

LEGISLATURE OF NEBRASKA
 ONE HUNDRED THIRD LEGISLATURE
 FIRST SESSION
LEGISLATIVE BILL 216

Final Reading

Introduced by McGill, 26; Dubas, 34; Bolz, 29; Conrad, 46.

Read first time January 15, 2013

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to state wards; to amend sections 43-285, 43-905,
 2 43-1311.03, and 71-1902, Revised Statutes Cumulative
 3 Supplement, 2012; to adopt the Young Adult Voluntary
 4 Services and Support Act; to change provisions relating
 5 to independent living transition proposals, extended
 6 guardianship services and support, and licensure of
 7 foster family homes; to harmonize provisions; to provide
 8 severability; to repeal the original sections; and to
 9 declare an emergency.

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

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

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

12 Sec. 3. For purposes of the Young Adult Voluntary
13 Services and Support Act:

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

16 (2) Department means the Department of Health and Human
17 Services;

18 (3) Extended services program means the extended services
19 and support available to a young adult under the Young Adult
20 Voluntary Services and Support Act other than the state-extended
21 guardianship assistance program described in subdivision (3)(b) of
22 section 14 of this act;

23 (4) Supervised independent living setting means an
24 independent supervised setting, consistent with 42 U.S.C. 672(c).
25 Supervised independent living settings shall include, but not be

1 limited to, single or shared apartments, houses, host homes, college
2 dormitories, or other postsecondary educational or vocational
3 housing;

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

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

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

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

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

17 (3) Who is:

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

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

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

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

25 (e) Incapable of doing any of the activities described in

1 subdivisions (3)(a) through (d) of this section due to a medical
2 condition, which incapacity is supported by regularly updated
3 information in the case plan of the young adult.

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

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

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

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

23 (b) Rules and restrictions regarding housing options
24 should be respectful of the young adult's autonomy and developmental
25 maturity. Specifically, safety assessments of the living arrangements

1 shall be age-appropriate and consistent with federal guidance on a
2 supervised setting in which the individual lives independently. A
3 clean background check shall not be required for an individual
4 residing in the same residence as the young adult; and

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

- 22 (a) Obtain employment or other financial support;
23 (b) Obtain a government-issued identification card;
24 (c) Open and maintain a bank account;
25 (d) Obtain appropriate community resources, including

1 health, mental health, developmental disability, and other disability
2 services and support;

3 (e) When appropriate, satisfy any juvenile justice system
4 requirements and assist with sealing the young adult's juvenile court
5 record if the young adult is eligible under section 43-2,108.01;

6 (f) Complete secondary education;

7 (g) Apply for admission and aid for postsecondary
8 education or vocational courses;

9 (h) Obtain the necessary state court findings and then
10 apply for special immigrant juvenile status as defined in 8 U.S.C.
11 1101(a)(27)(J) or apply for other immigration relief that the young
12 adult may be eligible for;

13 (i) Create a health care power of attorney as required by
14 the federal Patient Protection and Affordable Care Act, Public Law
15 111-148;

16 (j) Obtain a copy of health and education records of the
17 young adult;

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

1 (l) Maintain relationships with individuals who are
2 important to the young adult, including searching for individuals
3 with whom the young adult has lost contact;

4 (m) Access information about maternal and paternal
5 relatives, including any siblings;

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

8 (o) Access pregnancy and parenting resources and
9 services.

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

16 (a) The requirement that the young adult continue to be
17 eligible under section 4 of this act for the duration of the
18 voluntary services and support agreement and any other expectations
19 of the young adult;

20 (b) The services and support the young adult shall
21 receive through the extended services program;

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

25 (d) Conditions that may result in the termination of the

1 voluntary services and support agreement and the young adult's early
2 discharge from the extended services program as described in section
3 7 of this act.

4 (2) As soon as the young adult and the department sign
5 the voluntary services and support agreement and the department
6 determines that the young adult is eligible under section 4 of this
7 act, but not longer than forty-five days after signing the agreement,
8 the department shall provide services and support to the young adult
9 in accordance with the voluntary services and support agreement.

