

TITLE 395 CHILDREN AND FAMILY SERVICES: PROTECTION AND SAFETY
CHAPTER 2 DISCLOSURE OF INFORMATION

001. DEFINITIONS. The following definitions apply:

001.01 NONIDENTIFYING INFORMATION. The descriptive social, educational, medical, and demographic details about an adopted person and the adopted person's birth relatives, excluding any information which might reveal the identity of the birth relatives.

001.02 LEGAL GUARDIAN. Legal guardian has the same meaning as guardian in Neb. Rev. Stat. § 30-2209

002. CONFIDENTIALITY AND RELEASE OF INFORMATION. Information will be provided based on the individual's need to know and the individual's involvement with the child or family.

002.01 RELEASE OF INFORMATION WITHIN THE DEPARTMENT. Information shared within the Department does not require a signed release.

002.02 RELEASE OF INFORMATION TO LAW ENFORCEMENT. All reports regarding child abuse or neglect will be released to the appropriate law enforcement agency. The name and identity of the reporting party will be released to the investigating law enforcement agency. The name and identity of the reporting party will be released to the county attorney upon request. When the Attorney General's Office is assessing a case for prosecution or preparing to prosecute a criminal case, the name of the reporting party will be released to them upon request.

The Department will not release the name of the reporting party to anyone other than law enforcement, the county attorney, or Attorney General's Office.

002.03 RELEASE OF INFORMATION REGARDING STATE WARDS. Once a child is placed in the custody of the Department, parental consent for release of information about the child is no longer required, and the Department will authorize the release of information related solely to the child when it is determined by the Department to be in the child's best interest. Information related to the report of child abuse or neglect will be released in accordance with 395 Nebraska Administrative Code (NAC) Chapter 3.

002.04 FORMER WARD INFORMATION REQUESTS. The Department will release information regarding the former ward upon written request from the former ward or his or her legal guardian. Information solely regarding other family members will not be provided. If the

former ward was adopted, the Department will not release any information identifying the birth family.

002.05 ADOPTION INFORMATION REQUESTS. Once an adoption decree has been issued by the court and the case is closed, the Department file is closed. Birth family identity will be kept confidential and only be released as permitted by law.

002.06 FORMER WARD ADOPTEE REQUESTS FOR NON-IDENTIFYING INFORMATION. The Department will release nonidentifying child welfare case record information when a written request is received from a former ward adoptee who has reached the age of majority or from the former ward adoptee's adoptive parents.

002.07 BRIDGE TO INDEPENDENCE PROGRAM REQUESTS FOR INFORMATION. The Department will release information regarding the Young Adult upon written request from the Young Adult or his or her legal guardian.

003. CONFIDENTIALITY AND DISCLOSURE OF CHILD ABUSE AND NEGLECT CENTRAL REGISTRY INFORMATION.

003.01 CONFIDENTIALITY. Information pertaining to or stemming from contacts, interviews, assessments, and allegation findings related to a report of child abuse or neglect is confidential and will not be released to any person except as authorized by state law or when ordered by a court of competent jurisdiction.

003.02 PERSONS OR AGENCIES ALLOWED ACCESS TO RECORDS. The Department will provide copies of the appropriate Central Registry records to any person legally authorized under Nebraska law. Such request will be in writing, dated, signed, with proof of identity and will identify the person's authority to receive such records.

003.03 FORMAT OF REQUEST. The request must be submitted utilizing the Department approved form and must describe with sufficient detail the information sought.

003.04 REQUEST BY OR ON BEHALF OF A CHILD WHO IS THE SUBJECT OF A REPORT OF CHILD ABUSE OR NEGLECT. Upon written request, a subject of the report of child abuse or neglect or, if such subject is a minor or otherwise legally incompetent, the legal guardian or guardian ad litem of the subject, is entitled to receive a copy of all information contained in the Central Registry pertaining to his or her case. Proof of guardianship must be provided by the legal guardian.

The Department cannot provide all information contained in the Central Registry to a third party in lieu of the individual authorized to receive the information. The Department will provide the requested information directly to the person whose name appears on the Central Registry.

The Department will not release information that it determines to be harmful or detrimental to a child who is the subject of the report or that would identify or locate a person who, in good faith, made a report or cooperated in a subsequent investigation.

003.05 SUMMARY OF FINDINGS AND ACTIONS. Upon request, a physician or the person in charge of an institution, school, facility, or agency making a legally mandated report of child abuse or neglect will receive a written summary of the findings and actions taken by the Department in response to such report. The summary will contain the following information:

- 1) Date of the report;
- 2) Name of the alleged victim(s);
- 3) Name of the alleged perpetrator(s);
- 4) Allegation(s); and
- 5) Whether the report was unfounded or substantiated.

003.05(A) SUBSTANTIATED REPORTS. If the report is substantiated, the summary may include a description of services offered and provided by the Department.

