

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 332

Introduced by Bolz, 29.

Read first time January 16, 2019

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to juveniles; to amend sections 43-1311.03,
2 43-4504, 43-4505, 43-4508, 43-4511.01, and 43-4514, Reissue Revised
3 Statutes of Nebraska, and sections 43-285 and 43-4513, Revised
4 Statutes Cumulative Supplement, 2018; to change provisions relating
5 to independence hearings; to change eligibility requirements for
6 participation in the bridge to independence program and to receive
7 foster care maintenance payments under the Young Adult Bridge to
8 Independence Act; to change provisions relating to permanency review
9 hearings; to provide duties for the Department of Health and Human
10 Services; to change provisions relating to the Bridge to
11 Independence Advisory Committee; to harmonize provisions; and to
12 repeal the original sections.
13 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-285, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 43-285 (1) When the court awards a juvenile to the care of the
4 Department of Health and Human Services, an association, or an individual
5 in accordance with the Nebraska Juvenile Code, the juvenile shall, unless
6 otherwise ordered, become a ward and be subject to the legal custody and
7 care of the department, association, or individual to whose care he or
8 she is committed. Any such association and the department shall have
9 authority, by and with the assent of the court, to determine the care,
10 placement, medical services, psychiatric services, training, and
11 expenditures on behalf of each juvenile committed to it. Any such
12 association and the department shall be responsible for applying for any
13 health insurance available to the juvenile, including, but not limited
14 to, medical assistance under the Medical Assistance Act. Such custody and
15 care shall not include the guardianship of any estate of the juvenile.

16 (2)(a) Following an adjudication hearing at which a juvenile is
17 adjudged to be under subdivision (3)(a) or (c) of section 43-247, the
18 court may order the department to prepare and file with the court a
19 proposed plan for the care, placement, services, and permanency which are
20 to be provided to such juvenile and his or her family. The health and
21 safety of the juvenile shall be the paramount concern in the proposed
22 plan.

23 (b) The department shall provide opportunities for the child, in an
24 age or developmentally appropriate manner, to be consulted in the
25 development of his or her plan as provided in the Nebraska Strengthening
26 Families Act.

27 (c) The department shall include in the plan for a child who is
28 fourteen years of age or older and subject to the legal care and custody
29 of the department a written independent living transition proposal which
30 meets the requirements of section 43-1311.03 and, for eligible children,
31 the Young Adult Bridge to Independence Act. The juvenile court shall

1 provide a copy of the plan to all interested parties before the hearing.
2 The court may approve the plan, modify the plan, order that an
3 alternative plan be developed, or implement another plan that is in the
4 child's best interests. In its order the court shall include a finding
5 regarding the appropriateness of the programs and services described in
6 the proposal designed to help the child prepare for the transition from
7 foster care to a successful adulthood. The court shall also ask the
8 child, in an age or developmentally appropriate manner, if he or she
9 participated in the development of his or her plan and make a finding
10 regarding the child's participation in the development of his or her plan
11 as provided in the Nebraska Strengthening Families Act. Rules of evidence
12 shall not apply at the dispositional hearing when the court considers the
13 plan that has been presented.

14 (d) The last court hearing before jurisdiction pursuant to
15 subdivision (3)(a) of section 43-247 is terminated for a child who is
16 sixteen years of age or older or pursuant to subdivision (8) of section
17 43-247 for a child whose guardianship was disrupted or terminated after
18 he or she had attained the age of sixteen years shall be called the
19 independence hearing. In addition to other matters and requirements to be
20 addressed at this hearing, the independence hearing shall address the
21 child's future goals and plans and access to services and support for the
22 transition from foster care to adulthood consistent with section
23 43-1311.03 and the Young Adult Bridge to Independence Act. The child
24 shall not be required to attend the independence hearing, but efforts
25 shall be made to encourage and enable the child's attendance if the child
26 wishes to attend, including scheduling the hearing at a time that permits
27 the child's attendance. An independence coordinator as provided in
28 section 43-4506 shall attend the hearing if reasonably practicable, but
29 the department is not required to have legal counsel present. At the
30 independence hearing, the court shall advise the child about the bridge
31 to independence program, including, if applicable, the right of young

1 adults in the bridge to independence program to request a court-
2 appointed, client-directed attorney under subsection (1) of section
3 43-4510 and the benefits and role of such attorney and to request
4 additional permanency review hearings in the bridge to independence
5 program under subsection (5) of section 43-4508 and how to request such a
6 hearing. The court shall also advise the child, if applicable, of the
7 rights he or she is giving up if he or she chooses not to participate in
8 the bridge to independence program and the option to enter such program
9 at any time between nineteen and twenty-one years of age if the child
10 meets the eligibility requirements of section 43-4504. The department
11 shall present information to the court regarding other community
12 resources that may benefit the child, specifically information regarding
13 state programs established pursuant to 42 U.S.C. 677. The court shall
14 also make a finding as to whether the child has received the documents as
15 required by subsection (9) of section 43-1311.03.