10 (3) A young adult participating in the extended services
11 program shall be assigned a support worker to provide case management
12 services for the young adult. Support workers shall be specialized in
13 primarily providing services for young adults in the extended
14 services program or shall, at minimum, have specialized training in
15 providing transition services and support to young adults.

16 (4) The department shall provide continued efforts at
17 achieving permanency and creating permanent connections for a young
18 adult participating in the extended services program.

19 (5) The department shall fulfill all case plan
20 obligations consistent with 42 U.S.C. 675(1).

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

1 Sec. 7. (1) A young adult may choose to terminate the
2 voluntary services and support agreement and stop receiving services
3 and support under the extended services program at any time. If a
4 young adult chooses to terminate the voluntary services and support
5 agreement, the department shall provide the young adult with a clear
6 and developmentally appropriate written notice informing the young
7 adult of the potential negative effects of terminating the voluntary
8 services and support agreement early, the option to reenter the
9 extended services program at any time before attaining twenty-one
10 years of age, and the procedures for reentering the extended services
11 program.

12 (2) If the department determines that the young adult is
13 no longer eligible under section 4 of this act, the department may
14 terminate the voluntary services and support agreement and stop
15 providing services and support to the young adult. Academic breaks in
16 postsecondary education attendance, such as semester and seasonal
17 breaks, and other transitions between eligibility requirements under
18 section 4 of this act, including education and employment transitions
19 of no longer than thirty days, shall not be a basis for termination.
20 Even if a young adult's voluntary services and support agreement has
21 been previously terminated by either the department or the young
22 adult, the young adult may come back into the extended services
23 program by entering into another voluntary services and support
24 agreement at any time, so long as he or she is eligible under section
25 4 of this act. At least thirty days prior to the termination of the

1 voluntary services and support agreement, the department shall
2 provide a clear and developmentally appropriate written notice to the
3 young adult informing the young adult of the termination of the
4 voluntary services and support agreement and a clear and
5 developmentally appropriate explanation of the basis for the
6 termination. The written termination notice shall also provide
7 information about the process for appealing the termination,
8 information about the option to enter into another voluntary services
9 and support agreement once the young adult reestablishes eligibility
10 under section 4 of this act, and information about and contact
11 information for community resources that may benefit the young adult,
12 specifically including information regarding state programs
13 established pursuant to 42 U.S.C. 677. The young adult may appeal the
14 termination of the voluntary services and support agreement, and such
15 appeal shall be in accordance with the Administrative Procedure Act.

16 Sec. 8. (1) Within forty-five days after the voluntary
17 services and support agreement is signed, the department shall file
18 with the juvenile court a written report or petition describing the
19 young adult's current situation, including the young adult's name,
20 date of birth, and current address and the reasons why it is in the
21 young adult's best interests to receive extended services and
22 support. The department shall also provide the juvenile court with a
23 copy of the signed voluntary services and support agreement, a copy
24 of the case plan, and any other information the department or the
25 young adult wants the court to consider.

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

6 (3) The court has the jurisdiction to review the
7 voluntary services and support agreement signed by the department and
8 the young adult under section 6 of this act. Upon the filing of a
9 report or petition under subsection (1) of this section, the court
10 shall open an extended services and support file for the young adult
11 for the purpose of determining whether continuing in extended
12 services and support is in the young adult's best interests and for
13 the purpose of conducting permanency reviews as described in
14 subsection (5) of this section.

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

19 (5) The court shall conduct a hearing for permanency
20 review consistent with 42 U.S.C. 675(5)(C) as described in subsection
21 (6) of this section regarding the voluntary services and support
22 agreement at least once per year and at additional times at the
23 request of the young adult, the department, or any other party to the
24 proceeding. The juvenile court may request the appointment of a
25 hearing officer pursuant to section 24-230 to conduct permanency

1 review hearings. The department is not required to have legal counsel
2 present at such hearings.