003.05(B) SUBSTANCE EXPOSED INFANTS. If a report made by a hospital or other medical facility includes information that a newborn infant has been affected by substance use, withdrawal symptoms from prenatal drug exposure or fetal alcohol spectrum disorder, the summary provided by the Department may include any additional information the Department deems necessary for the development of a plan of safe care for the child.

003.06 CHILD ABUSE AND NEGLECT CENTRAL REGISTRY CHECKS.

003.06(A) REQUIREMENTS. Central Registry checks must be requested utilizing a process approved by the Department. The individual must use the Central Registry request check form or provide the following information: individual's name, current address, date of birth, social security number, the names of any children with whom the subject resided, all names the individual may have had or used, and former addresses (minimum of city and state).

003.06(A)(i) CENTRAL REGISTRY CHECK DEFINED. A Central Registry check is a review of the child abuse and neglect Central Registry, a review of the adult abuse and neglect Central Registry or a review of both registries. The individual authorizing the Central Registry request check must identify which review is being authorized.

003.06(B) AUTHORIZATION. A Central Registry check will not be performed on an individual's name without the Department first having the authorization of the individual, unless otherwise provided for in the Nebraska Revised Statutes.

003.06(B)(ii) VERIFICATION OF IDENTITY. Every Central Registry request must include verification of the identity of the person authorizing the Central Registry request. The Central Registry request check form must be notarized or the individual must use the Department approved identity proofing process. Any Central Registry request made by or on behalf of an individual under the age of 19, must have the minor child's parent or legal guardian's identity verified.

003.06(C) SELF CHECKS. Individuals may request a Central Registry check by completing and submitting the Central Registry request check form. The Central Registry request must include verification of the identity of the individual.

003.06(D) CENTRAL REGISTRY CHECKS. Individuals who want to authorize a Central Registry check and have the results of the check sent directly to a third party must complete and submit the Central Registry request check form that identifies the third party with whom the results may be shared. The Central Registry request check form must include verification of the identity of the individual authorizing the check.

003.06(D)(i) Third parties must enroll with the Department in order to receive the results of a Central Registry check.

003.06(E) RELEASING RESULTS. Information is released from the Central Registry only when a signed authorization to release information is obtained from the individual who is the subject of the Central Registry check.

004. CENTRAL REGISTRY CHECK FEE.

004.01 FEES.

004.01(A) PAYMENT. A fee of \$2.50 shall be charged to the requestors of a Central Registry check for processing and issuing the results. A Central Registry check will not be processed until the fees assessed by the Department have been paid. All payments shall be made payable to the State of Nebraska. Cash payments will not be accepted and any cash received will be returned to the sender.

Central Registry fees shall apply without regard to whether Central Registry check results are issued. Requests where applicant information is incomplete or applicant information conflicts with Department information will result in the request being returned to the individual or organization without a refund of the fee.

All fees collected pursuant to this section shall be deposited to the State Treasurer for credit to the Health and Human Services Cash Fund.

004.02. UNDUE HARDSHIP.

004.02(A) ELIGIBILITY. Waivers granted by the Department based on undue hardship are intended to ensure that individuals can obtain the results of a Central Registry check and not be inconvenienced economically. An undue hardship waiver is not available to organizations, businesses, or agencies.

004.02(B) CRITERIA. Any of the following circumstances may constitute an undue hardship and may result in a waiver of the Central Registry fee:

1. The applicant is currently receiving Temporary Cash Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Assistance to the Aged, Blind or Disabled (AABD), or Medicaid benefits; or
2. The applicant has recently experienced an event including but not limited to fire, illness, accident, or job loss that has resulted in a significant financial difficulty.

004.03 APPLICATION AND REVIEW PROCESS. A waiver shall only be available to an individual. The individual must apply for a waiver in writing prior to a request being made through the Central Registry process. The written application must include a statement of the individual's resources, a signed release granting permission for the Department to review records relating to the applicant's Department-administered public assistance benefits, and a statement of why an undue hardship waiver should be granted. The Department may require additional verification of any information included in the waiver application.

004.04 APPEAL. If the waiver request is denied the individual may appeal by submitting a written request for a hearing to the Department's Hearing Office within 90 days of the date the letter denying the request. Administrative hearings will be carried out in accordance with the Administrative Procedure Act §84-901 et seq. and 465 NAC 6.

TITLE 395
CHILDREN AND FAMILY SERVICES
PROTECTION AND SAFETY

CHAPTER 3 FOSTER CARE: LICENSURE, APPROVAL, AND HOME STUDIES

3-000 DEFINITIONS

REASONABLE AND PRUDENT PARENT STANDARD means a standard characterized by careful and sensible parental decisions which maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities.

3-001 FOSTER CARE LICENSE: A foster care license is the State's authorization to provide care for children placed with the licensee, when the applicant has met licensing standards. A license issued to an applicant is effective for two years, and identifies the ages of children cared for, the number of children for whom the home is licensed, and the location of the licensed home.

3-001.01 Fees for a License: A foster parent will not be charged a fee for a foster care license.

3-001.02 General Limitations for Foster Care Licenses

3-001.02A Only one license can be issued for each address.

