

Sample Order and Findings Regarding Voluntary Services and Support Agreement & Best Interest Finding

For young adults in the Bridge to Independence Program pursuant to Neb. Rev. Stat. § 43-4508(4)

BACKGROUND:

This sample Order and Findings was created by Nebraska Appleseed as an example for courts implementing the new Bridge to Independence Program (B2I). The B2I Program was established by the Nebraska Legislature's passage of the Young Adult Bridge to Independence Act in LB 216¹ and provides voluntary extended services and support to eligible young adults to age 21 as allowed by the federal Fostering Connections to Success and Increasing Adoptions Act of 2008.

The B2I Program is structured as a **Voluntary Placement Agreement** between the Department and the young adult as his or her own guardian.² **Therefore, federal law requires there to be a judicial determination that remaining in foster care/the voluntary placement is in the young adult's best interests.**³

This sample Order and Findings will most likely be the first court order in an extended services and support case.

The following is a summary of statutory provisions and practical background information relevant to the required best interest finding for young adults under the Young Adult Voluntary Services and Support Act.

- The requirement for this finding is set out in state law in Neb. Rev. Stat. § 43-4508(4), which requires the court to make a best interests determination **not later than 180 days** after the young adult and the department enter into a voluntary services and support agreement.
 - **The department is required to file a petition with the juvenile court**, including a copy of the signed voluntary services and support agreement, a copy of the case plan, *the reasons why it is in the young adult's best interests to participate in the bridge to independence program*, basic background information and any other information to the court within **45 days** after the agreement is signed.⁴
 - Therefore, the court will have **135 days** from the filing of the petition to make the best interests determination.
- **There is no requirement that the court's review of the petition and the entry of this order need to be conducted at a formal hearing on the record.** It is sufficient that the judicial officer completes the review and authorization administratively ("paper review").
- Pursuant to Neb. Rev. Stat. § 43-4508(3), upon the filing of the petition by the department, the court shall open a bridge to independence program file for the purpose of determining whether continuing in such program is in the young adult's best interest and for the purpose of conducting permanency reviews as described in subsection (5) of this section.

¹ The Young Adult Voluntary Services and Support Act is codified at Neb. Rev. Stat. § 43-4501 et seq.

² Neb. Rev. Stat. § 43-4503(5) citing 42 U.S.C. 672(f).

³ 42 U.S.C. 672(e)&(f).

⁴ Neb. Rev. Stat. § 43-4508(1).

IN THE SEPARATE JUVENILE COURT/COUNTY COURT OF ____ COUNTY, NEBRASKA

)	
)	Doc. No.
)	
_____, YOUNG ADULT)	INITIAL ORDER AND
(First, last name of young adult))	FINDINGS REGARDING
)	YOUNG ADULT VOLUNTARY
)	SERVICES AND SUPPORT
)	AGREEMENT

1. On _____, the Nebraska Department of Health and Human Services filed a Petition requesting a judicial determination whether continuing to participate in the Bridge to Independence program is in the best interests of the young adult named above.
2. THE COURT FINDS after review of the Petition, the signed voluntary services and support agreement, the case plan, and other information filed with the court that:

IT IS ORDERED:

3. Continuing in the Bridge to Independence program

is
 is not

in the young adult's best interests.

Dated this ____ day of _____, 20____.

BY THE COURT:

 Judge