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

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

23 (b) The court shall determine whether the department is
24 providing the appropriate services and support as provided in the
25 voluntary services and support agreement to carry out the case plan.

1 If the court believes that the young adult requires additional
2 services and support to achieve the goals documented in the case plan
3 or under the department's policies or state or federal law, the court
4 may order the department to take action to ensure that the young
5 adult receives the identified services and support.

6 (2) The department and at least one person who is not
7 responsible for case management, in collaboration with the young
8 adult and additional persons identified by the young adult, shall
9 conduct periodic case reviews consistent with 42 U.S.C. 675(5)(B) not
10 less than once every one hundred eighty days to evaluate progress
11 made toward meeting the goals set forth in the case plan. The
12 department is not required to have legal counsel present at such
13 reviews. The department shall utilize a team approach in conducting
14 such reviews.

15 Sec. 10. (1) If desired by the young adult, the young
16 adult shall be provided a court-appointed attorney who has received
17 training appropriate to the role. The attorney's representation of
18 the young adult shall be client-directed. The attorney shall protect
19 the young adult's legal rights and vigorously advocate for the young
20 adult's wishes and goals, including assisting the young adult as
21 necessary to ensure that the young adult receives the services and
22 support required under the Young Adult Voluntary Services and Support
23 Act. For young adults who were appointed a guardian ad litem before
24 the young adult attained nineteen years of age, the guardian ad
25 litem's appointment may be continued, with consent from the young

1 adult, but under a client-directed model of representation. Before
2 entering into a voluntary services and support agreement and at least
3 sixty days prior to each permanency and case review, the support
4 worker shall notify the young adult of his or her right to request a
5 client-directed attorney if the young adult would like an attorney to
6 be appointed and shall provide the young adult with a clear and
7 developmentally appropriate written notice regarding the young
8 adult's right to request a client-directed attorney, the benefits and
9 role of such attorney, and the specific steps to take to request that
10 an attorney be appointed if the young adult would like an attorney
11 appointed.

12 (2) The court has discretion to appoint a court appointed
13 special advocate volunteer or continue the appointment of a
14 previously appointed court appointed special advocate volunteer with
15 the consent of the young adult.

16 Sec. 11. The department shall provide extended
17 guardianship assistance for a young adult who is at least nineteen
18 years of age but less than twenty-one years of age if the young adult
19 began receiving kinship guardianship assistance pursuant to 42 U.S.C.
20 673 at sixteen years of age or older or the young adult received
21 state-funded guardianship assistance in a licensed relative placement
22 at sixteen years of age or older and the young adult meets at least
23 one of the following conditions for eligibility:

24 (1) The young adult is completing secondary education or
25 an educational program leading to an equivalent credential;

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

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

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

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

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

17 (1) The young adult is completing secondary education or
18 an educational program leading to an equivalent credential;

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

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

23 (4) The young adult is participating in a program or
24 activity designed to promote employment or remove barriers to
25 employment; or

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

5 Sec. 13. (1) On or before July 1, 2013, the Nebraska
6 Children's Commission shall appoint a Young Adult Voluntary Services
7 and Support Advisory Committee to make recommendations to the
8 department and the Nebraska Children's Commission for a statewide
9 implementation plan meeting the extended services program
10 requirements of the Young Adult Voluntary Services and Support Act.
11 The committee shall provide a written report regarding the initial
12 implementation of the program to the Nebraska Children's Commission,
13 the Health and Human Services Committee of the Legislature, the
14 department, and the Governor by October 1, 2013. The report shall
15 also specifically address recommendations for maximizing and making
16 efficient use of funding for a state-extended guardianship assistance
17 program described in section 14 of this act. The report to the Health
18 and Human Services Committee of the Legislature shall be submitted
19 electronically. The Young Adult Voluntary Services and Support
20 Advisory Committee shall meet on a biannual basis thereafter to
21 advise the department and the Nebraska Children's Commission
22 regarding ongoing implementation of the extended services program and
23 shall provide a written report regarding ongoing implementation,
24 including extended services program participation and early discharge
25 rates and reasons obtained from the department, to the Nebraska