3-001.02B To be licensed for foster care, a person must be age of majority. If legally married, both spouses must be licensed, and meet all regulations in this section.

3-001.03 Application

3-001.03A Initial Application: The initial application must include the completed application form, completed references, and health information form.

3-001.03B Application for a Renewal License: The application for license renewal must include the application form and health information form.

3-001.03C Health Information: Each household member of the age of majority who will provide care, including each applicant, must present health information to document that she or he is physically and mentally capable of caring for children. For purposes of the initial license, the health information must include the signature of a health practitioner. For purposes of license renewal, a self-certifying report without the signature of a health practitioner is acceptable.

1. Prescribed Medications: If the Foster Care Licensee or applicant indicates that he/she is currently taking prescribed medications, they must be listed on the health report and signed by a health practitioner. The practitioner must describe any impact the medications may have on the applicant's ability to safely care for children.

2. Request for a Physical Exam: If the health information report indicates that an applicant has a potential health (physical, behavioral or emotional) problem that may interfere with the applicant's ability to care for children, or if for some other reason the licensing agent or agency has reason to believe such a health problem exists, the licensing agent or agency must request a report by a physician. This report must describe any impact the health problem may have on the applicant's ability to safely care for children. The Department will not pay for the examination or report. If the applicant does not supply the requested report, the license application will be denied.

If there is reason to believe that other persons in the household pose a health (physical or behavioral) related issue that could impact their ability to safely care for children, the applicant must present appropriate health information from a practitioner to allow determination that the condition does not impact the applicant's ability to safely care for children.

3-001.03D References: For purposes of the initial application, each applicant must provide the names and contact information of at least three individuals who can provide positive written references. No more than one of the individuals may be related to the applicant.

3-001.03E Time-Frame for Processing the Application: The licensing agent or agency must initiate action on an application within ten business days of receipt of the completed application. If an applicant fails to provide the complete application, or fails to cooperate in the licensing process, the application for a license will be denied. Applications that have been determined to be incomplete for three months or longer will be denied.

3-001.04 Character and Ability: All adults providing foster care must:

1. Be mentally and physically able to provide care and supervision to children;
2. Exercise reasonable judgment when caring for children; and
3. Not engage in or have a history of behaviors which would injure or endanger the physical, mental health, or safety of children.

3-001.04A Character and Ability of Others in the Home: A license may be revoked when it has been determined that any individual residing in the home of a licensed foster care provider has engaged in behaviors that have or would compromise the safety or well-being of a child.

3-001.05 Background Checks: The licensee and all other members of the household must submit to required background checks, as follows:

1. State Central Register or Registry of child protection for any state in which the applicant has lived within the past five years (if age 13 or older);
2. Adult Protective Services Central Registry (if age 13 or older);
3. Appropriate local law enforcement agency (if age 18 or older);
4. Sex Offenders Registry for any state in which the applicant has lived within the past five years (if age 18 or older);
5. State-level criminal history (if age 18 or older); and
6. Fingerprint-based National Criminal History Check with the Identification Division of the Federal Bureau of Investigation (if age 18 or older).

3-001.06 Release of Information: In order to perform the background checks, the licensing agent or agency must obtain a signed written release of information from each individual living in the home. The release must include all previous known names, including maiden names and aliases. A child's release of information must be signed by the child's parent or guardian.

3-001.07 Sharing Information: The Department is prohibited by federal rules and regulations from sharing the results of the national criminal history check with any person or entity, except as described below.

3-001.07A Sharing Information with the Applicant: The Department can share the results of the Criminal History Release of Information with the subject of the national criminal history check when legal identification is provided. The Department will provide the applicant with the opportunity to question the results and advise the applicant that there are procedures for obtaining a change, correction, or update of the FBI record.

3-001.07B Sharing Information with Attorneys or Courts: The Department can share all background check results except the National Criminal History Check with courts and attorneys.

3-001.07C Sharing Information Regarding Interstate Compact on the Placement of Children Licensure: The Department will include the results of all background checks except for the National Criminal History check when appropriate, or can state that there is no known criminal history.

3-001.08 Action Based on Criminal History and Child Abuse/Neglect Reports: If the individual has a criminal history or history of child abuse or neglect, the Department will determine if the criminal history allows or prohibits licensure, based on the following criteria:

3-001.08A Ineligible: A person convicted of a felony involving abuse or neglect of a child, spousal abuse, a crime against a child or children (including child pornography) or a crime of violence (including rape, sexual assault, or homicide, but not including other physical assault or battery) is ineligible to provide foster care. A person who is identified as a perpetrator on a Central Registry or equivalent in any state is ineligible to provide foster care.

3-001.08B Ineligible For Five Years: A person convicted of a felony involving physical assault (other than a crime of violence described in 3-001.08A), battery, or a drug-related offense is ineligible to provide foster care for five years after the date of conviction.

3-001.08C Eligible at Department's Discretion: If a person has been convicted of a crime or crimes that do(es) not otherwise result in ineligibility, the Department will review the facts and circumstances of the conviction(s) to determine whether the person is eligible to provide foster care.

