

## Roadmap

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Prezi  
The Story of LB 216



# State and Federal Law

Fostering Connections to Success and Increasing Adoptions Act of 2008  
P.L. 110-351

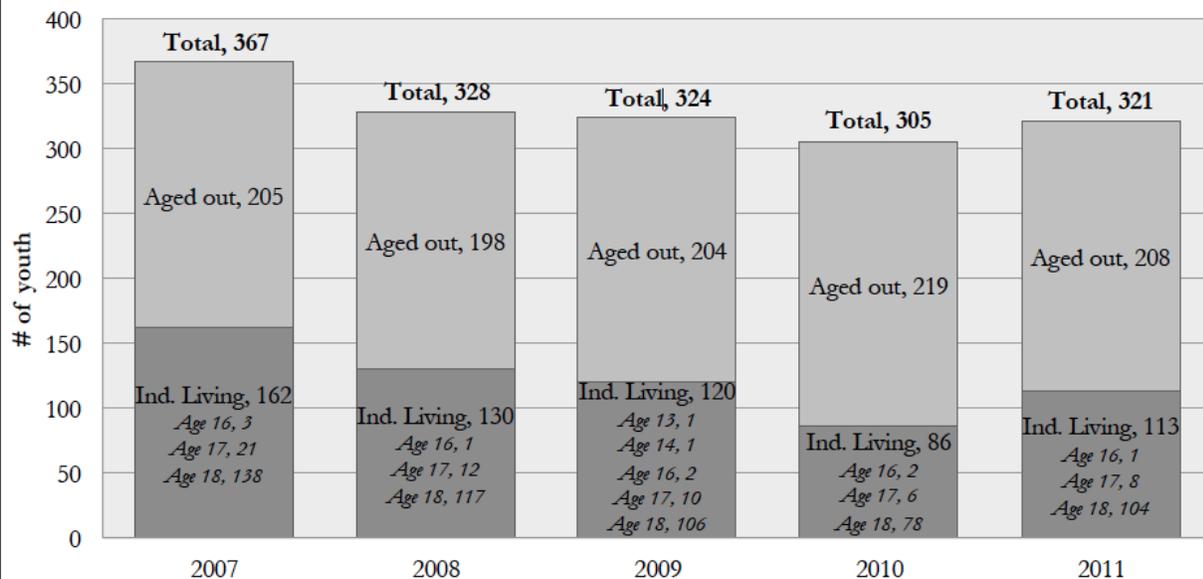
## LB 216 (Sen. McGill)

- Passed by the Nebraska Legislature (44-2-3) on May 29, 2013
- Signed into law by Gov. Heineman on June 5, 2013
- Codified at Neb. Rev. Stat. § 43-4501 et seq.

### LB216 - Adopt the Young Adult Voluntary Services and Support Act

Document Info	Text Copies	Additional Info
Introduced By: McGill Date of Introduction : January 15, 2013	<a href="#">Introduced Copy</a> <a href="#">Final Reading Copy</a> <a href="#">SLIP Law Copy</a>	<a href="#">Statement of Intent</a> <a href="#">Committee Statement</a> <a href="#">Fiscal Note</a>
History		Amendments
Date	Action	Journal
Jun 05, 2013	Approved by Governor on June 04, 2013	1750
May 30, 2013	Seller explanation of vote	1708
May 29, 2013	Presented to Governor on May 29, 2013	1663
May 29, 2013	President/Speaker signed	1656
May 29, 2013	Passed on Final Reading with Emergency Clause 44-2-3	1649
May 29, 2013	Dispensing of reading at large approved	1649
May 29, 2013	Chambers FA126 withdrawn	1649
May 23, 2013	Chambers FA126 filed	1584
May 22, 2013	Placed on Final Reading	1555
May 21, 2013	Advanced to Enrollment and Review for Engrssment	1522
May 21, 2013	McGill AM1466 adopted	1522
May 21, 2013	McGill AM1466 filed	1522
May 21, 2013	Enrollment and Review ER45 adopted	1522
Apr 09, 2013	Enrollment and Review ER45 filed	947
Apr 09, 2013	Placed on Select File with ER45	947
Apr 05, 2013	Advanced to Enrollment and Review Initial	916
Apr 05, 2013	McGill AM879 adopted	916
Apr 05, 2013	Health and Human Services AMS02 adopted	915
Apr 04, 2013	McGill AM879 filed	902
Apr 04, 2013	Health and Human Services AMS02 pending	898
Mar 19, 2013	Conrad name added	778
Mar 15, 2013	Health and Human Services priority bill	724
Mar 12, 2013	Health and Human Services AMS02 filed	669
Mar 12, 2013	Placed on General File with AMS02	669
Feb 01, 2013	Bolz name added	342
Jan 23, 2013	Notice of hearing for January 31, 2013	249
Jan 17, 2013	Referred to Health and Human Services Committee	176
Jan 15, 2013	Date of introduction	152

