

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 746**

Introduced by Campbell, 25; Bolz, 29; Coash, 27; Howard, 9; Morfeld, 46;  
Pansing Brooks, 28.

Read first time January 06, 2016

Committee:

1 A BILL FOR AN ACT relating to foster care; to amend sections 43-1311.03  
2 and 43-1312, Revised Statutes Cumulative Supplement, 2014, and  
3 sections 43-272.01 and 43-285, Revised Statutes Supplement, 2015; to  
4 adopt the Nebraska Strengthening Families Act; to change reporting  
5 requirements for guardians ad litem; to change provisions relating  
6 to independent living transition proposals and permanency plans; to  
7 create the Normalcy Task Force; to harmonize provisions; to repeal  
8 the original sections; and to declare an emergency.  
9 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 14 of this act shall be known and may be  
2 cited as the Nebraska Strengthening Families Act.

3           Sec. 2. The Legislature finds that every day a parent makes  
4 important decisions about his or her child's participation in activities  
5 and that a caregiver for a child in out-of-home care is faced with making  
6 the same decisions for a child in his or her care.

7           The Legislature also finds that when a caregiver makes decisions, he  
8 or she must consider applicable laws, rules, and regulations to safeguard  
9 the health and safety of a child in out-of-home care and that those laws,  
10 rules, and regulations have commonly been interpreted to prohibit  
11 children in out-of-home care from participating in extracurricular,  
12 enrichment, cultural, and social activities.

13           The Legislature further finds that participation in these types of  
14 activities is important to a child's well-being, not only emotionally,  
15 but in developing valuable life skills.

16           It is the intent of the Legislature to recognize the importance of  
17 making every effort to normalize the lives of children in out-of-home  
18 care and to empower a caregiver to approve or disapprove a child's  
19 participation in activities based on the caregiver's own assessment using  
20 a reasonable and prudent parent standard.

21           Sec. 3. For the purposes of the Nebraska Strengthening Families  
22 Act:

23           (1) Age or developmentally appropriate means activities or items  
24 that are generally accepted as suitable for a child of the same  
25 chronological age or level of maturity or that are determined to be  
26 developmentally appropriate for a child, based on the development of  
27 cognitive, emotional, physical, and behavioral capacities that are  
28 typical for an age or age group and, in the case of a specific child,  
29 activities or items that are suitable for the child based on the  
30 developmental stages attained by the child with respect to the cognitive,  
31 emotional, physical, and behavioral capacities of the child;

1       (2) Caregiver means a foster parent with whom a child in foster care  
2 has been placed or a designated official for a child-care institution in  
3 which a child in foster care has been placed;

4       (3) Child-care institution has the definition found in 42 U.S.C.  
5 672(c), as such section existed on January 1, 2016, and also includes the  
6 definition of residential child-caring agency as found in section  
7 71-1926;

8       (4) Department means the Department of Health and Human Services;

9       (5) Foster family home has the definition found in 42 U.S.C. 672(c),  
10 as such section existed on January 1, 2016, and also includes the  
11 definition as found in section 71-1901; and

12       (6) Reasonable and prudent parent standard means the standard  
13 characterized by careful and sensible parental decisions that maintain  
14 the health, safety, and best interest of a child while at the same time  
15 encouraging the emotional and developmental growth of the child that a  
16 caregiver shall use when determining whether to allow a child in foster  
17 care under the responsibility of the state to participate in  
18 extracurricular, enrichment, cultural, and social activities.

19       Sec. 4. Every child placed in a foster family home or child-care  
20 institution shall be entitled to participate in age or developmentally  
21 appropriate extracurricular, enrichment, cultural, and social activities.

22       Sec. 5. Each caregiver shall use the reasonable and prudent parent  
23 standard in determining whether to give permission for a child to  
24 participate in extracurricular, enrichment, cultural, and social  
25 activities. When using the reasonable and prudent parent standard, the  
26 caregiver shall consider:

27       (1) The child's goals and input;

28       (2) To the extent possible, the input of the parent of the child;

29       (3) The child's age, maturity, and developmental level to maintain  
30 the overall health and safety of the child;

31       (4) The potential risk factors and the appropriateness of the

1 extracurricular, enrichment, cultural, or social activity;

2 (5) The best interests of the child, based on information known by  
3 the caregiver;

4 (6) The importance of encouraging the child's emotional and  
5 developmental growth;

6 (7) The importance of providing the child with the most family-like  
7 living experience possible;

8 (8) The behavioral history of the child and the child's ability to  
9 safely participate in the proposed activity;

10 (9) The child's personal and cultural identity; and

11 (10) The individualized needs of the child.