1 Children's Commission, the Health and Human Services Committee of the
2 Legislature, the department, and the Governor by December 15th of
3 each year. By December 15, 2015, the committee shall develop specific
4 recommendations for expanding to or improving outcomes for similar
5 groups of at-risk young adults and for the adaptation or continuation
6 of assistance under the state-extended guardianship assistance
7 program described in section 14 of this act. The report to the Health
8 and Human Services Committee of the Legislature shall be submitted
9 electronically.

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

22 (3) Members of the committee shall be appointed for terms
23 of two years. The Nebraska Children's Commission shall appoint the
24 chairperson of the committee and may fill vacancies on the committee
25 as they occur.

1 Sec. 14. (1) The department shall submit a state plan
2 amendment by October 15, 2013, to seek federal Title IV-E funding
3 under 42 U.S.C. 672 and 42 U.S.C. 673 for the extended services
4 program pursuant to the Young Adult Voluntary Services and Support
5 Act.

6 (2) The extended services or the state-extended
7 guardianship assistance program under either subsection (3) or (4) of
8 this section shall not begin prior to January 1, 2014.

9 (3) If the state plan amendment is approved:

10 (a) The department shall implement the extended services
11 program in accordance with the federal Fostering Connections to
12 Success and Increasing Adoptions Act of 2008, 42 U.S.C. 673 and 42
13 U.S.C. 675(8)(B) and in accordance with requirements necessary to
14 obtain federal Title IV-E funding under 42 U.S.C. 672 and 42 U.S.C.
15 673. If the department does not contract with a private agency to
16 implement the extended services program, the extended services
17 program shall take effect within sixty days after the department
18 receives the notice of approval of the state plan amendment. If the
19 department contracts with a private agency to implement the extended
20 services program, the extended services program shall take effect
21 within ninety days after the department receives the notice of
22 approval of the state plan amendment; and

23 (b) The department shall implement a state-extended
24 guardianship assistance program. The state-extended guardianship
25 assistance program shall not be construed to create an entitlement.

1 Under the state-extended guardianship assistance program, a young
2 adult (i) for whom the state has entered into a guardianship
3 assistance agreement at sixteen years of age or older that is not
4 with a licensed relative and (ii) who meets at least one of the
5 conditions of eligibility under subdivisions (1) through (5) of
6 section 11 of this act, the department shall continue making
7 guardianship assistance payments on behalf of such young adult until
8 he or she attains twenty-one years of age to the extent possible
9 within funds appropriated for the state-extended guardianship
10 assistance program. It is the intent of the Legislature to
11 appropriate four hundred thousand dollars for fiscal years 2013-14
12 and 2014-15 for the state-extended guardianship assistance program.

13 (4) If the state plan amendment is denied, the department
14 shall implement the extended services program as a state-only pilot
15 program within sixty days after the department receives the notice of
16 denial. If implemented as a state-only pilot program, it is the
17 intent of the Legislature to appropriate two million dollars for
18 fiscal years 2013-14 and 2014-15 for such state-only pilot program.
19 The department shall administer the state-only pilot program to serve
20 as many eligible young adults as possible within the funds
21 appropriated. If a state-only pilot program is established, the Young
22 Adult Voluntary Services and Support Advisory Committee shall make
23 recommendations to the department and the Nebraska Children's
24 Commission regarding eligibility criteria and private or alternative
25 funding options within thirty days after the department receives the

1 notice of denial.

2 (5) Prior to January 1, 2014, the department shall adopt
3 and promulgate rules and regulations to carry out the Young Adult
4 Voluntary Services and Support Act.

5 (6) All references to the United States Code in the Young
6 Adult Voluntary Services and Support Act refer to sections of the
7 code as such sections existed on January 1, 2013.