3-001.09 Participation in Activities: The licensee must:

1. Permit each foster child to participate in age appropriate school, extracurricular, enrichment, cultural, and social activities;
2. Permit each child to practice and further his/her own religious beliefs; and
3. Exercise the Reasonable and Prudent Parent Standard when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities.

3-001.10 Maximum Number of Persons for Whom Care Can Be Provided: A foster parent may provide care for adults and children, including foster children and children related by blood, marriage or adoption, according to the following maximum placement limits.

The applicable maximum placement limit for children will be reduced in an amount equal to the number of adults in the home for whom the foster parent(s) provide(s) 24 hour care and supervision.

3-001.10A Homes with Two Licensed Foster Parents: No more than six children may reside in a home with two licensed foster parents. No more than four children under age six may reside with two licensed foster parents.

3-001.10B Homes with One Licensed Foster Parent: No more than four children may reside in a home with one licensed foster parent. No more than two children under age six may reside with one licensed foster parent.

3-001.10C Exception: The Department in its discretion may allow a home to exceed the maximum placement limit when doing so is in the best interest of each child in the home.

3-001.11 Discipline: The foster parent(s) must provide age appropriate discipline for children in their home. The following are prohibited by foster parents or any caregiver of the foster children:

1. Denial of necessities;
2. Chemical or mechanical restraints;
3. Derogatory remarks, abusive or profane language;
4. Yelling, screaming or threats of physical punishment;
5. Physical punishment of any kind to include spanking, slapping, shaking, biting, striking, kicking;
6. Rough handling; and
7. Denial of visits or contact with parent(s), sibling(s), or others, as designated by the Department.

The foster parent shall not delegate discipline of a child to anyone who is not in a caregiver role.

3-001.12 Confidentiality: All information concerning a child and his or her family is considered confidential and will only be disclosed for purposes that benefit the child. Pictures and information regarding the child will not be posted on social media sites.

3-001.13 Cooperation: The licensee must cooperate with the licensing agent and licensing agency.

3-001.14 Records: The licensed caregiver is responsible for ensuring each child in their care has routine medical, vision and dental care necessary for the child's well-being. The licensed caregiver will maintain and keep the child's medical history to include the following accurate written information on each child in their care:

1. Full name of child;
2. Name, address, and phone number of the child's physician;
3. Name, address, and phone number of the person or agency holding legal custody of the child;
4. Past (if available) and current immunizations;
5. The administering of all medications;
6. Significant health problems;
7. Emergency medical treatment and intervention received; and

3-001.15 Transportation Safety: The licensee is responsible to transport and accompany children in their care to necessary medical, dental, vision and other health (physical or behavioral) related appointments. The licensee is responsible to ensure that safety restraints are available and used for each child transported, in compliance with Neb. Rev. Stat. §§ 60-6,267, 60-6,268, and 71-1907. Failure to comply with transportation safety will result in an action being taken against the licensee.

3-001.16 On-Site Visits: The licensee must agree to on-site home visits by the licensing agent and agency having legal custody of a child.

3-001.17 Environmental Requirements

3-001.17A Facilities: The licensee shall assure that:

1. A minimum of 35 square feet per individual excluding bedrooms, bathroom(s), and kitchen;
2. Bedrooms or sleeping areas meet the following criteria:
 - a. At least 35 square feet for each child occupying the bedroom or sleeping area;
 - b. Each child must be provided with a bed, bedding, and a place to store his or her belongings; and
 - c. When required by the placing agency or the Department, the licensee must provide separate bedrooms for children of opposite sexes.

3-001.17B Water Supply: The licensee shall ensure that the water supply meets one of the following criteria:

1. If from a private well, water must be tested at initial application and annually thereafter by a DHHS-certified lab for bacteria and nitrates; or
2. Water comes from a municipal source.

3-001.17C Nutrition and Food Service: The licensee shall ensure that each child will be provided with a minimum of three meals per day which meet their daily nutritional needs.

3-001.17D Hazardous Materials and Equipment: The licensee shall ensure that:

1. Drugs, cleaning agents, poisons, and other potentially hazardous items, materials, or equipment are inaccessible to youth or are used by youth under supervision of a caregiver;
2. All weapons and firearms are unloaded and locked or stored in a locked cabinet or area; and
3. All ammunition is stored in a locked cabinet or area and stored separate from the firearms.

3-001.17E Outdoor Recreational Area: The licensee shall ensure that the grounds are clean, well-drained, and hazard-free.

3-001.17F Waste Disposal: The licensee shall ensure that:

1. Garbage that is stored outside the home must be stored in containers and disposed of regularly; and
2. A sewer system is used.

3-001.17G Pets: The licensee shall ensure that household pets:

1. Have no history of aggression;
2. Are licensed, if required by local or state statute or ordinance, and are current on any necessary or required vaccinations.