12 Sec. 6. (1) The department shall ensure that each foster family  
13 home and child-care institution has policies consistent with this section  
14 and that such foster family home and child-care institution promote and  
15 protect the ability of children to participate in age or developmentally  
16 appropriate extracurricular, enrichment, cultural, and social activities.

17 (2) A caregiver shall use a reasonable and prudent parent standard  
18 in determining whether to give permission for a child to participate in  
19 extracurricular, enrichment, cultural, and social activities. The  
20 caregiver shall take reasonable steps to determine the appropriateness of  
21 the activity in consideration of the child's age, maturity, and  
22 developmental level.

23 (3) The department shall require, as a condition of each contract  
24 entered into by a child-care institution to provide foster care, the  
25 presence on-site of at least one official who, with respect to any child  
26 placed at the child-care institution, is designated to be the caregiver  
27 who is authorized to apply the reasonable and prudent parent standard to  
28 decisions involving the participation of the child in age or  
29 developmentally appropriate activities, and who is provided with training  
30 in how to use and apply the reasonable and prudent parent standard in the  
31 same manner as foster parents are provided training in section 7 of this

1 act and who is required to consult whenever possible with the child and  
2 staff members identified by the child in applying the reasonable and  
3 prudent parent standard.

4 (4) The department shall also require, as condition of each contract  
5 entered into by a child-care institution to provide foster care, that all  
6 children placed at the child-care institution be notified verbally and in  
7 writing of the process for making a request to participate in age or  
8 developmentally appropriate activities and that a written notice of this  
9 process be posted in an accessible, public place in the child-care  
10 institution.

11 Sec. 7. The department shall adopt and promulgate rules and  
12 regulations regarding training for foster parents so that foster parents  
13 will be prepared adequately with the appropriate knowledge and skills  
14 relating to the reasonable and prudent parent standard for the  
15 participation of the child in age or developmentally appropriate  
16 activities, including knowledge and skills relating to the developmental  
17 stages of the cognitive, emotional, physical, and behavioral capacities  
18 of the child and knowledge and skills related to applying the standard to  
19 decisions such as whether to allow the child to engage in  
20 extracurricular, enrichment, cultural, and social activities, including  
21 sports, field trips, and overnight activities lasting one or more days  
22 and to decisions involving the signing of permission slips and arranging  
23 of transportation for the child to and from extracurricular, enrichment,  
24 cultural, and social activities.

25 Sec. 8. A caregiver is not liable for harm caused to a child who  
26 participates in an activity approved by the caregiver or by a child who  
27 participates in an activity approved by a caregiver if the caregiver has  
28 acted in accordance with the reasonable and prudent parent standard. This  
29 section may not be interpreted as removing or limiting any existing  
30 liability protection afforded by law.

31 Sec. 9. (1) Nothing in the Nebraska Strengthening Families Act or

1 the application of the reasonable and prudent parent standard shall  
2 affect the parental rights of a parent whose parental rights have not  
3 been terminated pursuant to section 43-292 with respect to his or her  
4 child.

5 (2) To the extent possible, a parent shall be consulted about his or  
6 her views on the child's participation in age or developmentally  
7 appropriate activities in the planning process. The department shall  
8 document such consultation in the report filed pursuant to subsection (3)  
9 of section 43-285.

10 (3) The child's participation in extracurricular, enrichment,  
11 cultural, and social activities shall be considered at any family team  
12 meeting.

13 Sec. 10. The department shall document in the report pursuant to  
14 subsection (3) of section 43-285 the steps the department is taking to  
15 ensure that:

16 (1) The child's caregiver is following the reasonable and prudent  
17 parent standard;

18 (2) The child has regular, ongoing opportunities to engage in age or  
19 developmentally appropriate activities;

20 (3) The department has consulted with the child in an age or  
21 developmentally appropriate manner about the opportunities of the child  
22 to participate in age or developmentally appropriate activities; and

23 (4) Any barriers to participation in age or developmentally  
24 appropriate activities are identified and addressed.

25 Sec. 11. (1) At every dispositional, review, or permanency planning  
26 hearing, the juvenile court shall make a determination regarding:

27 (a) The steps the department is taking to ensure the child's foster  
28 family home or child-care institution is following the reasonable and  
29 prudent parent standard;

30 (b) Whether the child has regular, ongoing opportunities to engage  
31 in age or developmentally appropriate activities; and

1       (c) Whether the department has consulted with the child in an age or  
2 developmentally appropriate manner about the opportunities of the child  
3 to participate in such activities.