Figure 1: Youth Who Aged Out or Exited Care to Independent Living: 2007-2011



## Key Provisions of LB 216

### *Eligibility Requirements*

- *Adjudicated under § 43-247(3)(a) and in an out-of-home placement at 19 or discharged to independent living*
- *Meeting at least one of the following requirements:*
  - *Completing secondary education*
  - *Enrolled in post-secondary education*
  - *Employed at least 80 hours per month*
  - *Participating in a program or activity to remove barriers to employment*
  - *Unable to do any of those because of a medical condition*

## Key Provisions of LB 216

### *Services for Young Adults*

- *Medicaid coverage*
- *Case management services*
  - *Services enumerated in Neb. Rev. Stat. § 43-4505*
- *Continued foster care maintenance payments to provide ongoing housing support for the following housing options:*
  - *Foster family home*
  - *Supervised independent living setting (e.g. single/shared apartments, houses, host homes, college dorms, etc.)*
  - *An institution or foster care facility, if necessary due to developmental level or medical condition*

## Key Provisions of LB 216

### *Obtaining Services*

- Eligible young adults who wish to receive services **sign a voluntary services and support agreement** with the department
- Eligible young adults can **opt in and/or opt out** of the program any time after turning 19 and before turning 21
- Information about the program will be provided to potentially eligible youth at age 16 and every year thereafter, including 90 days prior to the youth's final court review

## Key Provisions of LB 216

### *Oversight Mechanisms*

- The Court's Role
  - Review the voluntary services and support agreement, open an extended services and support file, and make a best interests determination
  - Conduct annual age-appropriate **permanency reviews**
  - Can appoint an **attorney or CASA** volunteer, if desired by the young adult
- Case Reviews
  - Held **every 180 days** to evaluate progress made toward meeting goals in the case plan
  - Conducted using a team approach by the department and one person not responsible for case management, in collaboration with the young adult and others identified by the young adult

## Extended Adoption & Federal Guardianship Assistance

### *Eligibility*

Young people who, at age 16+:

- were adopted (and whose adoptive parents were receiving adoption assistance), or
- entered into a guardianship with a licensed relative (and had a guardianship agreement)

### *Services*

- Medicaid coverage
- Extended guardianship/adoption subsidies

## State Guardianship Assistance Program

### *Eligibility*

Young people who, at age 16+:

- Entered into a guardianship at age 16+ that was **NOT** a state guardianship agreement with a licensed relative
- Must meet same education/work eligibility requirements

### *Services*

- Extended guardianship subsidies (no Medicaid), to the extent possible with existing funds

## State Guardianship Assistance Program

### Implementation

- A total of \$400,000 for 2014-2015 was appropriated by the Legislature
- The Young Adult Voluntary Services and Support Advisory Committee will develop recommendations for maximizing and making efficient use of this funding

### Timeline of Service Provision

A youth adjudicated under § 43-247(3)(a) and in an out-of-home placement turns 16 (or enters care and is age 16+ already)