3-001.18 Fire Safety

3-001.18A Fire Safety for All Foster Homes: The licensee must assure that:

1. A plan for evacuation from fire or like hazards is formulated and practiced with foster children;
2. The home has:
 - a. At least two exits on grade level;
 - b. At least two means of escape from every level of the home that is used for sleeping. One of the exits may be a window that is at least 5.7 square feet of clear space and no more than 44 inches off the ground; and
 - c. Operable smoke detectors, maintained according to manufacturer's recommendations, which are located on each level of the home. For bedrooms located below grade level and used by foster children, the detectors must be single station approved detectors.

3-001.19 Fire Safety or Sanitation Requests: The licensing agent will submit all requests regarding fire safety or sanitation requirements to the state or local fire authority or to the state or local health department for a decision on suitability of the suggested alternative.

3-001.20 Compliance Checklist: Prior to licensure, re-licensure, or a license amendment, the licensing agent must complete a Department-designated compliance checklist. In order to complete the checklist for licensure or re-licensure, the licensing agent must make an on-site visit to the home.

3-001.21 Alternative Compliance: The Department may approve the request of an applicant or current licensee to comply with a licensing standard in a different way from what is stated in the standard but still meets the intention of the standard. The applicant/licensee must submit the request in writing. The licensing agent must approve prior to licensing. The applicant/licensee must resubmit the alternative compliance request for approval each time a license is requested to be issued, amended, renewed, or reinstated.

3-001.22 Waiver of Licensing Requirements for Relatives: The Department in its discretion may waive the following licensing requirements for an applicant who is related by blood, marriage, or adoption to the child requiring placement:

1. The requirement that no more than one relative may provide a reference;
2. The maximum number of persons for whom care can be provided;
3. The requirements regarding minimum square feet per child occupying a bedroom and per individual excluding bedrooms, bathrooms, and kitchen;
4. The requirement that a home have at least two exits on grade level; and
5. Training.

3-001.23 Declaratory Ruling: An applicant/licensee may request a declaratory ruling regarding the application of a requirement to his/her particular situation. Both the applicant/licensee and the licensing agent must submit written statements to the Director, including the following information:

1. The requirement being questioned;
2. The decision being sought;
3. All pertinent facts about the specific situation; and
4. The rationale for his/her interpretation.

3-001.24 Amending a License: A license can be amended at the written request of the foster parent when the foster parent wants to change the number or age of children cared for, or the address, except that if the change requires application of additional or different regulations, those requirements must be met before the amended license is issued. If the reason for the request is change of address, a compliance checklist must be completed for the new residence to assure that it meets licensing requirements and a new license application is needed. Following the issuance of a license, if a foster parent makes changes in number of children for whom s/he is licensed or the ages of the children cared for, the license will be amended after the licensee requests a change. If the request results in a different licensing standard, a new license application is needed and the regular evaluation process conducted. Amending a license does not change the end date of the original license.

3-001.25 Renewal of License: In order for renewal of a license to occur, all licensing requirements and processes applicable to the original license must be applied, unless specified otherwise in the description of the individual requirement.

3-001.26 Extending a License: A current license can be extended for 90 days when the licensee has submitted a completed renewal application to the Department prior to the expiration of current license. A provisional license cannot be extended.

3-001.27 Provisional License: The Department may issue a time-limited, nonrenewable provisional license to an applicant who is unable to comply with all licensure requirements and standards, has a documented plan to comply, and is capable of compliance within the time period stated in the license as approved by the licensing agent and licensing agency.

3-001.28 Training: The licensee must complete training as follows:

1. Initial license: Not less than 21 clock hours of Department-approved pre-service training before initial licensure, with such training obtained within the 12 months immediately prior to licensure.
2. Renewal license: At least 12 clock hours of Department Approved Inservice Trainings annually within the effective dates of his/her license.

3-001.28A Activities Counted as Training: To be counted toward the pre-service or in-service training requirements, training must be approved by the Department.

3-001.28A1 Documentation: The applicant/licensee must provide written documentation of training received.

3-001.29 Licensing Action: A licensing action includes any of the following:

1. Denial;
2. Revocation;
3. Placing the license into provisional status;
4. Suspension; or
5. Closure.

The Department will provide written notice of all licensing actions, including the reason for the action and, when applicable, the right to appeal the action, to the applicant or licensee. The Department cannot take a licensing action for conduct solely involving a foster parent's exercise of the Reasonable and Prudent Parent Standard.

3-001.29A Revocation: The Department will revoke the license of any licensee who does not comply with requirements after having been given written notice in accordance with noncompliance procedures.

3-001.29B Provisional License: The Department may change an existing license to provisional status when:

1. The current licensee is unable to comply with licensing regulations that do not present an unreasonable risk to the health, safety, or well-being of the foster children in the care of the applicant;
2. The licensee provides a written plan for coming into compliance and agrees to that plan in writing; and
3. The time frame for coming into compliance does not exceed 180 days or extend beyond the end date of the license, whichever comes first.

The licensing agent must submit a request to the Department providing justification for the issuance of a Provisional License. The licensing agent must follow up to assure that compliance was met within the stated time frame. If it is not, the license will be revoked.