4       (2) In making this determination, the juvenile court shall ask the  
5 child, in an age or developmentally appropriate manner, about his or her  
6 access to regular and ongoing opportunities to engage in age or  
7 developmentally appropriate activities. If the child, guardian ad litem,  
8 caregiver, or a party to the proceeding believes that the child has not  
9 had regular, ongoing opportunities to engage in such activities, the  
10 juvenile court may make appropriate findings or orders to ensure the  
11 child has regular, ongoing opportunities to engage in age and  
12 developmentally appropriate activities. In making such findings or  
13 orders, the court shall give deference to the caregiver in making  
14 decisions within the reasonable and prudent parent standard.

15       Sec. 12. The department and the courts shall work collaboratively  
16 to remove or reduce barriers to a child's participation in age or  
17 developmentally appropriate activities.

18       Sec. 13. (1) The plan as provided in subsection (2) of section  
19 43-285 for any child in a foster family home or child-care institution  
20 who has attained fourteen years of age shall include:

21       (a) A document that describes the rights of the child with respect  
22 to education, health, visitation, and court participation, the right to  
23 be provided with a copy of any consumer report pursuant to 42 U.S.C.  
24 675(5)(I), as such section existed on January 1, 2016, and the right to  
25 stay safe and avoid exploitation. The document shall also describe the  
26 right of the child to be provided documents relating to his or her  
27 education, health, visitation, court participation, and the right to stay  
28 safe and avoid exploitation. The document shall also describe additional  
29 rights of the child, including, but not limited to, the right to:

30       (i) Understand the system or systems in which the child is involved;

31       (ii) Have his or her voice heard in his or her case;

- 1        (iii) Maintain family connections;  
2        (iv) Access personal information;  
3        (v) Honest and clear communication;  
4        (vi) Have his or her basic needs met;  
5        (vii) Learn life skills needed to successfully transition to  
6 adulthood; and  
7        (viii) Live in the most family-like setting that is safe, healthy,  
8 comfortable, and meets the child's needs; and  
9        (b) A signed acknowledgment by the child that the child has been  
10 provided with a copy of the document described in this section and that  
11 the rights contained in the document have been explained to the child in  
12 an age or developmentally appropriate manner.

13        (2) The document shall be provided to the child in a hard copy and  
14 offered to the child within seventy-two hours of being placed in a foster  
15 family home or child-care institution and at every dispositional, review,  
16 and permanency planning hearing.

17        (3) The department shall require, as a condition of each contract  
18 entered into by a child-care institution to provide foster care, that the  
19 child-care institution publicly post the document described in this  
20 section in an accessible location.

21        Sec. 14. The department shall adopt and promulgate rules and  
22 regulations to carry out the Nebraska Strengthening Families Act and  
23 shall revoke any rules or regulations inconsistent with the act by  
24 October 15, 2016.

25        Sec. 15. Section 43-272.01, Revised Statutes Supplement, 2015, is  
26 amended to read:

27        43-272.01 (1) A guardian ad litem as provided for in subsections (2)  
28 and (3) of section 43-272 shall be appointed when a child is removed from  
29 his or her surroundings pursuant to subdivision (2) or (3) of section  
30 43-248, subsection (2) of section 43-250, or section 43-251. If removal  
31 has not occurred, a guardian ad litem shall be appointed at the



1 commencement of all cases brought under subdivision (3)(a) or (7) of  
2 section 43-247 and section 28-707.

3 (2) In the course of discharging duties as guardian ad litem, the  
4 person so appointed shall consider, but not be limited to, the criteria  
5 provided in this subsection. The guardian ad litem:

6 (a) Is appointed to stand in lieu of a parent for a protected  
7 juvenile who is the subject of a juvenile court petition, shall be  
8 present at all hearings before the court in such matter unless expressly  
9 excused by the court, and may enter into such stipulations and agreements  
10 concerning adjudication and disposition deemed by him or her to be in the  
11 juvenile's best interests;

12 (b) Is not appointed to defend the parents or other custodian of the  
13 protected juvenile but shall defend the legal and social interests of  
14 such juvenile. Social interests shall be defined generally as the usual  
15 and reasonable expectations of society for the appropriate parental  
16 custody and protection and quality of life for juveniles without regard  
17 to the socioeconomic status of the parents or other custodians of the  
18 juvenile;

