate
24 by the department, association, or individual. The department,
25 association, or individual shall file a report and notice of
26 placement change with the court and shall send copies of the
27 notice to all interested parties at least seven days before the

1 placement of the juvenile is changed from what the court originally
2 considered to be a suitable family home or institution to some
3 other custodial situation in order to effectuate the purposes of
4 subdivision (1) of section 43-246. The court, on its own motion
5 or upon the filing of an objection to the change by an interested
6 party, may order a hearing to review such a change in placement
7 and may order that the change be stayed until the completion of
8 the hearing. Nothing in this section shall prevent the court on
9 an ex parte basis from approving an immediate change in placement
10 upon good cause shown. The department may make an immediate change
11 in placement without court approval only if the juvenile is in a
12 harmful or dangerous situation or when the foster parents request
13 that the juvenile be removed from their home. Approval of the court
14 shall be sought within twenty-four hours after making the change in
15 placement or as soon thereafter as possible. The department shall
16 provide the juvenile's guardian ad litem with a copy of any report
17 filed with the court by the department pursuant to this subsection.

18 (4) The court shall also hold a permanency hearing if
19 required under section 43-1312.

20 (5) When the court awards a juvenile to the care of the
21 department, an association, or an individual, then the department,
22 association, or individual shall have standing as a party to file
23 any pleading or motion, to be heard by the court with regard to
24 such filings, and to be granted any review or relief requested in
25 such filings consistent with the Nebraska Juvenile Code.

26 (6) Whenever a juvenile is in a foster care placement
27 as defined in section 43-1301, the Foster Care Review Office or

1 the designated local foster care review board may participate in
2 proceedings concerning the juvenile as provided in section 43-1313
3 and notice shall be given as provided in section 43-1314.

4 (7) Any written findings or recommendations of the Foster
5 Care Review Office or the designated local foster care review board
6 with regard to a juvenile in a foster care placement submitted to
7 a court having jurisdiction over such juvenile shall be admissible
8 in any proceeding concerning such juvenile if such findings or
9 recommendations have been provided to all other parties of record.

10 (8) The executive director and any agent or employee of
11 the Foster Care Review Office or any member of any local foster
12 care review board participating in an investigation or making any
13 report pursuant to the Foster Care Review Act or participating in a
14 judicial proceeding pursuant to this section shall be immune from
15 any civil liability that would otherwise be incurred except for
16 false statements negligently made.

17 Sec. 16. Section 43-905, Revised Statutes Cumulative
18 Supplement, 2012, is amended to read:

19 43-905 (1) The Department of Health and Human Services
20 shall be the legal guardian of all children committed to
21 it. The department shall afford temporary care and shall use
22 special diligence to provide suitable homes for such children.
23 The department shall make reasonable efforts to accomplish
24 joint-sibling placement or sibling visitation or ongoing
25 interaction between siblings as provided in section 43-1311.02.
26 The department is authorized to place such children in suitable
27 families for adoption, foster care, or guardianship or, in the

1 discretion of the department, on a written contract.

2 (2) The contract shall provide (a) for the children's
3 education in the public schools or otherwise, (b) for teaching them
4 some useful occupation, and (c) for kind and proper treatment as
5 members of the family in which they are placed.

6 (3) Whenever any child who has been committed to the
7 department becomes self-supporting, the department shall declare
8 that fact and the guardianship of the department shall cease.
9 Thereafter the child shall be entitled to his or her own earnings.
10 Guardianship of and services by the department shall never extend
11 beyond the age of majority, except that services by the department
12 to a child shall continue until the child reaches the age of
13 twenty-one if the child is a student regularly attending a
14 school, college, or university or regularly attending a course
15 of vocational or technical training designed to prepare such child
16 for gainful employment or the child receives extended services
17 and support as provided in the Young Adult Voluntary Services and
18 Support Act.

19 (4) Whenever the parents of any ward, whose parental
20 rights have not been terminated, have become able to support and
21 educate their child, the department shall restore the child to his
22 or her parents if the home of such parents would be a suitable
23 home. The guardianship of the department shall then cease.

24 (5) Whenever permanent free homes for the children cannot
25 be obtained, the department shall have the authority to provide and
26 pay for the maintenance of the children in private families, in
27 foster care, in guardianship, in boarding homes, or in institutions

1 for care of children.

2 Sec. 17. Section 43-1311.03, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 43-1311.03 (1) When a child placed in foster care turns
5 sixteen years of age or enters foster care and is at least sixteen
6 years of age, a written independent living transition proposal
7 shall be developed by the Department of Health and Human Services
8 at the direction and involvement of the child to prepare for the
9 transition from foster care to adulthood. The transition proposal
10 shall be personalized based on the child's needs. The transition
11 proposal shall include, but not be limited to, the following needs:

12 (a) Education;

13 (b) Employment services and other workforce support;

14 (c) Health and health care coverage;

15 (d) Financial assistance, including education on credit
16 card financing, banking, and other services;

17 (e) Housing;

18 (f) Relationship development; and

19 (g) Adult services, if the needs assessment indicates
20 that the child is reasonably likely to need or be eligible for
21 services or other support from the adult services system.