3-001.29C Suspension of a License: A license may be suspended when one of the following exists:

1. When a complaint of suspected child or adult abuse or neglect has been received but the Department has not yet made a finding.
2. When the licensee has been placed on the APS Central Registry or the Child Abuse and Neglect Central Register as a perpetrator and the licensee has appealed that decision.
3. When any Department representative observes conditions or behaviors that may indicate suspected child or adult abuse or neglect.
4. When a licensee or member of the household has a criminal charge filed against him or her involving a crime against children or other crimes, which may affect the care of children; or
5. When a child under care dies.

When a court action is taken or an appeal decision is made regarding the issue which resulted in the suspension, the license must be reinstated or revoked. In no case will a suspension extend beyond the end date of the current license. Suspension of a license is not an appealable action.

3-001.30 Appeal of Negative Licensing Actions: The licensee has the right to appeal the revocation or denial of a license within ten days of delivery of a letter from the Department that provides notice of the intention to take the action. If the Licensee submits a written appeal within ten days of delivery of notice, the licensing action will not be taken until the appeal decision is issued by the Director of the Division of Children and Family Services. Such appeals will be carried out in accordance with the Administrative Procedure Act and 465 NAC 6.

3-002 APPROVAL OF FOSTER HOMES: Prior to placement of a child who is a ward of the Department into a foster home, the Department will approve the home, or will obtain approval through the ICPC process when applicable.

3-002.01 Emergency Approval of Relative and Kinship Homes: Emergency approval of a relative or kinship is allowed when approval prior to placement is unfeasible, subject to the following requirements. A relative is defined as being related by blood, marriage or adoption. Kinship is defined when at least one of the primary caretakers has previously lived with or has had significant contact with the child or children or sibling of a child and has a bond with the child.

3-002.01A Emergency Approval Requirements

1. Visit to the home of the potential caregiver, including a face-to-face meeting with at least one of the prospective adult caregivers (If the placement is made by law enforcement, the visit by the worker must be made no later than the following working day);
2. Assurance that there is adequate housing;
3. Assurance that the adult caregiver is able to adequately meet the needs of the child;
4. Completion of relevant background checks on all household members:
 - a. For household members age 13 through 17 the background check must include a check of the:
 - 1) CPS Central Register for all states in which the individual has lived within the past five years; and
 - 2) Adult Protective Services Central Registry.
 - b. For household members age 18 and older the background check must include:
 - 1) CPS Central Register check;
 - 2) Adult Protective Services Central Registry check;
 - 3) Sex Offender Registry check for all states in which the individual has lived within the past five years;
 - 4) Local law enforcement agency check; and
 - 5) Emergency, name-only check with the NE State Patrol;

3-002.01B Emergency Approval Time Limit: Emergency approval will not extend beyond sixty days from the date of placement without an extension done by the Department.

3-002.02 Non-Emergency Approval of Relative and Kinship Homes

3-002.02A Requirements

1. Completion of relevant background checks on all household members:
 - a. For household members age 13 through 17 the background check must include a check of the:
 - 1) CPS Central Register; and
 - 2) Adult Protective Services Central Registry.
 - b. For household members age 18 and older the background check must include:
 - 1) CPS Central Register for all states in which the individual has lived within the past five years;
 - 2) Adult Protective Services Central Registry check;
 - 3) Sex Offender Registry check;
 - 4) Local law enforcement agency check; and
 - 5) National fingerprint-based criminal history check.
2. Completion of the appropriate home study.

3-002.02B Action Based on Required Checks: If a person living in the potential relative or kinship foster home has a felony conviction, is on the Sex Offender Registry or has a substantiated finding on the CPS Central Register or APS Central Registry, non-emergency approval shall be denied, unless an exception is given, by the Department.

If a household member's background check reveals a criminal conviction other than a felony, or there is reason to believe the individual is currently charged, or under indictment for a crime, or has any other criminal record, approval can be granted only in writing, by the Department.

3-003 HOME STUDIES

3-003.01 Home Study: The Department will complete a home study when one of the following conditions exists:

1. An individual or legally married couple has applied to the Department to become a licensed foster or adoptive home;
2. An individual or legally married couple is renewing their foster care license;
3. The individual or legally married couple is being considered for placement of a child related to the child by blood, marriage, or adoption on an approval basis;
4. The Department may complete a home study if the individual is the non-custodial parent of a child in the custody of the Department;
5. The Department is requested through the ICPC to complete a home study for a potential foster or adoptive person or parent of a child in the custody of an agency or under the jurisdiction of a court in another state; or
6. The Department is ordered by a court to complete a home study on a stepparent desiring to adopt his or her stepchild.

3-003.02 Age of Majority: The applicant must be the age of majority in order to be considered eligible for a home study, unless an exception is made by the Department.

3-003.03 Completed Home Study: In order to be complete, a home study must be in writing, include information regarding all required elements, and have the written approval of the Department. If at any point, the Department determines that the subject of the home study is unable or unwilling to provide the required care, the home study will be considered incomplete, and approval of placement will be denied.