19 (c) May at any time after the filing of the petition move the court  
20 of jurisdiction to provide medical or psychological treatment or  
21 evaluation as set out in section 43-258. The guardian ad litem shall have  
22 access to all reports resulting from any examination ordered under  
23 section 43-258, and such reports shall be used for evaluating the status  
24 of the protected juvenile;

25 (d) Shall make every reasonable effort to become familiar with the  
26 needs of the protected juvenile which (i) shall include consultation with  
27 the juvenile in his or her respective placement within two weeks after  
28 the appointment and once every six months thereafter, unless the court  
29 approves other methods of consultation as provided in subsection (6) of  
30 this section, and inquiry of the most current caseworker, foster parent,  
31 or other custodian and (ii) may include inquiry of others directly

1 involved with the juvenile or who may have information or knowledge about  
2 the circumstances which brought the juvenile court action or related  
3 cases and the development of the juvenile, including biological parents,  
4 physicians, psychologists, teachers, and clergy members;

5 (e) May present evidence and witnesses and cross-examine witnesses  
6 at all evidentiary hearings. In any proceeding under this section  
7 relating to a child of school age, certified copies of school records  
8 relating to attendance and academic progress of such child are admissible  
9 in evidence;

10 (f) Shall be responsible for making written reports and  
11 recommendations to the court at every dispositional, review, or  
12 permanency planning hearing regarding (i) the temporary and permanent  
13 placement of the protected juvenile, (ii) the type and number of contacts  
14 with the juvenile, (iii) the type and number of contacts with other  
15 individuals described in subdivision (d) of this subsection, (iv) the  
16 child's access to regular, ongoing opportunities to engage in age or  
17 developmentally appropriate activities and any barriers to the child's  
18 participation in such activities, (v) whether the guardian ad litem has  
19 discussed with the child, if applicable pursuant to section 13 of this  
20 act, the rights of the child, in an age or developmentally appropriate  
21 manner, including inquiring of the child if the child believes any of his  
22 or her rights have been violated, (vi) the efforts to involve or engage  
23 the child in the development of his or her case plan pursuant to  
24 subdivision (1)(g) of section 43-1312 and, if applicable, his or her  
25 transition proposal, pursuant to subsection (4) of section 43-1311.03,  
26 (vii) the efforts to prepare the child to participate in court, in an age  
27 or developmentally appropriate manner, if the child desires to  
28 participate in court, (viii) whether the transition proposal includes the  
29 services needed to assist the child to make the transition from foster  
30 care to adulthood, if applicable pursuant to section 43-1311.03, (ix) the  
31 requirements of subsection (4) of section 43-1312, if applicable, and (x)

1 any further relevant information on a form prepared by the Supreme Court.  
2 As an alternative to the written reports and recommendations, the court  
3 may provide the guardian ad litem with a checklist that shall be  
4 completed and presented to the court at every dispositional or review  
5 hearing. A copy of the written reports and recommendations to the court  
6 or a copy of the checklist presented to the court shall also be submitted  
7 to the Foster Care Review Office for any juvenile in foster care  
8 placement as defined in section 43-1301;

9 (g) Shall consider such other information as is warranted by the  
10 nature and circumstances of a particular case; and

11 (h) May file a petition in the juvenile court on behalf of the  
12 juvenile, including a supplemental petition as provided in section  
13 43-291.

14 (3) Nothing in this section shall operate to limit the discretion of  
15 the juvenile court in protecting the best interests of a juvenile who is  
16 the subject of a juvenile court petition.

17 (4) For purposes of subdivision (2)(d) of this section, the court  
18 may order the expense of such consultation, if any, to be paid by the  
19 county in which the juvenile court action is brought or the court may,  
20 after notice and hearing, assess the cost of such consultation, if any,  
21 in whole or in part to the parents of the juvenile. The ability of the  
22 parents to pay and the amount of the payment shall be determined by the  
23 court by appropriate examination.

24 (5) The guardian ad litem may be compensated on a per-case  
25 appointment system or pursuant to a system of multi-case contracts.  
26 Regardless of the method of compensation, billing hours and expenses for  
27 court-appointed guardian ad litem services shall be submitted to the  
28 court for approval and shall be recorded on a written, itemized billing  
29 statement signed by the attorney responsible for the case. Billing hours  
30 and expenses for guardian ad litem services rendered under a contract for  
31 such services shall be submitted to the entity with whom the guardian ad

1 litem contracts in the form and manner prescribed by such entity for  
2 approval. Case time for guardian ad litem services shall be scrupulously  
3 accounted for by the attorney responsible for the case. Additionally, in  
4 the case of a multi-lawyer firm or organization retained for guardian ad  
5 litem services, the name of the attorney or attorneys assigned to each  
6 guardian ad litem case shall be recorded.

