February 19, 2015

Senator Kathy Campbell  
Chair, Health and Human Services Committee  
Room 1402, State Capitol  
Lincoln, NE 68509

Chairwoman Campbell and members of the Health and Human Services Committee,

On behalf of Nebraska Appleseed, I am here today to testify in support of LB 441.

Nebraska Appleseed is a nonprofit organization that fights for justice and opportunity for all Nebraskans. We take a systemic approach to complex issues – such as child welfare, immigration policy, healthcare and poverty.

We want to begin by thanking Senator Bolz and members of the Committee for your efforts to improve outcomes for young adults making the often-difficult transition from foster care to adulthood.

In 2013 and 2014, former Senator Amanda McGill introduced and this Committee prioritized LB 216 and LB 853 to establish and then refine the Bridge to Independence (B2I) program, which provides extended services and support to age 21 for young people who age out of foster care.

LB 216 also created the Bridge to Independence Advisory Committee to make recommendations regarding the initial and ongoing implementation of the program. I want to note for the record that I was appointed by the Nebraska Children’s Commission to serve on the Bridge to Independence Advisory Committee, but I am testifying today on behalf of Nebraska Appleseed.

As a supplement to our testimony, we have attached two fact sheets: one with background on the Bridge to Independence and extended adoption and guardianship programs, and another about LB 441.

Background on the Bridge to Independence and Extended Adoption and Guardianship Programs

As you can see on the B2I fact sheet, the B2I program provides extended services and support – including a monthly stipend, medical assistance and case management support - to age 21 for young adults who were in foster care due to abuse or neglect and either aged out of foster care (i.e., turned 19 while in foster care) or were discharged to independent living prior to age 19. In addition, there are a few additional details about the B2I program:

- It is a voluntary program, so eligible young people can opt-in or opt-out of the program any time between the ages of 19-21.
• In order to be eligible, young people must participate in an education or work requirement – either 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 or unable to do any of those because of a medical condition.

• Young people in the program must meet with their caseworker, called an Independence Coordinator, at least once a month, and their cases are reviewed every six months by the Foster Care Review Office and at least once per year by the juvenile court.

States that extend foster care to 21 are required by federal law to also offer extended adoption and guardianship assistance to youth who entered into such agreements at age 16 or older, so as not to create a disincentive to permanency. These programs extend the monthly adoption or guardianship subsidy to the young adult’s adoptive parent or guardian to age 21 so long as the young adult is meeting the same education and work requirements as the B2I program.

After a delayed implementation, federal approval was received and the Bridge to Independence program launched on October 1, 2014. Just four months in, 96 young people are currently participating in the program and we are hearing many positive stories about the impact of the program in the lives of these young adults. We commend the Nebraska Department of Health and Human Services (DHHS) and their team of Independence Coordinators and Supervisors for their efforts in effectively implementing the intent of the Legislature and so many young people and stakeholders to make this program a reality in Nebraska. We believe this program on track to remove barriers, improve foster care outcomes, and prevent further reliance on adult systems.

However, through the first months of implementation, several needed statutory changes have been identified. Specifically, LB 441 implements recommendations from the Advisory Committee and input from stakeholders, provides clarity on certain pieces of implementation, and makes some technical changes.

I want use my time today to provide more background for what LB 441 does and why it is important. LB 441 does five primary things:

First, LB 441 gives young people who were guardianshiped from foster care at age 16 or older the option to choose to participate in the B2I program or the extended guardianship assistance program.

The Bridge to Independence Advisory Committee noted several concerns with the existing extended guardianship program in its November 2014 report. First, DHHS has determined that young people who turned 19 before the B2I program was implemented do not qualify for the extended guardianship program and also do not qualify for the B2I program. Other issues identified with the extended guardianship program are that the stipend currently goes to the guardian rather than the young person and there is no supportive case management for the young person. The Advisory Committee report noted that this requirement and lack of support is not consistent with the intent of the program to treat young people in the program as adults.

These concerns are borne out by the actual data on the program: as of the January 2015 DHHS B2I program report, no eligible young people have opted to take advantage of the extended guardianship program.
This is also complicated by the way LB 216 structured the extended guardianship piece of the program. Because of fiscal limitations, LB 216 created a bifurcated extended guardianship assistance program: one program for young people who were guardianshiped with a licensed relative at age 16 or older (and may be eligible for federal reimbursement) and another capped state-only program for young people who were in a state-only guardianship not with a licensed relative at age 16 or older. LB 441 appropriated $400,000 for the biennium for the state-only program. Because no young people have chosen to participate in the program at this time, that funding has not been utilized.

This structure is complicated and confusing and is not meeting the needs of young people.

LB 441 addresses these concerns by repealing the bifurcated guardianship program and giving eligible young adults the option to participate in either a single extended guardianship program or to voluntarily opt into the B2I program, where they can maintain their relationship with their guardian but they will have access to supportive case management and the direct stipend on a case-by-case basis.

We strongly support this change because we believe it will allow guardianshiped youth to access the support they need to successfully transition to adulthood.

**Second, LB 441 clarifies the intent of LB 216 that young people in the program are eligible for medical assistance**

The intent of LB 216 was that young people in the B2I program would have access to medical assistance as part of their participation in the program.