22 (2) The transition proposal shall be developed and
23 frequently reviewed by the department in collaboration with the
24 child's transition team. The transition team shall be comprised
25 of the child, the child's caseworker, the child's guardian ad
26 litem, individuals selected by the child, and individuals who have
27 knowledge of services available to the child.

1 (3) The transition proposal shall be considered a working
2 document and shall be, at the least, updated for and reviewed at
3 every permanency or review hearing by the court.

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

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

10 (6) A child adjudicated to be a juvenile described in
11 subdivision (3)(a) of section 43-247 and who is in an out-of-home
12 placement shall receive information regarding the Young Adult
13 Voluntary Services and Support Act and the program for extending
14 services and support under the act. The department shall create a
15 clear and developmentally appropriate written notice discussing the
16 rights of eligible young adults to receive services and support
17 under the program. The notice shall include information about
18 eligibility for the program, the extended services and support
19 that young adults are eligible to receive, the requirements of
20 the program, and how young adults can access the program. The
21 notice shall also include information about the young adult's
22 right to request a client-directed attorney to represent the
23 young adult pursuant to section 10 of this act and the benefits
24 and role of an attorney. The department shall disseminate this
25 information to all children who were adjudicated to be a juvenile
26 described in subdivision (3)(a) of section 43-247 and who are in an
27 out-of-home placement at sixteen years of age and yearly thereafter

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

11 ~~(6)~~ (7) On or before the date the child reaches nineteen
12 years of age, the department shall provide the child a certified
13 copy of the child's birth certificate and facilitate securing a
14 federal social security card when the child is eligible for such
15 card. All fees associated with securing the certified copy shall be
16 waived by the state.

17 Sec. 18. Section 71-1902, Revised Statutes Cumulative
18 Supplement, 2012, is amended to read:

19 71-1902 (1) Except as otherwise provided in this section,
20 no person shall furnish or offer to furnish foster care for one
21 or more children not related to such person by blood, marriage,
22 or adoption without having in full force and effect a written
23 license issued by the department upon such terms and conditions
24 as may be prescribed by general rules and regulations adopted
25 and promulgated by the department. The department may issue a
26 time-limited, nonrenewable provisional license to an applicant who
27 is unable to comply with all licensure requirements and standards,

1 is making a good faith effort to comply, and is capable of
2 compliance within the time period stated in the license. The
3 department may issue a time-limited, nonrenewable probationary
4 license to a licensee who agrees to establish compliance with rules
5 and regulations that, when violated, do not present an unreasonable
6 risk to the health, safety, or well-being of the foster children in
7 the care of the applicant. No license shall be issued pursuant to
8 this section unless the applicant has completed the required hours
9 of training in foster care as prescribed by the department.

10 (2) All nonprovisional and nonprobationary licenses
11 issued under sections 71-1901 to 71-1906.01 shall expire two years
12 from the date of issuance and shall be subject to renewal under the
13 same terms and conditions as the original license, except that if
14 a licensee submits a completed renewal application thirty days or
15 more before the license's expiration date, the license shall remain
16 in effect until the department either renews the license or denies
17 the renewal application. No license issued pursuant to this section
18 shall be renewed unless the licensee has completed the required
19 hours of training in foster care in the preceding twelve months as
20 prescribed by the department. For the issuance or renewal of each
21 nonprovisional and nonprobationary license, the department shall
22 charge a fee of fifty dollars for a group home, fifty dollars for a
23 child-caring agency, and fifty dollars for a child-placing agency.
24 For the issuance of each provisional license and each probationary
25 license, the department shall charge a fee of twenty-five dollars
26 for a group home, twenty-five dollars for a child-caring agency,
27 and twenty-five dollars for a child-placing agency. A license may

1 be revoked for cause, after notice and hearing, in accordance with
2 rules and regulations adopted and promulgated by the department.

3 (3) A young adult continuing to reside in a foster family
4 home as provided in subdivision (2) of section 5 of this act does
5 not constitute an unrelated adult for the purpose of determining
6 eligibility of the family to be licensed as a foster family home.

7 ~~(3)~~ (4) For purposes of this section:

8 (a) Foster family home means any home which provides
9 twenty-four-hour care to children who are not related to the foster
10 parent by blood, marriage, or adoption;

11 (b) Group home means a home which is operated under the
12 auspices of an organization which is responsible for providing
13 social services, administration, direction, and control for the
14 home and which is designed to provide twenty-four-hour care for
15 children and youth in a residential setting;

16 (c) Child-caring agency means an organization which is
17 organized as a corporation or a limited liability company for the
18 purpose of providing care for children in buildings maintained by
19 the organization for that purpose; and

20 (d) Child-placing agency means an organization which is
21 authorized by its articles of incorporation and by its license to
22 place children in foster family homes.

23 Sec. 19. If any section in this act or any part of any
24 section is declared invalid or unconstitutional, the declaration
25 shall not affect the validity or constitutionality of the remaining
26 portions.

27 Sec. 20. Original sections 43-285, 43-905, 43-1311.03,

1 and 71-1902, Revised Statutes Cumulative Supplement, 2012, are
2 repealed.

3 Sec. 21. Since an emergency exists, this act takes effect
4 when passed and approved according to law.

5 2. On page 1, line 4, after the first semicolon insert
6 "to change provisions relating to independent living transition
7 proposals, extended guardianship services and support, and
8 licensure of foster family homes;".