7 (6) The guardian ad litem shall meet in person with the juvenile for  
8 purposes of the consultation required by subdivision (2)(d) of this  
9 section unless prohibited or made impracticable by exceptional  
10 circumstances, including, but not limited to, situations in which an  
11 unreasonable geographical distance is involved between the location of  
12 the guardian ad litem and the juvenile. When such exceptional  
13 circumstances exist, the guardian ad litem shall attempt such  
14 consultation by other reasonable means, including, but not limited to, by  
15 telephone or suitable electronic means, if the juvenile is of sufficient  
16 age and capacity to participate in such means of communication and there  
17 are no other barriers preventing such means of communication. If  
18 consultation by telephone or suitable electronic means is not feasible,  
19 the guardian ad litem shall seek direction from the court as to any other  
20 acceptable method by which to accomplish consultation required by  
21 subdivision (2)(d) of this section.

22 Sec. 16. Section 43-285, Revised Statutes Supplement, 2015, is  
23 amended to read:

24 43-285 (1) When the court awards a juvenile to the care of the  
25 Department of Health and Human Services, an association, or an individual  
26 in accordance with the Nebraska Juvenile Code, the juvenile shall, unless  
27 otherwise ordered, become a ward and be subject to the legal custody and  
28 care of the department, association, or individual to whose care he or  
29 she is committed. Any such association and the department shall have  
30 authority, by and with the assent of the court, to determine the care,  
31 placement, medical services, psychiatric services, training, and

1 expenditures on behalf of each juvenile committed to it. Any such  
2 association and the department shall be responsible for applying for any  
3 health insurance available to the juvenile, including, but not limited  
4 to, medical assistance under the Medical Assistance Act. Such custody and  
5 care shall not include the guardianship of any estate of the juvenile.

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

13 (b) The department shall provide opportunities for the child, in an  
14 age or developmentally appropriate manner, to be consulted in the  
15 development of his or her plan.

16 (c) The department shall include in the plan for a child who is  
17 fourteen sixteen years of age or older and subject to the legal care and  
18 custody of the department a written independent living transition  
19 proposal which meets the requirements of section 43-1311.03 and, for  
20 eligible children, the Young Adult Bridge to Independence Act. The  
21 juvenile court shall provide a copy of the plan to all interested parties  
22 before the hearing. The court may approve the plan, modify the plan,  
23 order that an alternative plan be developed, or implement another plan  
24 that is in the child's best interests. In its order the court shall  
25 include a finding regarding the appropriateness of the programs and  
26 services described in the proposal designed to help the child prepare for  
27 the transition from foster care to a successful adulthood. The court  
28 shall also ask the child, in an age or developmentally appropriate  
29 manner, if he or she participated in the development of his or her plan  
30 and make a finding regarding the child's participation in the development  
31 of his or her plan assist the child in acquiring independent living

1 ~~skills~~. Rules of evidence shall not apply at the dispositional hearing  
2 when the court considers the plan that has been presented.

3 (d e) The last court hearing before jurisdiction pursuant to  
4 subdivision (3)(a) of section 43-247 is terminated for a child who is  
5 sixteen years of age or older shall be called the independence hearing.  
6 In addition to other matters and requirements to be addressed at this  
7 hearing, the independence hearing shall address the child's future goals  
8 and plans and access to services and support for the transition from  
9 foster care to adulthood consistent with section 43-1311.03 and the Young  
10 Adult Bridge to Independence Act. The child shall not be required to  
11 attend the independence hearing, but efforts shall be made to encourage  
12 and enable the child's attendance if the child wishes to attend,  
13 including scheduling the hearing at a time that permits the child's  
14 attendance. An independence coordinator as provided in section 43-4506  
15 shall attend the hearing if reasonably practicable, but the department is  
16 not required to have legal counsel present. At the independence hearing,  
17 the court shall advise the child about the bridge to independence  
18 program, including, if applicable, the right of young adults in the  
19 bridge to independence program to request a court-appointed, client-  
20 directed attorney under subsection (1) of section 43-4510 and the  
21 benefits and role of such attorney and to request additional permanency  
22 review hearings in the bridge to independence program under subsection  
23 (5) of section 43-4508 and how to request such a hearing. The court shall  
24 also advise the child, if applicable, of the rights he or she is giving  
25 up if he or she chooses not to participate in the bridge to independence  
26 program and the option to enter such program at any time between nineteen  
27 and twenty-one years of age if the child meets the eligibility  
28 requirements of section 43-4504. The department shall present information  
29 to the court regarding other community resources that may benefit the  
30 child, specifically information regarding state programs established  
31 pursuant to 42 U.S.C. 677. The court shall also make a finding as to