Accordingly, we believe the existing statute requires Medicaid coverage for young adults as part of the program, but DHHS has interpreted it to mean that young adults must be separately eligible for Medicaid. In most cases, young adults in B2I will be separately eligible for Medicaid under the new category of the Affordable Care Act (ACA) for former foster care children or as a result of their eligibility for federal Title IV-E, which makes them categorically eligible for Medicaid. The most recent DHHS report indicates that Medicaid is currently covering 83% of young adults in the program. However, some young adults (i.e., 16 individuals, as of the January 2015 report) are in an unintended gap as a result of this interpretation. There are also gaps for young adults in the extended guardianship and adoption assistance programs.

We strongly support this provision because access to health care is critical for young people to successfully transition to adulthood. If they are unable to access health care, many of these young people may not receive treatment for health problems that could follow them into adulthood. Furthermore, they may also be impacted financially by medical debt that makes it difficult if not impossible for them become financially self-sufficient.

**Third, LB 441 reduces timelines and minimizes disruption for young people as they age out**

Because of the relatively short period of time that young people may be eligible for the program (age 19-21), stakeholders recommended that some of the existing timelines in the program be reduced to ensure services and support are in place as quickly as possible. Specifically, LB 441 shortens the timeline within which the department must begin to provide services and support to young adults after they have signed the voluntary services and support agreement (from 45 to 15 days) and the
amount of time within which the department must file the petition with the juvenile court after the voluntary services and support agreement is signed (45 to 15 days).

Similarly, LB 441 repeals and replaces existing language intended to minimize the disruption and gap in services when a young person goes directly into the B2I program from aging out of foster care.

- The repealed language created a technical problem because it directed DHHS to file the agreement and the petition at the last court hearing before the young adult was discharged from foster care; however, DHHS could not meet this requirement because youth cannot be eligible for B2I before turning 19 and therefore could not sign the agreement until after age 19.
- The new language minimizes the gap in juvenile court jurisdiction between the (3)(a) (child abuse and neglect) case and the B2I case by requiring DHHS to sign the voluntary services and support agreement and file the petition with the court upon the child’s 19th birthday or within 10 days for young people who want to participate in the program directly after aging out. The new language also ensures there is no interruption in services for young people who are eligible and choose to participate in the B2I program directly after aging out.

We support these provisions because we think they are feasible for the department and ensure the program meets the needs of young adults and improves outcomes in a short period of time as intended.

Fourth, LB 441 implements other stakeholder recommendations to include tribally adjudicated youth, to strengthen the transitional hearing, and to protect confidentiality

We also support the fact that LB 441 implements additional stakeholder recommendations that have been identified now that the program is up and running.

Tribal Youth
As the Advisory Committee recommended, we support the clarification that youth adjudicated by and who exited the custody of a tribal court may also be eligible for B2I as LB 216 intended. According to our tribal partners in the Nebraska ICWA Coalition, there are very few, if any, tribally adjudicated youth who would meet eligibility for B2I under this provision because the Nebraska headquartered tribes generally do not keep children in care past the age of 16. However, we believe it is important that all similarly situated youth in tribal foster care be treated equally under the law and have the same opportunity to participate in B2I.

Independence Hearings
We are also excited about and strongly support the idea of the “independence hearing” to use the already-existing last court hearing before a youth ages out to discuss and focus on the child’s future goals and plans to access services and support. Requiring the juvenile court to advise youth of their rights related to the B2I program also addresses stakeholder concerns about the notice of rights in the B2I program primarily coming from DHHS and to make sure young adults understand the court’s role from the beginning. This is intended to be similar to “benchmark hearings” which is a best practice used in a number of jurisdictions around the country.

Confidentiality
We also support the provision in LB 441 that ensures that information in the B2I cases will be kept confidential. This provision reflects feedback from members of the Supreme Court Commission on Children in the Courts that sensitive and personal information in B2I cases should not be accessible to the public but yet the statute should allow young adults to waive the confidentiality of the B2I hearings to permit them to be held outside the courtroom in more informal settings as allowed by the Act as currently written.

**Finally, LB 441 includes a requirement intended to maximize federal matching funds for this program**

Finally, we support the provision of LB 441 that is intended to maximize federal matching funds for this program. Specifically, the provision directs DHHS to determine federal Title IV-E income eligibility, as allowed and required by federal law, based on the young adult’s own income as soon as they come into the program. We believe this will significantly improve Nebraska’s Title IV-E penetration rate, increasing federal matching funds available for this program, and reduce state General Fund costs.

**Conclusion**

LB 441 is important because it incorporates many of the lessons learned from the initial months of implementation and from the numerous stakeholders who have invested time and energy into ensuring this program is successful. These initial months of implementation have also brought attention to some corrections that are needed in order to implement the law as intended, and therefore this bill is not just helpful but also necessary to move forward this year.

Nebraska is a state where we take care of our kids and want them to have a real opportunity to be productive, healthy, and engaged members of the community as adults. LB 441 ensures this important program for youth formerly in foster care works as intended and that young people who were in a guardianship have the same access to the supports of the Bridge to Independence program that their other peers who aged out of foster care.

Thank you again for commitment to young adults transitioning from foster care to adulthood, and we respectfully request that you vote to advance LB 441 out of Committee.

Sincerely,

NEBRASKA APPLESEED

Sarah Helvey, J.D., M.S.
Director, Child Welfare Program

Attachments: LB 441 Fact Sheet & Bridge to Independence Fact Sheet