3-004 PROVISION OF LIABILITY AND DAMAGE INSURANCE: The Department will provide insurance coverage for foster parents for liability and damage. Any foster home or adoptive home licensed or approved by the Department or Indian Tribal Councils within Nebraska are covered by insurance for the period of time that an HHS or HHS/OJS ward is placed in the home. This insurance coverage also exists for any foster or adoptive home licensed or approved by the Department, or Indian Tribal Councils within Nebraska, for the period of time that a child covered under a IV-E contract is placed in the home. The foster parent(s) in the home are considered as 'the insured'. The Department covers the cost of the insurance premium for each foster home. When a foster parent requests reimbursement for damages to property incurred by the ward the Department will:

1. Provide the foster parent with the claims adjustor's phone number; and
2. Provide information to the claims adjustor when requested.

3-005 NATIVE AMERICAN FOSTER CARE LICENSING: Native American Foster Homes are foster homes which are licensed through a tribal entity and are located on tribal ground.

3-005.01 Number of Children: The maximum number of children in Native American Foster Homes shall be based on tribal traditions and customs, not number of persons in the home, without compromising the safety of children, adults in care, and others in the household.

3-005.02 Initial Application

3-005.02A Emergency Approval Requirements: Native American Foster Family Homes will comply with the following:

1. Each household member of the age of majority who will provide care including each applicant must present health information to document that she or he is physically and mentally capable of caring for children. For purposes of the initial license, the health information must include the signature of a health practitioner. For purposes of license renewal, a self-certifying report without the signature of a health practitioner is acceptable, unless there is reason to believe that a health practitioner's statement is warranted.
2. If the individual indicates that he/she is currently taking prescription medications, the licensing agency must assess the need for a written physician's statement regarding the medication's effect on the individual's ability to care for children.
3. Additional information regarding the physical and/or psychological condition of the Native American foster parent(s) is warranted only when such conditions may adversely affect the care, nurturance and training of the children.

3-005.03 License Renewal: Native American Licensees must complete the renewal process under the same terms and conditions as the original license. The Native American Foster family may request to have a liaison person present for the on-site visit.

3-005.04 Requirements of Native American Foster Families: Principal consideration will be given to the foster family's capacity to provide nurturance, understanding, Native American culture to children, a stable environment, supervision, and protection of children.

3-005.05 Environmental Requirements: The foster home shall have:

1. Adequate toilet facilities;
2. Adequate bathing facilities;
3. Safe heat sources in each room used by children;
4. Refrigeration for perishables;
5. Adequate sleeping arrangements;
6. Working smoke detectors;
7. All weapons and ammunition stored in a locked cabinet or area; and
8. Grounds around the foster home that are safe and free of hazards considering the age and development of children in care.

3-006 COMPLAINTS

3-006.01 Licensing Violations: The Department will investigate any licensed foster home after receiving an allegation of violation of licensing regulations.

1. The Department will accept complaints from anyone who witnessed a violation.
2. The identity of a complainant is not public information.
3. Only if found credible by the Department can such an allegation or complaint result in a negative licensing action.

3-006.02 Suspected Child Abuse or Neglect: Upon receipt of a complaint alleging child abuse/neglect, or when suspecting abuse or neglect in the foster home, the licensing agent must:

1. Inform the complainant of his/her responsibility to report the situation to the proper law enforcement agency and to the Department; and
2. Immediately report the alleged abuse/neglect to the proper law enforcement agency and the Department.

3-006.03 Complaints Concerning Practice: When a foster or adoptive parent has a complaint regarding a the Department casework decision or implementation of a policy or regulation involving himself or herself, the complaint will be addressed through the informal process of a meeting between the foster or adoptive parent, CFS Specialist, and CFS Supervisor. If possible, a plan to resolve the complaint will be developed. The foster parent will be advised in writing of the plan or reason for no action.

TITLE 395
CHILDREN AND FAMILY SERVICES
PROTECTION AND SAFETY

CHAPTER 9 ALTERNATIVE RESPONSE

These regulations implement Alternative Response as authorized and required by Neb. Rev. Stat. §§ 28-712 and 28-712.01 and contemplated by Neb. Rev. Stat. § 28-710.01.

9-001 DEFINITIONS:

Intake Accepted for Assessment means a report received by the Department Child Abuse and Neglect Hotline that creates concern for the safety of a child and includes information stated by the reporting party and collateral information gathered by the Department.

Alternative Response means a comprehensive assessment of (i) child safety, (ii) the risk of future child abuse or neglect, (iii) family strengths and needs, and (iv) the provision of or referral for necessary services and support that does not include an investigation or formal determination as to whether child abuse or neglect has occurred or the entry of the subject of the report into the central registry of child protection cases maintained pursuant to Neb. Rev. Stat. § 28-718. (Neb. Rev. Stat. § 28-710)

Traditional Response means an investigation by a law enforcement agency or the department pursuant to Neb. Rev. Stat. § 28-713 which requires a formal determination whether child abuse or neglect has occurred. (Neb. Rev. Stat. § 28-710)

Caretaker means a parent, foster parent, family member, friend, or legal guardian who provides care for an individual. (Neb. Rev. Stat. § 71-6721(3))

Household Member means any person who has significant in-home contact with a child and includes individuals who have a familial or intimate relationship with any person in the home.

