

ONE HUNDRED THIRD LEGISLATURE - FIRST SESSION - 2013
COMMITTEE STATEMENT
LB216

Hearing Date: Thursday January 31, 2013
Committee On: Health and Human Services
Introducer: McGill
One Liner: Adopt the Young Adult Voluntary Services and Support Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Campbell, Cook, Crawford, Gloor, Howard, Krist, Watermeier
Nay:
Absent:
Present Not Voting:

Proponents:
Senator Amanda McGill
Amy West
Jennifer Skala
Kristina L. DellaCroce
Amanda Huxoll

Jessyca Vandercoy
Mickey Alder
Amy Peters
Doug Christensen
Mary Fraser Meints
Sarah Caldararo
Ronald Dupell
Sarah Forrest
Tom McBride
David Newell

Opponents:
Thomas Pristow

Neutral:

Representing:
District #26
Nebraska Appleseed
Nebraska Children and Families Foundation
Project Everlast
Nebraska Children and Families Foundation / Project
Everlast North Platte
Lutheran Family Services and Right Turn, LLC
Project Everlast
Project Everlast
Nebraska Children and Families Foundation
Youth Emergency Services
Child Saving Institute
Self
Voices for Children in Nebraska
Epworth Village, Inc.
Nebraska Families Collaborative (NFC)

Representing:
Department of Health and Human Services Division of
Children and Family Services

Representing:

Summary of purpose and/or changes:

The purpose of the Young Adult Voluntary Services and Support Act is "to support former state wards in transitioning to adulthood, becoming self-sufficient, and creating permanent relationships." The Act would provide for a voluntary program in which a young adult who was in a foster care placement or facility, or in independent living, before reaching age 19, to receive extended support services such as: medical care under a medical assistance program, housing support in the form of foster care maintenance payments, and case management services.

Case management services include: documentation that assistance has been offered and provided that would help the young adult meet their individual goals such as, obtained employment, government issued identification, a bank account, and community resources in health, mental health, developmental disability and other disability services, satisfying juvenile justice system requirements and assist with sealing the young adult's record, completing secondary education, applying for admissions for post-secondary education, applying for immigration relief, creating a health care power of attorney, obtaining health and education records, applying for public benefits, maintaining relationships with persons who are important to the young adult, accessing information about relatives, accessing peer support groups, and accessing pregnancy and parenting resources.

In order to qualify for the program, a young adult must be enrolled in and completing secondary education or a program leading to an equivalent credential. In addition, the young adult must be employed at least 80 hours per month or in a program or activity designed to promote employment. The young adult will be exempt from these requirements if they have a medical condition that prevents them from reaching these requirements, which is supported by regularly updated information.

Housing support may be in the form of continued foster care maintenance payments for the young adult to live in a foster family home, an independent living setting, an institution, or a group home. The payment amount will be constant with the rate it was when the young adult otherwise would have left the foster care system. The young adult should only stay in a group home if their mental capacity requires so; however, they may stay until they find an age-appropriate setting to transition into. Independent living includes: single or shared apartments, houses, host homes, college dorms, or other post-secondary housing.

If a young adult chooses to participate in the program, the Department of Health and Human Services and the young adult shall sign a voluntary agreement. The agreement will include the right to terminate, by both the department and the young adult, and conditions of the agreement. Each young adult participating in the program shall be assigned a support worker.

Within 45 days after the support agreement is signed, the department shall file with the juvenile court, a written report or petition with detailed information designed in Section 8 of the Act. Upon receiving the report, the juvenile court will have 180 days to make a determination of whether the extended services are in the best interest of the young adult. Moreover, the court must review the young adult's record at least once per year, or upon request, to ensure that the services and support are helping the young adult move toward permanency and self-sufficiency.

The report filed by the department must address the progress made in meeting the goals listed in the case plan including the independent living transition. Moreover, the department or a contracted entity must conduct periodic case reviews, not less than once every 180 days.

If the young adult requests, a court-appointed attorney must be provided to the young adult; the attorney's representation shall be client-directed. Additionally, the court is given discretion to appoint a court appointed special advocate volunteer.

The department must provide extended guardianship assistance or adoption assistance for the young adult if the guardianship began when the young adult was 16 years old or older. However, to keep the guardianship/adoption assistance, the young adult must maintain the same criteria required to participate in this program.

The department must convene a Young Adult Voluntary Services and Support Advisory Committee to develop an implementation plan that meets the requirements of the Young Adult Voluntary Services and Support Act. Members must be appointed by the Director of Children and Family Services. The committee may not have less than three young adults currently or previously in foster care. The committee must provide a written report regarding the initial implementation of the program to the department, the HHS Committee of the Legislature, and the Governor by October 1, 2013. The Committee will thereafter meet on least on a biannual basis to advise the department and provide a report by December 15th of each year.

The department must implement the Young Adult Voluntary Services and Support Act in accordance with the federal Fostering Connections to Success and Increasing Adoptions Act, the State's Medicaid program, as well as in accordance with the requirements necessary to obtain federal Title IV-E funding. The provisions of this act will begin January 1, 2014. The department will be responsible for adopting and promulgating rules and regulations.

Under LB 216, when a child turns 14, or enters the foster care system after the age of 14 but before reaching age 19, they shall receive information regarding the Young Adult Voluntary Services and Support Act. The information must provide appropriate written notice discussing the rights of eligibility for the young adult to receive services.

Explanation of amendments:

The Committee Amendment makes changes to LB 216 including:

Clarifies that the department is not required to have legal counsel present at the young adult's permanency review hearings.

Raises the age from 14 to 16 years of age, and yearly thereafter until nineteen years of age, when youth in foster care will receive information from the department regarding the Young Adult Voluntary Services and Support Act.

Changes the appointment and oversight of the Young Adult Voluntary Services and Support Advisory Committee from the department and the Director of Children and Family Services to the Nebraska Children's Commission. Additionally, the representatives from the legislative and judicial branches of government on the Young Adult Voluntary Services and Support Advisory Committee shall be nonvoting, ex officio members.

Expands the description of case management to include the development of a case plan (developed jointly by the department and the young adult) that includes: a description of the identified housing situation or living arrangement; and the resources to assist the young adult in the transition from the program to adulthood.

Also, the Committee Amendment, makes some language changes to provide flexibility and clarify the intent of the program including: changes "state ward" to "youth transitioning out of foster care placement and into adulthood"; allows the department to contract for services to young adults; changes a young adult residing in a "group home" to the broader term of "foster care facility"; and adds "transitional living facilities" to independent living setting options for young adults.

Kathy Campbell, Chairperson