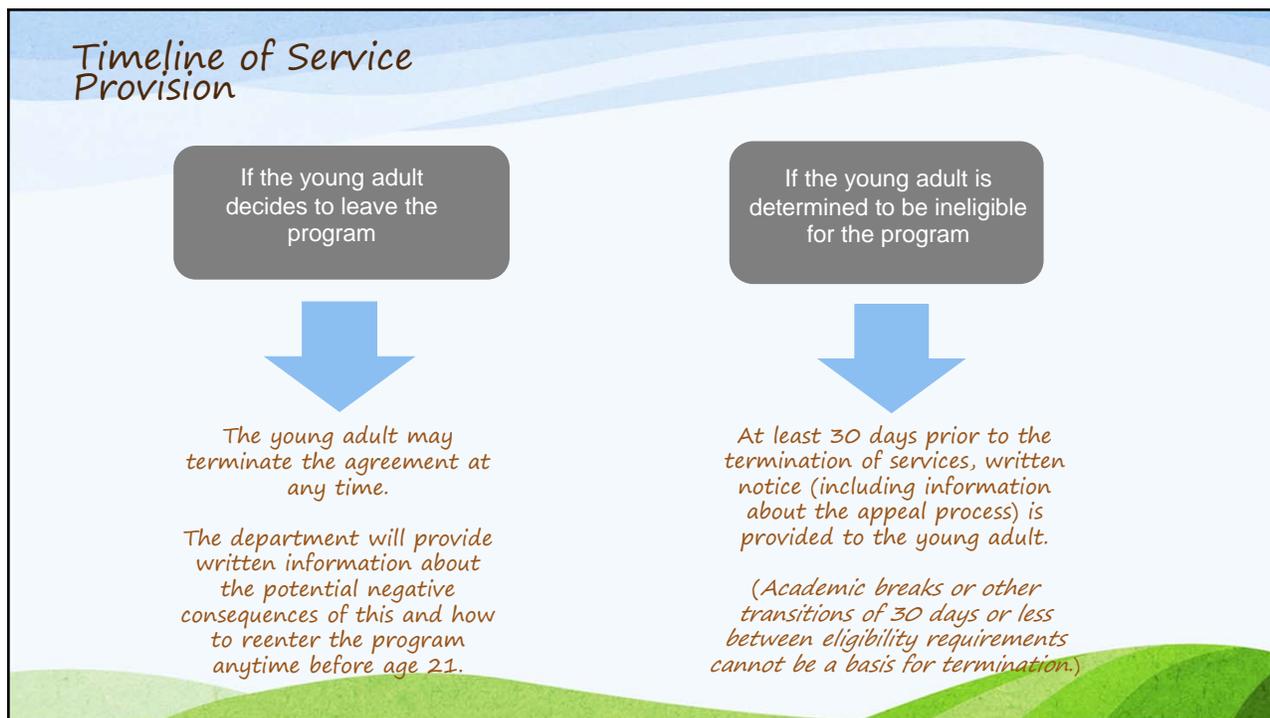
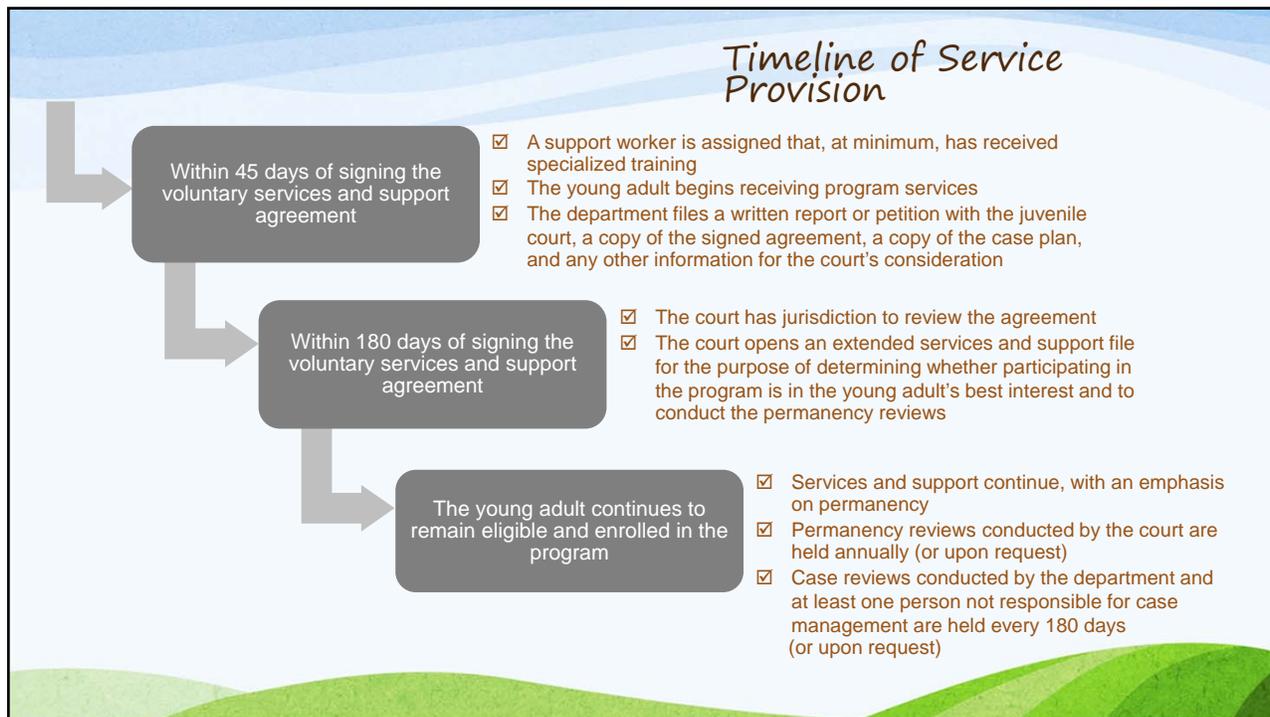
- ☑ The department begins providing written information about the program and continues to do so every year thereafter