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

10 43-285 (1) When the court awards a juvenile to the care
11 of the Department of Health and Human Services, an association, or an
12 individual in accordance with the Nebraska Juvenile Code, the
13 juvenile shall, unless otherwise ordered, become a ward and be
14 subject to the guardianship of the department, association, or
15 individual to whose care he or she is committed. Any such association
16 and the department shall have authority, by and with the assent of
17 the court, to determine the care, placement, medical services,
18 psychiatric services, training, and expenditures on behalf of each
19 juvenile committed to it. Such guardianship shall not include the
20 guardianship of any estate of the juvenile.

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

1 and safety of the juvenile shall be the paramount concern in the
2 proposed plan. The department shall include in the plan for a
3 juvenile who is sixteen years of age or older and subject to the
4 guardianship of the department a written independent living
5 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 the
8 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 of
13 evidence shall not apply at the dispositional hearing when the court
14 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 and
17 until the juvenile reaches the age of majority, the department,
18 association, or individual shall file with the court a report stating
19 the location of the juvenile's placement and the needs of the
20 juvenile in order to effectuate the purposes of subdivision (1) of
21 section 43-246. The department, association, or individual shall file
22 a report with the court once every six months or at shorter intervals
23 if ordered by the court or deemed appropriate by the department,
24 association, or individual. The department, association, or
25 individual shall file a report and notice of placement change with

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

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

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

1 filings consistent with the Nebraska Juvenile Code.

2 (6) Whenever a juvenile is in a foster care placement as
3 defined in section 43-1301, the Foster Care Review Office or the
4 designated local foster care review board may participate in
5 proceedings concerning the juvenile as provided in section 43-1313
6 and notice shall be given as provided in section 43-1314.

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

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

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

22 43-905 (1) The Department of Health and Human Services
23 shall be the legal guardian of all children committed to it. The
24 department shall afford temporary care and shall use special
25 diligence to provide suitable homes for such children. The department

1 shall make reasonable efforts to accomplish joint-sibling placement
2 or sibling visitation or ongoing interaction between siblings as
3 provided in section 43-1311.02. The department is authorized to place
4 such children in suitable families for adoption, foster care, or
5 guardianship or, in the discretion of the department, on a written
6 contract.

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

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

23 (4) Whenever the parents of any ward, whose parental
24 rights have not been terminated, have become able to support and
25 educate their child, the department shall restore the child to his or

1 her parents if the home of such parents would be a suitable home. The
2 guardianship of the department shall then cease.

3 (5) Whenever permanent free homes for the children cannot
4 be obtained, the department shall have the authority to provide and
5 pay for the maintenance of the children in private families, in
6 foster care, in guardianship, in boarding homes, or in institutions
7 for care of children.

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

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

- 18 (a) Education;
- 19 (b) Employment services and other workforce support;
- 20 (c) Health and health care coverage;
- 21 (d) Financial assistance, including education on credit
22 card financing, banking, and other services;
- 23 (e) Housing;
- 24 (f) Relationship development; and
- 25 (g) Adult services, if the needs assessment indicates

1 that the child is reasonably likely to need or be eligible for
2 services or other support from the adult services system.

3 (2) The transition proposal shall be developed and
4 frequently reviewed by the department in collaboration with the
5 child's transition team. The transition team shall be comprised of
6 the child, the child's caseworker, the child's guardian ad litem,
7 individuals selected by the child, and individuals who have knowledge
8 of services available to the child.