1 whether the child has received the documents as required by subsection  
2 (9) of section 43-1311.03.

3 (3) Within thirty days after an order awarding a juvenile to the  
4 care of the department, an association, or an individual and until the  
5 juvenile reaches the age of majority, the department, association, or  
6 individual shall file with the court a report stating the location of the  
7 juvenile's placement and the needs of the juvenile in order to effectuate  
8 the purposes of subdivision (1) of section 43-246. The department,  
9 association, or individual shall file a report with the court once every  
10 six months or at shorter intervals if ordered by the court or deemed  
11 appropriate by the department, association, or individual. Every six  
12 months, the report shall provide an updated statement regarding the  
13 eligibility of the juvenile for health insurance, including, but not  
14 limited to, medical assistance under the Medical Assistance Act. The  
15 department, association, or individual shall file a report and notice of  
16 placement change with the court and shall send copies of the notice to  
17 all interested parties at least seven days before the placement of the  
18 juvenile is changed from what the court originally considered to be a  
19 suitable family home or institution to some other custodial situation in  
20 order to effectuate the purposes of subdivision (1) of section 43-246.  
21 The court, on its own motion or upon the filing of an objection to the  
22 change by an interested party, may order a hearing to review such a  
23 change in placement and may order that the change be stayed until the  
24 completion of the hearing. Nothing in this section shall prevent the  
25 court on an ex parte basis from approving an immediate change in  
26 placement upon good cause shown. The department may make an immediate  
27 change in placement without court approval only if the juvenile is in a  
28 harmful or dangerous situation or when the foster parents request that  
29 the juvenile be removed from their home. Approval of the court shall be  
30 sought within twenty-four hours after making the change in placement or  
31 as soon thereafter as possible. The department shall provide the

1 juvenile's guardian ad litem with a copy of any report filed with the  
2 court by the department pursuant to this subsection.

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

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

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

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

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

28 Sec. 17. Section 43-1311.03, Revised Statutes Cumulative Supplement,  
29 2014, is amended to read:

30 43-1311.03 (1) When a child placed in foster care turns fourteen  
31 ~~sixteen~~ years of age or enters foster care and is at least fourteen



1 ~~sixteen~~ years of age, a written independent living transition proposal  
2 shall be developed by the Department of Health and Human Services at the  
3 direction and involvement of the child to prepare for the transition from  
4 foster care to successful adulthood. Any revision or addition to such  
5 proposal shall also be made in consultation with the child. The  
6 transition proposal shall be personalized based on the child's needs and  
7 shall describe the services needed for the child to transition to a  
8 successful adulthood. The transition proposal shall include, but not be  
9 limited to, the following needs and the services needed for the child to  
10 transition to a successful adulthood:

11 (a) Education;

12 (b) Employment services and other workforce support;

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

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

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

21 (f e) Housing;

22 (g f) Relationship development and permanent connections; and

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

26 (2) The transition proposal shall be developed and frequently  
27 reviewed by the department in collaboration with the child's transition  
28 team. The transition team shall be comprised of the child, the child's  
29 caseworker, the child's guardian ad litem, individuals selected by the  
30 child, and individuals who have knowledge of services available to the  
31 child. One of the individuals selected by the child may be designated as

1 the child's advisor and, as necessary, advocate for the child with  
2 respect to the application of the reasonable and prudent parent standard  
3 and for the child on normalcy activities. The department may reject an  
4 individual selected by the child to be a member of the team if the  
5 department has good cause to believe the individual would not act in the  
6 best interests of the child.

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

12 (4) The transition proposal shall document what efforts were made to  
13 involve and engage the child in the development of the transition  
14 proposal and any revisions or additions to the transition proposal. The  
15 court shall ask the child, in an age or developmentally appropriate  
16 manner, about his or her involvement in the development of the transition  
17 proposal and any revisions or additions to such proposal. The court shall  
18 make a finding as to the child's involvement in the development of the  
19 transition proposal and any revisions or additions to such proposal.