90 days prior to the youth's last court hearing before turning 19 or being discharged to independent living

- ☑ The department again provides written information about the program
- ☑ A representative of the department meets with the youth to explain the program in person and how to avoid a lapse in services and support

The youth chooses to participate in the program

- ☑ The young adult and the department sign a voluntary services and support agreement
  - For continuous enrollment, the agreement is signed prior to and filed with the court at the last court hearing
- ☑ As soon as possible, the department conducts a redetermination of income eligibility for purposes of federal funding



## Young Adult Voluntary Services and Support Advisory Committee

- Created by the Nebraska Children's Commission
- Make **initial recommendations** for a statewide implementation plan by Oct. 1<sup>st</sup>
- Meet biannually to make recommendations on ongoing implementation with annual reports by Dec. 15<sup>th</sup> of each year

Policy, Eligibility  
and Transition into  
the Program

Case Management,  
Supportive Services,  
and Housing

Case Oversight

Fiscal Monitoring  
and State Funded  
Guardianships

Evaluation and  
Data Collection

Outreach,  
Marketing and  
Communication

## Initial Recommendations from the Advisory Committee

### Policy, Eligibility and Transition into the Program

- Review of draft regulations, must be promulgated by January 1, 2014
- Communication with all current and past recipients of Former Ward, youth in care (age 16-19), young adults ineligible for the program, those who opt-out of the program, and those who become ineligible for the program after participating

### Case Management, Supportive Services and Housing

- DHHS determined that case management will be provided by DHHS (not contracted out)
- "Independence Coordinators" – should be specially trained with specialized caseloads when feasible, ranging from 15 cases in rural areas to up to 20 in urban
- Culture change – DHHS should switch from a compliance role to being a partner with the young adult, the system must be able to tolerate risk, etc.
- Housing – decisions should be directed by the young adult with ICs being as flexible as possible; whenever possible, housing subsidies should be provided directly to young adults

## Initial Recommendations from the Advisory Committee

### Case Oversight

- The mediation centers should conduct 6-month reviews in a structure similar to pre-hearing conferences; the young adult will be invited and encouraged but not required to attend
- There should be a report or other documentation completed at the 6-month case review
- A hearing officer should be appointed if the young adult makes a request, a hearing before a judge would cause significant delay or the judge believes a hearing officer should be appointed;
- The Neb. Sup. Ct. should promulgate a rule on hearing officers in juvenile courts pursuant to Neb. Rev. Stat. 43-230(5)
- Legislation should be introduced to require permanency hearings and other requested hearings in these cases be expedited
- Training for attorneys should supplement current GAL training
  - Consider advanced or other training requirements in the future

### Fiscal Monitoring and State Funded Guardianships

- DHHS should remove barriers to licensure for guardianships
- IMFC worker should review financial needs and behavioral risks prior to age 19 to determine the amount of subsidy for state extended guardianships
- If the GF allocation of \$400k is the only funding source for the state extended guardianships, this funding should be distributed to eligible young adults at the assessed rate until the age of 20 (one year)
- No formal case management services should be provided under the state guardianship program.

## Initial Recommendations from the Advisory Committee

### Evaluation and Data Collection

- NTYD Plus should be used for the evaluation, with all young adults in the program surveyed at the time of entry and every 6 months after to track progress
- DHHS should track all expenditures and provide quarterly reports to the Advisory Committee detailing itemized program service and administrative costs
- The provision of supportive services should be tracked by case managers, judges questions at hearings, and a random sample of case file reviews by an independent agency
- Young adult satisfaction with case management reviews, attorneys, etc. should be assessed via surveys prior to case reviews and permanency hearings, and exit surveys should be collected from young adults leaving the program

### Outreach, Marketing and Communication

- "Bridge to Independence"
- Young adult-friendly website, program orientation, "get eligible now" workshops, training sessions, reference guide, checklist, brochures, exit packets, e-newsletters, closed Facebook group, text reminders, media campaign, provider trainings

\*Public-private partnerships

## What we don't know

- When the program will start
- What will happen with the Former Ward program
- How the case reviews will be structured
- How the state extended guardianship program will work