16 (3)(a) Within thirty days after an order awarding a juvenile to the
17 care of the department, an association, or an individual and until the
18 juvenile reaches the age of majority, the department, association, or
19 individual shall file with the court a report stating the location of the
20 juvenile's placement and the needs of the juvenile in order to effectuate
21 the purposes of subdivision (1) of section 43-246. The department,
22 association, or individual shall file a report with the court once every
23 six months or at shorter intervals if ordered by the court or deemed
24 appropriate by the department, association, or individual. Every six
25 months, the report shall provide an updated statement regarding the
26 eligibility of the juvenile for health insurance, including, but not
27 limited to, medical assistance under the Medical Assistance Act. The
28 department shall also concurrently file a written sibling placement
29 report as described in subsection (3) of section 43-1311.02 at these
30 times.

31 (b) The department, association, or individual shall file a report

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

20 (c) The department shall provide the juvenile's guardian ad litem
21 with a copy of any report filed with the court by the department pursuant
22 to this subsection.

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

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

31 (6) Whenever a juvenile is in a foster care placement as defined in

1 section 43-1301, the Foster Care Review Office or the designated local
2 foster care review board may participate in proceedings concerning the
3 juvenile as provided in section 43-1313 and notice shall be given as
4 provided in section 43-1314.

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

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

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

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

1 (a) Education;

2 (b) Employment services and other workforce support;

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

7 (d) Behavioral health treatment and support needs and access to such
8 treatment and support;

9 (e) Financial assistance, including education on credit card
10 financing, banking, and other services;

11 (f) Housing;

12 (g) Relationship development and permanent connections; and

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

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

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

1 transition proposal includes the services needed to assist the child to
2 make the transition from foster care to a successful adulthood.

3 (4) The transition proposal shall document what efforts were made to
4 involve and engage the child in the development of the transition
5 proposal and any revisions or additions to the transition proposal. As
6 provided in the Nebraska Strengthening Families Act, the court shall ask
7 the child, in an age or developmentally appropriate manner, about his or
8 her involvement in the development of the transition proposal and any
9 revisions or additions to such proposal. As provided in the Nebraska
10 Strengthening Families Act, the court shall make a finding as to the
11 child's involvement in the development of the transition proposal and any
12 revisions or additions to such proposal.

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

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

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

25 (8)(a) Any ~~(8)~~ A child who is adjudicated to be a juvenile described
26 in (i) subdivision (3)(a) of section 43-247 and who is in an out-of-home
27 placement or (ii) subdivision (8) of section 43-247 and whose
28 guardianship was disrupted or terminated after the child had attained the
29 age of sixteen years, shall receive information regarding the Young Adult
30 Bridge to Independence Act and the bridge to independence program
31 available under the act.

1 (b) The department shall create a clear and developmentally
2 appropriate written notice discussing the rights of eligible young adults
3 to participate in the program. The notice shall include information about
4 eligibility and requirements to participate in the program, the extended
5 services and support that young adults are eligible to receive under the
6 program, and how young adults can be a part of the program. The notice
7 shall also include information about the young adult's right to request a
8 client-directed attorney to represent the young adult pursuant to section
9 43-4510 and the benefits and role of an attorney.

10 (c) The department shall disseminate this information to any child
11 who was all children who were adjudicated to be a juvenile described in
12 subdivision (3)(a) of section 43-247 and who is are in an out-of-home
13 placement at sixteen years of age and any child who was adjudicated to be
14 a juvenile under subdivision (8) of section 43-247 and whose guardianship
15 was disrupted or terminated after the child had attained the age of
16 sixteen years. The department shall disseminate this information to any
17 such child and yearly thereafter until such child attains the age of
18 nineteen years of age, and not later than ninety days prior to the
19 child's last court review before attaining nineteen years of age or being
20 discharged from foster care to independent living. In addition to
21 providing the written notice, not later than ninety days prior to the
22 child's last court review before attaining nineteen years of age or being
23 discharged from foster care to independent living, a representative of
24 the department shall explain the information contained in the notice to
25 the child in person and the timeline necessary to avoid a lapse in
26 services and support.

