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2019

LEGISLATURE OF NEBRASKA

ONE HUNDRED SIXTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 219

Introduced by Wishart, 27.

Read first time January 14, 2019

Committee: Judiciary

A BILL FOR AN ACT relating to children; to amend sections 43-1311.03 and 43-4708, Reissue Revised Statutes of Nebraska, and section 43-4704, Revised Statutes Cumulative Supplement, 2018; to provide requirements for foster care transition proposals and provision of materials relating to acquiring a driver's license; to provide for a child in foster care to obtain a driver's license and provide immunity from liability for caregivers; and to repeal the original sections.

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

AM1472
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MMM - 04/24/2019

AMENDMENTS TO LB219

Introduced by Judiciary.

1. Strike original section 3.

2. On page 5, strike beginning with "On" in line 18 through "a" in line 21; and in line 21 reinstate the stricken "A".

3. Renumber the remaining section and correct the repealer accordingly.

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Section 1. Section 43-1311.03, Reissue Revised Statutes of Nebraska, is amended to read:

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

(a) Education;

(b) Employment services and other workforce support;

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

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

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

(f) Housing;

(g) Relationship development and permanent connections;~~ and~~

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

(i) Information, planning, and assistance to obtain a driver's

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license as allowed under state law and consistent with subdivision (9)(b)(iv) of this section, including, but not limited to, providing the child with a copy of a driver's manual, identifying driver safety courses and resources to access a driver safety course, and identifying potential means by which to access a motor vehicle for such purposes.

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

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

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

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child’s involvement in the development of the transition proposal and any revisions or additions to such proposal.

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

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

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

(8) A child adjudicated to be a juvenile described in subdivision (3)(a) of section 43-247 and who is in an out-of-home placement shall receive information regarding the Young Adult Bridge to Independence Act and the bridge to independence program available under the act. The department shall create a clear and developmentally appropriate written notice discussing the rights of eligible young adults to participate in the program. The notice shall include information about eligibility and requirements to participate in the program, the extended services and support that young adults are eligible to receive under the program, and how young adults can be a part of the program. The notice shall also include information about the young adult's right to request a client-directed attorney to represent the young adult pursuant to section 43-4510 and the benefits and role of an attorney. The department shall disseminate this information to all children who were adjudicated to be a juvenile described in subdivision (3)(a) of section 43-247 and who are in an out-of-home placement at sixteen years of age and yearly thereafter until nineteen years of age, and not later than ninety days prior to the

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

(9)(a) The department shall provide the child with the documents, information, records, and other materials described in subdivision (9)(b) of this section, (i) if the child is leaving foster care, on ~~(9) On~~ or before the date the child reaches eighteen or nineteen years of age or twenty-one years of age if the child participates in the bridge to independence program, and (ii) at the age or as otherwise prescribed in subdivision (9)(b) of this section. ~~if the child is leaving foster care, the~~

(b) The department shall provide the child with:

(i) On or before the date the child reaches fourteen years of age, or as soon as possible after the child enters foster care for a child who enters foster care after attaining the age of fourteen years, and again prior to leaving foster care, a ~~(a) A~~ certified copy of the child's birth certificate and facilitate securing a federal social security card if ~~when~~ the child is eligible for such card;

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

(iii) ~~(c)~~ A copy of the child’s medical records;

(iv) ~~(d)~~ A driver's license or identification card issued by a state in accordance with the requirements of section 202 of the REAL ID Act of

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2005, as such act and section existed on January 1, 2016, and when requested by a child fourteen years of age or older, all documents necessary to obtain such license or card;

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

(vi) ~~(f)~~ A credit report check;

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

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

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

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

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

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

(xiii) ~~(m)~~ Written information on how to access personal documents

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in the future.

(c) All fees associated with securing the certified copy of the child's birth certificate or obtaining a driver's ~~an operator's~~ license or a state identification card shall be waived by the state.

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

Sec. 2. Section 43-4704, Revised Statutes Cumulative Supplement, 2018, is amended to read:

43-4704 (1) Every child placed by the department in a foster family home or child-care institution shall be entitled to access to reasonable opportunities to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities.

(2) A child in foster care shall not be required, by virtue of his or her status as a child in foster care, to meet any more requirements for a driver's license under the Motor Vehicle Operator's License Act than any other child applying for the same license.

Sec. 3. Section 43-4708, Reissue Revised Statutes of Nebraska, is amended to read:

43-4708 (1) A caregiver is not liable for harm caused to a child who participates in an activity approved by the caregiver or by a child who participates in an activity approved by a caregiver if the caregiver has acted in accordance with the reasonable and prudent parent standard.

(2) A caregiver of a child in foster care who obtains a driver's license as described in subsection (9) of section 43-1311.03 is not liable for harm caused to the child or by the child, for actions arising from the child learning to drive or driving a motor vehicle, if the caregiver has acted in accordance with the reasonable and prudent parent standard.

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(3) This section may not be interpreted as removing or limiting any existing liability protection afforded by law.

Sec. 4. Original sections 43-1311.03 and 43-4708, Reissue Revised Statutes of Nebraska, and section 43-4704, Revised Statutes Cumulative Supplement, 2018, are repealed.