

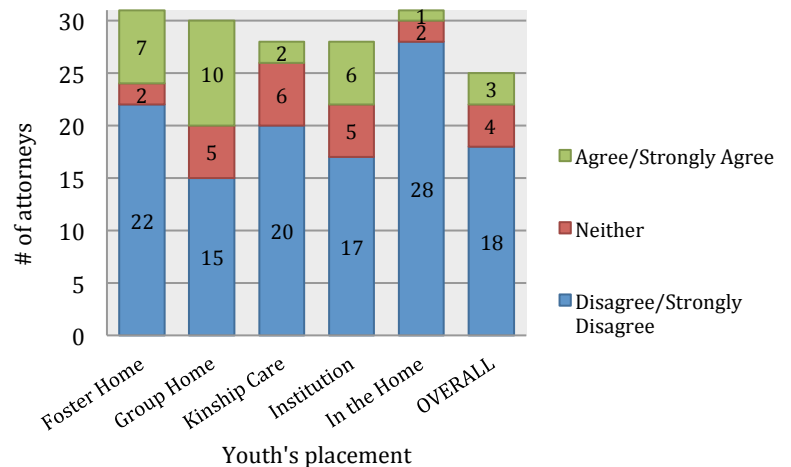


LRC SURVEY RESULTS: IMPLEMENTATION OF LB 177

31 Nebraska attorneys participated in this survey: 59% (18) practiced primarily in the Eastern Service Area, 23% (7) practiced in the Southeast Service Area, and 23% (7) practiced primarily in the Central, Northern, or Western Service Areas.

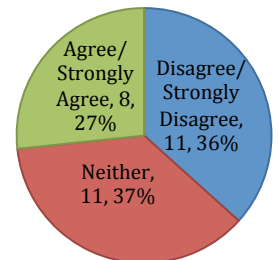
Question 1: “Over the past year, youth I have represented in the following placements generally have a written independent living transition proposal:”

Sixteen attorneys provided written comments for this question. Seven stated that they had never seen a written independent living transition proposal; one indicated having seen “very few.” Two more commented that conversations regarding independent living usually happen, but nothing much is done beyond that. One attorney stated, “Unless the court specifically orders a written plan, it does not occur, and courts do not order this.” Two others agreed that transition planning occurred only if someone else (e.g. judge, GAL) makes it happen. According to another, “I have encountered a lack of knowledge and understanding as to what the next step is... No one seems to be familiar with ANY adult services for children who most likely will age out.”



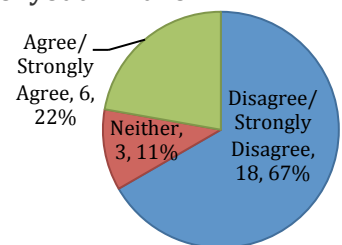
Question 2: “Generally, youth I have represented are actively involved in the development of their transition proposal.”

Six of the 30 attorneys who responded to this question provided written comments, although several again stated they had never seen a transition proposal. One commented, “If they are, it’s because of advocacy, not because of practice.” Another mentioned having witnessed situations where options were not clearly or fully explained to youth, which resulted in confusion and resistance. In the words of one attorney, “In my opinion, case managers should have a whole packet of information about all aspects of the transition plan and then go over it piece by piece with the youth to develop a complete plan that the youth can understand and sign off on... I can’t think of a case that I have where I have seen this type of planning and explanation.”



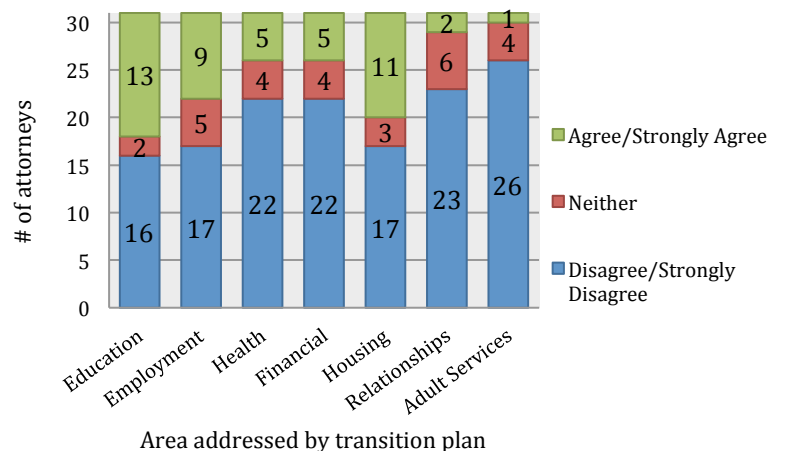
Question 3: “Overall, I am generally included as a member of the transition teams of youth I have represented.”

Of the 27 attorneys who responded to this question, 10 also offered written comments. Two stated that they had never been consulted or asked to provide input in the planning process. One reported rarely being invited to participate. Five attorneys credited their involvement not to the caseworker, but to of their own efforts. In the words of one, “There is rarely a plan – however, I am a pushy, involved attorney, so I am frequently involved in most meetings for my clients.”