## Jim Casey Youth Opportunities Initiative Issue Brief

*Success Beyond 18: Re-Examining the Foster Care Review Process: Extended Foster Care as a Catalyst for Improved Practices and Better Outcomes (August 2013)*

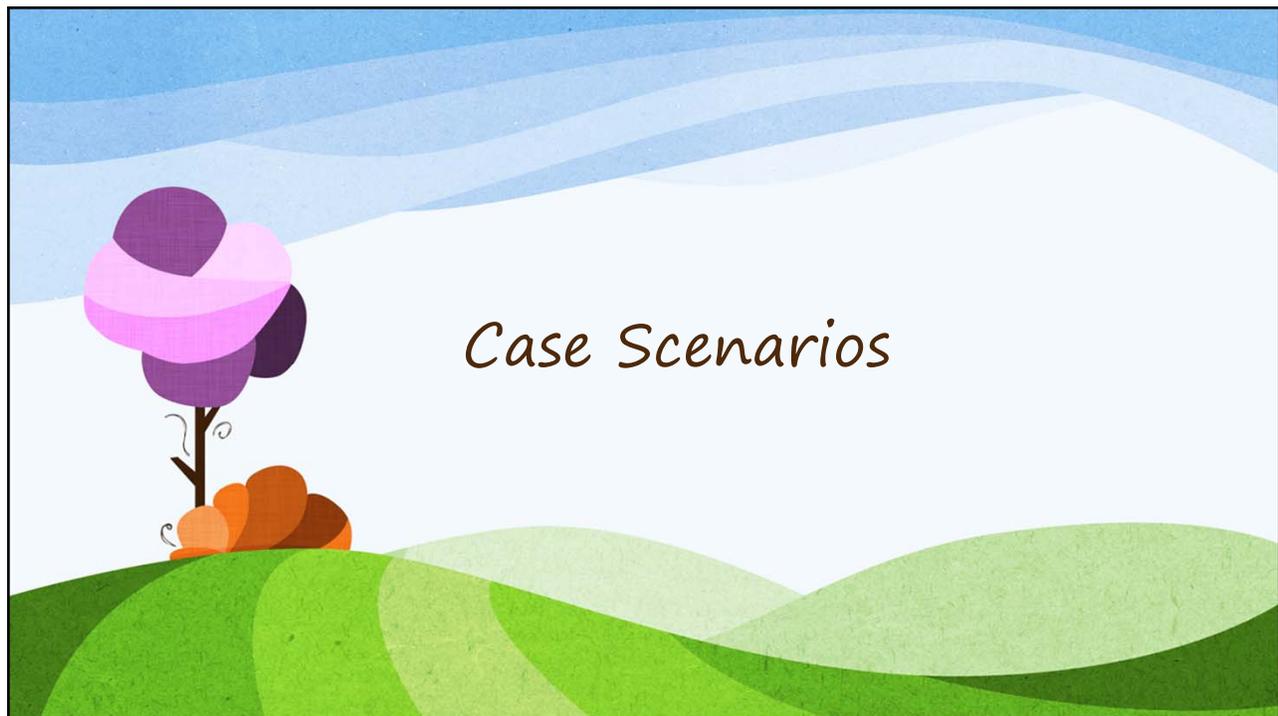
### Core Principles of Developmentally Appropriate Case Oversight and Review

- Ensuring the review venue is young adult-friendly
- Preparing young people for the review process and supporting their meaningful participation
- Providing context-appropriate advocacy



## Role of Judges, Lawyers & Other Advocates

- *Lawyers, CASA volunteers, and others should talk to potentially eligible young people about the program now and help them understand their options*
- *Judges should review the new law and consider how their dockets and hearings should be structured to be successful*
- *Foster and adoptive parents and guardians of older youth and other providers and supportive adults can learn about how they can support young adults in the transition to adulthood through this program and in other ways*



## Resources

### Related Law

Affordable Care Act  
Youth Formerly in Foster Care  
[42 U.S.C. § 1396a\(a\)\(10\)\(A\)\(i\)\(IX\)](#)

Transition Planning  
[Neb. Rev. Stat. § 43-1311.03](#)

### Other Resources

Jim Casey Youth Opportunities Initiative  
Success Beyond 18  
[JimCaseyYouth.org](#)

Nebraska Appleseed  
[NeAppleseed.org/children](#) – includes  
resources on LB 216, the ACA provision for youth  
formerly in foster care, & transition planning



## Questions & Discussion



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