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

31 (a) A certified copy of the child's birth certificate and facilitate

1 securing a federal social security card when the child is eligible for
2 such card;

3 (b) Health insurance information and all documentation required for
4 enrollment in medicaid coverage for former foster care children as
5 available under the federal Patient Protection and Affordable Care Act,
6 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act and section existed on
7 January 1, 2013;

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

9 (d) A driver's license or identification card issued by a state in
10 accordance with the requirements of section 202 of the REAL ID Act of
11 2005, as such section existed on January 1, 2016;

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

13 (f) A credit report check;

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

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

21 (i) Written information, including, but not limited to, contact
22 information, for disability resources or benefits that may assist the
23 child as an adult, specifically including information regarding state
24 programs established pursuant to 42 U.S.C. 677, as such section existed
25 on January 1, 2016, and disability benefits, including supplemental
26 security income pursuant to 42 U.S.C. 1382 et seq., as such sections
27 existed on January 1, 2016, or social security disability insurance
28 pursuant to 42 U.S.C. 423, as such section existed on January 1, 2016, if
29 the child may be eligible as an adult;

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

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

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

7 (m) Written information on how to access personal documents in the
8 future.

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

12 The transition proposal shall document that the child was provided
13 all of the documents listed in this subsection. The court shall make a
14 finding as to whether the child has received the documents as part of the
15 independence hearing as provided in subdivision (2)(d) of section 43-285.

16 Sec. 3. Section 43-4504, Reissue Revised Statutes of Nebraska, is
17 amended to read:

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

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

21 (2) Who was adjudicated to be a juvenile described in subdivision
22 (3)(a) of section 43-247 or the equivalent under tribal law or who was
23 adjudicated to be a juvenile described in subdivision (8) of section
24 43-247 or the equivalent under tribal law if the young adult's
25 guardianship was disrupted or terminated after he or she had attained the
26 age of sixteen years and who (a) upon attaining nineteen years of age,
27 was in an out-of-home placement or had been discharged to independent
28 living or (b) with respect to whom a kinship guardianship assistance
29 agreement or an adoption assistance agreement was in effect pursuant to
30 42 U.S.C. 673 if the young adult had attained sixteen years of age before
31 the agreement became effective or with respect to whom a state-funded

1 guardianship assistance agreement or a state-funded adoption assistance
2 agreement was in effect if the young adult had attained sixteen years of
3 age before the agreement became effective; and

4 (3) Who is:

5 (a) Completing secondary education or an educational program leading
6 to an equivalent credential;

7 (b) Enrolled in an institution which provides postsecondary or
8 vocational education;

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

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

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

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

18 Sec. 4. Section 43-4505, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 43-4505 Extended services and support provided under the bridge to
21 independence program include, but are not limited to:

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

26 (2) Housing, placement, and support in the form of foster care
27 maintenance payments which shall remain at least at the rate set
28 immediately prior to the young adult's exit from foster care. A young
29 adult whose residence is paid for by medicaid under a home and community-
30 based services waiver shall not be eligible to receive foster care
31 maintenance payments under the bridge to independence program. As decided

1 by and with the young adult, young adults may reside in a foster family
2 home, a supervised independent living setting, an institution, or a
3 foster care facility. Placement in an institution or a foster care
4 facility should occur only if necessary due to a young adult's
5 developmental level or medical condition. A young adult who is residing
6 in a foster care facility upon leaving foster care may choose to
7 temporarily stay until he or she is able to transition to a more age-
8 appropriate setting. For young adults residing in a supervised
9 independent living setting:

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

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

21 (3) Case management services that are young-adult driven. Case
22 management shall be a continuation of the independent living transition
23 proposal in section 43-1311.03, including a written description of
24 additional resources that will help the young adult in creating permanent
25 relationships and preparing for the transition to adulthood and
26 independent living. Case management shall include the development of a
27 case plan, developed jointly by the department and the young adult, that
28 includes a description of the identified housing situation or living
29 arrangement, the resources to assist the young adult in the transition
30 from the bridge to independence program to adulthood, and the needs
31 listed in subsection (1) of section 43-1311.03. The case plan shall

1 incorporate the independent living transition proposal in section
2 43-1311.03. A new plan shall be developed for young adults who have no
3 previous independent living transition proposal. Case management shall
4 also include, but not be limited to, documentation that assistance has
5 been offered and provided that would help the young adult meet his or her
6 individual goals, if such assistance is appropriate and if the young
7 adult is eligible and consents to receive such assistance. This shall
8 include, but not be limited to, assisting the young adult to:

- 9 (a) Obtain employment or other financial support;
- 10 (b) Obtain a government-issued identification card;
- 11 (c) Open and maintain a bank account;
- 12 (d) Obtain appropriate community resources, including health, mental
13 health, developmental disability, and other disability services and
14 support;
- 15 (e) When appropriate, satisfy any juvenile justice system
16 requirements and assist with sealing the young adult's juvenile court
17 record if the young adult is eligible under section 43-2,108.01;
- 18 (f) Complete secondary education;
- 19 (g) Apply for admission and aid for postsecondary education or
20 vocational courses;
- 21 (h) Obtain the necessary state court findings and then apply for
22 special immigrant juvenile status as defined in 8 U.S.C. 1101(a)(27)(J)
23 or apply for other immigration relief that the young adult may be
24 eligible for;
- 25 (i) Create a health care power of attorney, health care proxy, or
26 other similar document recognized under state law, at the young adult's
27 option, pursuant to the federal Patient Protection and Affordable Care
28 Act, Public Law 111-148;
- 29 (j) Obtain a copy of health and education records of the young
30 adult;
- 31 (k) Apply for any public benefits or benefits that he or she may be

1 eligible for or may be due through his or her parents or relatives,
2 including, but not limited to, aid to dependent children, supplemental
3 security income, social security disability insurance, social security
4 survivors benefits, the Special Supplemental Nutrition Program for Women,
5 Infants, and Children, the Supplemental Nutrition Assistance Program, and
6 low-income home energy assistance programs;

7 (l) Maintain relationships with individuals who are important to the
8 young adult, including searching for individuals with whom the young
9 adult has lost contact;

10 (m) Access information about maternal and paternal relatives,
11 including any siblings;

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

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

15 Sec. 5. Section 43-4508, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 43-4508 (1) Within fifteen days after the voluntary services and
18 support agreement is signed, the department shall file a petition with
19 the juvenile court describing the young adult's current situation,
20 including the young adult's name, date of birth, and current address and
21 the reasons why it is in the young adult's best interests to participate
22 in the bridge to independence program. The department shall also provide
23 the juvenile court with a copy of the signed voluntary services and
24 support agreement, a copy of the case plan, and any other information the
25 department or the young adult wants the court to consider.

26 (2) The department shall ensure continuity of care and eligibility
27 by working with a child who wants to participate in the bridge to
28 independence program and is likely to be eligible to participate in such
29 program immediately following the termination of the juvenile court's
30 jurisdiction pursuant to subdivision (3)(a) of section 43-247 or
31 subdivision (8) of section 43-247 if the young adult's guardianship was

1 disrupted or terminated after he or she had attained the age of sixteen
2 years. The voluntary services and support agreement shall be signed and
3 the petition filed with the court upon the child's nineteenth birthday or
4 within ten days thereafter. There shall be no interruption in the foster
5 care maintenance payment and medical assistance coverage for a child who
6 is eligible and chooses to participate in the bridge to independence
7 program immediately following the termination of the juvenile court's
8 jurisdiction pursuant to ~~such~~ subdivision (3)(a) of section 43-247.

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

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

21 (5) The court shall conduct a hearing for permanency review
22 consistent with 42 U.S.C. 675(5)(C) as described in subsection (6) of
23 this section regarding the voluntary services and support agreement at
24 least once per year and may conduct such hearing at additional times, but
25 not more times than is reasonably practicable, at the request of the
26 young adult, the department, or any other party to the proceeding. The
27 court shall make a reasonable effort finding required by subdivision (6)
28 (c) of this section within twelve months after the court makes its best
29 interests determination under subsection (4) of this section. Upon the
30 filing of the petition as provided in subsection (1) of this section or
31 anytime thereafter, the young adult may request, in the voluntary

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

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

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

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

1 to achieve the permanency goal as set forth in the case plan and the
2 department's report provided under subdivision (6)(b) of this section.
3 The court shall issue specific written findings regarding such reasonable
4 efforts. The court has the authority to determine whether the young adult
5 is receiving the services and support he or she is entitled to receive
6 under the Young Adult Bridge to Independence Act and the department's
7 policies or state or federal law to help the young adult move toward
8 permanency and self-sufficiency. If the court believes that the young
9 adult requires additional services and support to achieve the goals
10 documented in the case plan or under the Young Adult Bridge to
11 Independence Act and the department's policies or state or federal law,
12 the court may make appropriate findings or order the department to take
13 action to ensure that the young adult receives the identified services
14 and support.