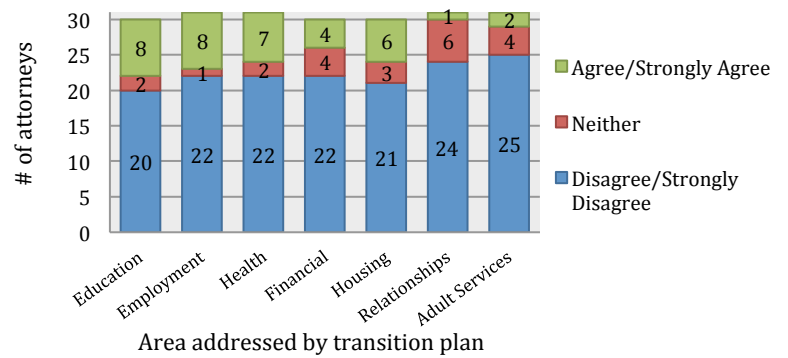
Question 4: “In general, the transition proposals of youth I have represented address the following areas effectively and comprehensively:”

A total of 31 attorneys responded to this question, and 6 provided additional comments. Much like the previous question, two cited their own advocacy efforts as the primary reason for success. One indicated, “The youth that I have represented never receive the above and foregoing without myself or the GAL hounding the worker to provide the information.” Another stated, “Independent living skills are neglected. ‘Work on the packet’ is the usual advise given. [There] really needs to be adult mentoring.” The other two referenced answers given to previous questions.



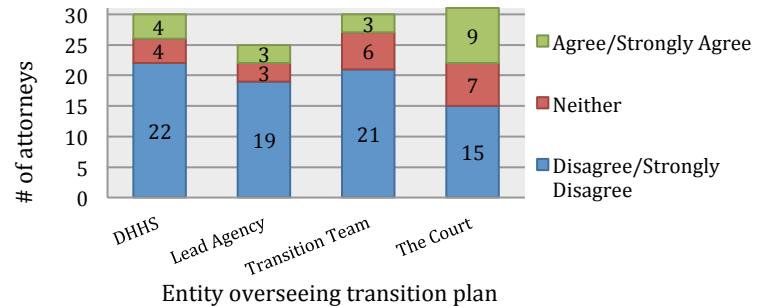
Question 5: “In general, youth I have represented are adequately prepared by DHHS (or lead agency, where applicable) for future success in the following areas:”

Only four attorneys commented on this question. One stated that level of preparation typically dependent upon the worker – some were very good at preparing youth, and some were not. Another said, “The youth that I have represented are not prepared once they age out. When the youth near 19, they are usually unable to get in touch with their worker and all services seem to abruptly halt.” The other two referenced answers given to previous questions.



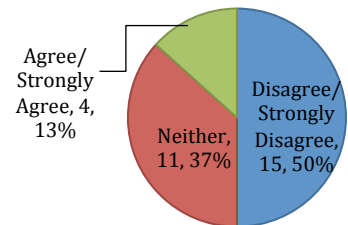
Question 6: “Transition proposals of youth I have represented are frequently reviewed and kept up-to-date by:”

Five attorneys provided written comments to this question. One indicated that PALS workers did most of the everyday maintenance. Others again indicated they had never seen a transition proposal, and, even when transition planning was discussed, there was no follow-through. One attorney stated, “By the time they get that close [to aging out], there’s not time to change/fix it, and professionals just write them off because they’re ‘aging out soon.’” Another simply asked, “What transition team????”



Question 7: “In general, youth I have represented are provided with their birth certificate and Social Security card (when eligible) at no cost to the youth prior to reaching the age of majority.”

Of 30 respondents, 9 offered written comments. One stated, “I can barely get the lead agencies to find birth certificates for kids young and still in their care – nothing is done for those aging out.” Another indicated that this was not done voluntarily and was a struggle to make happen. Yet another stated that one client was told by NFC that she would need to pay for these items herself or they would not provide them to her. One attorney had never heard of this service. Others suggested that youth need more guidance.



Question 8: What housing issues/challenges, if any, have youth you represented experienced in aging out?

Sixteen attorneys answered this question. Responses included a general lack of options, long waiting lists, limited access to housing subsidies, and starting the planning process too late in the case. According to one, “Youth are largely expected to figure it out.” Others expressed concerns about youths’ overall lack of credit history, references, co-signers, work history, appropriate roommates, and support systems. One attorney stated, “I haven’t had a youth age out with a solid plan as far as housing is concerned... none have had housing set up.” In contrast, another reported, “Housing is the one thing that I think HHS does cover fairly well.” Two commented on the lack of housing options for youth with developmental disabilities, and two others indicated that most youth ended up staying with friends or family.

Question 9: Additional comments (e.g. What areas of transition planning are most concerning?):

Eighteen attorneys answered this question. Transition planning in general was most frequently discussed, with a total of ten attorneys expressing concerns about the planning process, or lack thereof. “The thing I find most concerning about transition planning is how poorly equipped most youth are... and how poorly prepared we are for addressing this issue.” One referred to transition planning as “ignored at worst and not valued at least.” In the words of another, “Transition planning does not seem to honestly be on the radar. It seems more a means to an end of terminating jurisdiction sooner rather than later.” One attorney asked the judge to specifically order a transition plan in a case when one was not being done, “...but the Court states that it is statutorily required, so not necessary to put in a court order.”

Others discussed youths’ need for mentors or parental figures, agencies not wanting to “waste resources” on youth who were “just aging out,” the planning process beginning too late in the case, jurisdiction being terminated before youth turned 19, the lack of caseworkers’ communication with other case professionals about the plan (telling them what it is versus asking for input), and the arduous and time-consuming process of obtaining approval for services from the lead agency. Another identified the overall lack of options for youth with developmental disabilities as a significant issue. Of LB 177, one attorney said, “I am hoping that this legislative change will help address the shameful way Nebraska allows state wards to age out...”