20 (5 4) The final transition proposal prior to the child's leaving  
21 foster care shall specifically identify how the need for housing will be  
22 addressed.

23 (6 5) If the child is interested in pursuing higher education, the  
24 transition proposal shall provide for the process in applying for any  
25 applicable state, federal, or private aid.

26 (7) The department shall provide without cost a copy of any consumer  
27 report pertaining to the child each year until the child is discharged  
28 from care and assistance, including when feasible, from the child's  
29 guardian ad litem, in interpreting and resolving any inaccuracies in the  
30 report.

31 (8 6) A child adjudicated to be a juvenile described in subdivision

1 (3)(a) of section 43-247 and who is in an out-of-home placement shall  
2 receive information regarding the Young Adult Bridge to Independence Act  
3 and the bridge to independence program available under the act. The  
4 department shall create a clear and developmentally appropriate written  
5 notice discussing the rights of eligible young adults to participate in  
6 the program. The notice shall include information about eligibility and  
7 requirements to participate in the program, the extended services and  
8 support that young adults are eligible to receive under the program, and  
9 how young adults can be a part of the program. The notice shall also  
10 include information about the young adult's right to request a client-  
11 directed attorney to represent the young adult pursuant to section  
12 43-4510 and the benefits and role of an attorney. The department shall  
13 disseminate this information to all children who were adjudicated to be a  
14 juvenile described in subdivision (3)(a) of section 43-247 and who are in  
15 an out-of-home placement at sixteen years of age and yearly thereafter  
16 until nineteen years of age, and not later than ninety days prior to the  
17 child's last court review before attaining nineteen years of age or being  
18 discharged from foster care to independent living. In addition to  
19 providing the written notice, not later than ninety days prior to the  
20 child's last court review before attaining nineteen years of age or being  
21 discharged from foster care to independent living, a representative of  
22 the department shall explain the information contained in the notice to  
23 the child in person and the timeline necessary to avoid a lapse in  
24 services and support.

25 (9 7) On or before the date the child reaches eighteen or nineteen  
26 years of age or twenty-one years of age if the child participates in the  
27 bridge to independence program, if the child is leaving foster care, the  
28 department shall provide the child with:

29 (a) A a certified copy of the child's birth certificate and  
30 facilitate securing a federal social security card when the child is  
31 eligible for such card; ~~and~~

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

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

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

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

11          **(f) A credit report check;**

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

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

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

28          **(j) An application for public assistance and information on how to**  
29 **access the system to determine public assistance eligibility;**

30          **(k) A letter prepared by the department that verifies the child's**  
31 **name and date of birth, dates the child was in foster care, and whether**

1 the child was in foster care on his or her eighteenth, nineteenth, or  
2 twenty-first birthday and enrolled in medicaid while in foster care;

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

5 (m) Written information on how to access personal documents in the  
6 future.

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

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

14 Sec. 18. Section 43-1312, Revised Statutes Cumulative Supplement,  
15 2014, is amended to read:

16 43-1312 (1) Following the investigation conducted pursuant to  
17 section 43-1311 and immediately following the initial placement of the  
18 child, the person or court in charge of the child shall cause to be  
19 established a safe and appropriate plan for the child. The plan shall  
20 contain at least the following:

21 (a) The purpose for which the child has been placed in foster care;

22 (b) The estimated length of time necessary to achieve the purposes  
23 of the foster care placement;

24 (c) A description of the services which are to be provided in order  
25 to accomplish the purposes of the foster care placement;

26 (d) The person or persons who are directly responsible for the  
27 implementation of such plan;

28 (e) A complete record of the previous placements of the foster  
29 child;~~and~~

30 (f) The name of the school the child shall attend as provided in  
31 section 43-1311; and -

1       (g) The efforts made to involve and engage the child in the  
2 development of such plan.

3       (2) If the return of the child to his or her parents is not likely  
4 based upon facts developed as a result of the investigation, the  
5 Department of Health and Human Services shall recommend termination of  
6 parental rights and referral for adoption, guardianship, placement with a  
7 relative, or, as a last resort, and only in the case of a child who has  
8 attained sixteen years of age, another planned permanent living  
9 arrangement. If the child is removed from his or her home, the department  
10 shall make reasonable efforts to accomplish joint-sibling placement or  
11 sibling visitation or ongoing interaction between the siblings as  
12 provided in section 43-1311.02.