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

28 Sec. 6. Section 43-4511.01, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 43-4511.01 (1) Young adults who are eligible to participate under
31 both extended guardianship assistance as provided in section 43-4511 and

1 the bridge to independence program as provided in subdivision (2)(b) of
2 section 43-4504 may choose to participate in either program.

3 (2) The department shall create a clear and developmentally
4 appropriate written notice discussing the rights of young adults who are
5 eligible under both extended guardianship assistance and the bridge to
6 independence program and a notice for young adults who are eligible under
7 both extended adoption assistance and the bridge to independence program.
8 The notice shall explain the benefits and responsibilities and the
9 process to apply. The department shall provide the written notice and
10 make efforts to provide a verbal explanation to a young adult with
11 respect to whom a kinship guardianship assistance agreement or an
12 adoption assistance agreement was in effect pursuant to 42 U.S.C. 673 if
13 the young adult had attained sixteen years of age before the agreement
14 became effective or with respect to whom a state-funded guardianship
15 assistance agreement or state-funded adoption assistance agreement was in
16 effect if the young adult had attained sixteen years of age before the
17 agreement became effective. The department shall provide the notice
18 yearly thereafter until such young adult reaches nineteen years of age
19 and not later than ninety days prior to the young adult attaining
20 nineteen years of age.

21 Sec. 7. Section 43-4513, Revised Statutes Cumulative Supplement,
22 2018, is amended to read:

23 43-4513 (1) On or before July 1, 2013, the Nebraska Children's
24 Commission shall appoint a Bridge to Independence Advisory Committee to
25 make recommendations to the department and the Nebraska Children's
26 Commission regarding the bridge to independence program, extended
27 guardianship assistance described in section 43-4511, and extended
28 adoption assistance described in section 43-4512. The Bridge to
29 Independence Advisory Committee shall meet on a biannual basis to advise
30 the department and the Nebraska Children's Commission regarding ongoing
31 implementation of the bridge to independence program, extended

1 guardianship assistance described in section 43-4511, and extended
2 adoption assistance described in section 43-4512 and shall provide a
3 written report regarding ongoing implementation, including participation
4 in the bridge to independence program, extended guardianship assistance
5 described in section 43-4511, and extended adoption assistance described
6 in section 43-4512 and early discharge rates and reasons obtained from
7 the department, to the Nebraska Children's Commission, the Health and
8 Human Services Committee of the Legislature, the department, and the
9 Governor by September 1 of each year. By December 15, 2015, the committee
10 shall develop specific recommendations for expanding to or improving
11 outcomes for similar groups of at-risk young adults. The report to the
12 Health and Human Services Committee of the Legislature shall be submitted
13 electronically.

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

25 (3) Members of the committee shall be appointed for terms of two
26 years.

27 (4) The Nebraska Children's Commission shall appoint the chairperson
28 of the committee and may fill vacancies on the committee as they occur.
29 If the Nebraska Children's Commission terminates, the committee shall
30 continue to exist. In such event, the department shall be responsible for
31 appointing the chairperson of the committee and filling vacancies on the

1 committee as they occur.

2 Sec. 8. Section 43-4514, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 43-4514 (1) The department shall submit an amended state plan
5 amendment by October 15, 2019 ~~2015~~, to seek federal Title IV-E funding
6 under 42 U.S.C. 672 for newly eligible young adults who were adjudicated
7 to be juveniles described in subdivision (8) of section 43-247 if such
8 young adults' guardianships were disrupted or terminated after they had
9 attained the age of sixteen years and for newly eligible young adults
10 with respect to whom an adoption ~~a kinship guardianship~~ assistance
11 agreement was in effect pursuant to 42 U.S.C. 673 if the child had
12 attained sixteen years of age before the agreement became effective or
13 with respect to whom a state-funded adoption ~~guardianship~~ assistance
14 agreement was in effect if the child had attained sixteen years of age
15 before the agreement became effective pursuant to subdivision (2)(b) of
16 section 43-4504.

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

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

26 (4) All references to the United States Code in the Young Adult
27 Bridge to Independence Act refer to sections of the code as such sections
28 existed on January 1, 2015.

29 Sec. 9. Original sections 43-1311.03, 43-4504, 43-4505, 43-4508,
30 43-4511.01, and 43-4514, Reissue Revised Statutes of Nebraska, and
31 sections 43-285 and 43-4513, Revised Statutes Cumulative Supplement,

1 2018, are repealed.