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

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

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

18 (6) A child adjudicated to be a juvenile described in
19 subdivision (3)(a) of section 43-247 and who is in an out-of-home
20 placement shall receive information regarding the Young Adult
21 Voluntary Services and Support Act and the extended services and
22 support available under the act. The department shall create a clear
23 and developmentally appropriate written notice discussing the rights
24 of eligible young adults to receive extended services and support.
25 The notice shall include information about eligibility and

1 requirements to receive extended services and support, the extended
2 services and support that young adults are eligible to receive, and
3 how young adults can access the extended services and support. The
4 notice shall also include information about the young adult's right
5 to request a client-directed attorney to represent the young adult
6 pursuant to section 10 of this act and the benefits and role of an
7 attorney. The department shall disseminate this information to all
8 children who were adjudicated to be a juvenile described in
9 subdivision (3)(a) of section 43-247 and who are in an out-of-home
10 placement at sixteen years of age and yearly thereafter until
11 nineteen years of age, and not later than ninety days prior to the
12 child's last court review before attaining nineteen years of age or
13 being discharged from foster care to independent living. In addition
14 to providing the written notice, not later than ninety days prior to
15 the child's last court review before attaining nineteen years of age
16 or being discharged from foster care to independent living, a
17 representative of the department shall explain the information
18 contained in the notice to the child in person and the timeline
19 necessary to avoid a lapse in services and support.

20 ~~(6)-(7)~~ On or before the date the child reaches nineteen
21 years of age, the department shall provide the child a certified copy
22 of the child's birth certificate and facilitate securing a federal
23 social security card when the child is eligible for such card. All
24 fees associated with securing the certified copy shall be waived by
25 the state.

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

3 71-1902 (1) Except as otherwise provided in this section,
4 no person shall furnish or offer to furnish foster care for one or
5 more children not related to such person by blood, marriage, or
6 adoption without having in full force and effect a written license
7 issued by the department upon such terms and conditions as may be
8 prescribed by general rules and regulations adopted and promulgated
9 by the department. The department may issue a time-limited,
10 nonrenewable provisional license to an applicant who is unable to
11 comply with all licensure requirements and standards, is making a
12 good faith effort to comply, and is capable of compliance within the
13 time period stated in the license. The department may issue a time-
14 limited, nonrenewable probationary license to a licensee who agrees
15 to establish compliance with rules and regulations that, when
16 violated, do not present an unreasonable risk to the health, safety,
17 or well-being of the foster children in the care of the applicant. No
18 license shall be issued pursuant to this section unless the applicant
19 has completed the required hours of training in foster care as
20 prescribed by the department.

21 (2) All nonprovisional and nonprobationary licenses
22 issued under sections 71-1901 to 71-1906.01 shall expire two years
23 from the date of issuance and shall be subject to renewal under the
24 same terms and conditions as the original license, except that if a
25 licensee submits a completed renewal application thirty days or more

1 before the license's expiration date, the license shall remain in
2 effect until the department either renews the license or denies the
3 renewal application. No license issued pursuant to this section shall
4 be renewed unless the licensee has completed the required hours of
5 training in foster care in the preceding twelve months as prescribed
6 by the department. For the issuance or renewal of each nonprovisional
7 and nonprobationary license, the department shall charge a fee of
8 fifty dollars for a group home, fifty dollars for a child-caring
9 agency, and fifty dollars for a child-placing agency. For the
10 issuance of each provisional license and each probationary license,
11 the department shall charge a fee of twenty-five dollars for a group
12 home, twenty-five dollars for a child-caring agency, and twenty-five
13 dollars for a child-placing agency. A license may be revoked for
14 cause, after notice and hearing, in accordance with rules and
15 regulations adopted and promulgated by the department.

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

20 ~~(3)~~(4) For purposes of this section:

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

24 (b) Group home means a home which is operated under the
25 auspices of an organization which is responsible for providing social

1 services, administration, direction, and control for the home and
2 which is designed to provide twenty-four-hour care for children and
3 youth in a residential setting;

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

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

11 Sec. 19. If any section in this act or any part of any
12 section is declared invalid or unconstitutional, the declaration
13 shall not affect the validity or constitutionality of the remaining
14 portions.

15 Sec. 20. Original sections 43-285, 43-905, 43-1311.03,
16 and 71-1902, Revised Statutes Cumulative Supplement, 2012, are
17 repealed.

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