13       (3) Each child in foster care under the supervision of the state  
14 shall have a permanency hearing by a court, no later than twelve months  
15 after the date the child enters foster care and annually thereafter  
16 during the continuation of foster care. The court's order shall include  
17 the determinations required by section 11 of this act and a finding  
18 regarding the appropriateness of the permanency plan determined for the  
19 child and shall include whether, and if applicable when, the child will  
20 be:

21       (a) Returned to the parent;

22       (b) Referred to the state for filing of a petition for termination  
23 of parental rights;

24       (c) Placed for adoption;

25       (d) Referred for guardianship; or

26       (e) In cases where the state agency has documented to the court a  
27 compelling reason for determining that it would not be in the best  
28 interests of the child to return home, (i) referred for termination of  
29 parental rights, (ii) placed for adoption with a fit and willing  
30 relative, or (iii) placed with a guardian.

31       (4) In the case of any child age sixteen years of age or older for

1 whom another planned permanent living arrangement is the recommended or  
2 court-approved permanency plan:

3 (a) The permanency plan shall include the identification of  
4 significant, supportive connections with identified adults willing to be  
5 consistently involved in the child's life as the child transitions to  
6 adulthood;

7 (b) The department shall document the intensive, ongoing, and, as of  
8 the date of the hearing, unsuccessful efforts made by the department to  
9 return the child home or secure a placement for the child with a fit and  
10 willing relative, a legal guardian, or an adoptive parent; and

11 (c) The court shall:

12 (i) Ask the child about the desired permanency outcome for the  
13 child;

14 (ii) Make a determination explaining why, as of the date of the  
15 hearing, another planned permanent living arrangement is the best  
16 permanency plan for the child and the compelling reasons why it continued  
17 to not be in the best interests of the child to return home, be placed  
18 for adoption, be placed with a legal guardian, or be placed with a fit  
19 and willing relative; and

20 (iii) Make a determination that the department has met the  
21 requirements in subdivisions (a) and (b) of this subsection before  
22 approving a permanency plan of another planned permanent living  
23 arrangement for a child sixteen years of age or older.

24 Sec. 19. (1) The Normalcy Task Force is created. The Normalcy Task  
25 Force shall monitor and make recommendations regarding the implementation  
26 of the federal Preventing Sex Trafficking and Strengthening Families Act,  
27 Public Law 113-183, as such sections existed on January 1, 2016, in  
28 Nebraska.

29 (2) The members of the task force shall include, but not be limited  
30 to, (a) representatives from the legislative, executive, and judicial  
31 branches of government. The representatives from the legislative and

1 judicial branches shall be nonvoting, ex officio members, (b) no fewer  
2 than three young adults currently or previously in foster care which may  
3 be filled on a rotating basis by members of Project Everlast or a similar  
4 youth support or advocacy group, (c) a representative from the juvenile  
5 probation system, (d) the executive director of the Foster Care Review  
6 Office, (e) one or more representatives from a child welfare advocacy  
7 organization, (f) one or more representatives from a child welfare  
8 service agency, (g) one or more representatives from an agency providing  
9 independent living services, (h) one or more representatives of a child-  
10 care institution, (i) one or more current or former foster parents, (j)  
11 one or more parents who have experience in the foster care system, and  
12 (k) one or more professionals who have relevant practical experience such  
13 as a caseworker.

14 (3) On or before July 1, 2016, the Nebraska Children's Commission  
15 shall appoint the members of the task force. Members of the task force  
16 shall be appointed for terms of two years. The commission shall appoint a  
17 chairperson or chairpersons of the task force and may fill vacancies on  
18 the task force as such vacancies occur.

19 (4) The task force shall provide a written report with  
20 recommendations regarding the initial and ongoing implementation of the  
21 federal Preventing Sex Trafficking and Strengthening Families Act, as  
22 such sections existed on January 1, 2016, and related efforts to improve  
23 normalcy for children in foster care and related populations to the  
24 Nebraska Children's Commission, the Health and Human Services Committee  
25 of the Legislature, the department, and the Governor by December 15th of  
26 each year. The report to the Health and Human Services Committee of the  
27 Legislature shall be submitted electronically.

28 Sec. 20. Original sections 43-1311.03 and 43-1312, Revised Statutes  
29 Cumulative Supplement, 2014, and sections 43-272.01 and 43-285, Revised  
30 Statutes Supplement, 2015, are repealed.

31 Sec. 21. Since an emergency exists, this act takes effect when



1 passed and approved according to law.