Exclusionary Criteria means criteria which, if alleged or otherwise learned by the Department, automatically excludes an Intake Accepted for Assessment from eligibility for Alternative Response. Exclusionary Criteria include

- (1) physical abuse of a child (i) under the age of six involving an injury to the head or torso; or (ii) with a disability; or (iii) which resulted in serious bodily injury to a child as defined in Neb. Rev. Stat. § 28-109(20); or (iv) is likely to cause death or severe injury to a child;
- (2) domestic violence involving a caretaker AND the alleged perpetrator has access to the child or Caretaker;
- (3) sexual assault of a child as defined in Neb. Rev. Stat. §§ 28-319.01, 28-320.01 ;
- (4) sex trafficking of a minor as defined in Neb. Rev. Stat. §§ 28-830(14), 28-831(3);
- (5) sexual exploitation of a child as defined in Neb. Rev. Stat. § 28-707(d);
- (6) neglect of a child resulting in serious bodily injury as defined in Neb. Rev. Stat. § 28-109(20);
- (7) allegations require Child Advocacy Center, Law Enforcement, and Department coordination (Neb. Rev. Stat. § 28-728(3)(d)(iii));
- (8) a Household Member allegedly caused the death of a child;
- (9) a newborn whose urine or meconium has tested positive for alcohol AND whose Caretaker (i) has an alcohol addiction; or (ii) previously delivered a drug-exposed infant and did not successfully complete drug treatment; or (iii) did not prepare for the newborn's birth; or (iv) currently uses controlled substances as defined by Neb. Rev. Stat. § 28-401 or alcohol and breastfeeds or expresses intent to breastfeed; or (v) has no in-home support system or alternative primary care arrangements;
- (10) a Household Member uses or manufactures methamphetamine or other controlled substances as defined in Neb. Rev. Stat. §§ 28-401, 28-405;
- (11) a pregnant woman tested positive for methamphetamine or other controlled substance as defined in Neb. Rev. Stat. §§ 28-401, 28-405;

- (12) a child has had contact with methamphetamine or other controlled substance as defined in Neb. Rev. Stat. §§ 28-401, 28-405, including a positive meconium or hair follicle screen or test;
- (13) a child resides with a Household Member whose parental rights have been terminated or relinquished during a court-involved case;
- (14) abuse or neglect of a child who resides with (i) the subject of an active Traditional Response or (ii) an individual or family that is receiving services through the DCFS Protection and Safety section or (iii) an individual or family who is involved in juvenile court petition pursuant to Neb. Rev. Stat. § 43-247(3)(a);
- (15) child abuse or neglect has occurred in an out-of-home setting;
- (16) a Household Member has a prior court substantiated report of child abuse or neglect or is a sex offender;
- (17) a Household Member appears on the central registry of child protection cases under Neb. Rev. Stat. § 28-720;
- (18) a child under the age of two or at least two children under the age of five reside(s) with a Household member where the current maltreatment concerns are the same as prior maltreatment concerns included in an Intake Accepted for Assessment;
- (19) a child whose Caretaker's identity or whereabouts are unknown;
- (20) law enforcement has cited a Caretaker for the child abuse or neglect alleged in the Intake Accepted for Assessment; and,
- (21) the Department is made aware by law enforcement of an ongoing law enforcement investigation involving a Household Member.
- (22) a safety concern is otherwise identified which requires Department intervention within 24 hours.

Review, Evaluate, Decide (RED) Team means a team of staff within the Department that reviews and evaluates Intakes Accepted for Assessment that include at least one RED Team Criteria and no Exclusionary Criteria.

RED Team Criteria, means criteria which, if alleged or otherwise learned by the Department, requires RED Team review and evaluation to determine eligibility for Alternative Response. RED Team Criteria include:

- (1) a Caretaker has a significant mental health diagnosis AND the reporting party is a physician, mental health or other health care provider;
- (2) a Caretaker exhibits symptoms related to significant mental illness including but not limited to psychotic behaviors, delusional behaviors and danger to self or others;
- (3) a Caretaker is a current or former state ward;
- (4) the family has had another Intake Accepted for Assessment within the past six months AND includes two or more children under the age of five or one child under the age of two;
- (5) the family currently receives an Alternative Response;
- (6) Child abuse or neglect AND alcohol or other mood altering substance use by a Household Member AND there are two or more children under the age of five or one child under the age of two;
- (7) physical abuse that does not rise to the level of physical abuse identified in the Exclusionary Criteria;
- (8) a Household Member or alternate Caretaker has a history of using or manufacturing methamphetamine or other controlled substances as defined in Neb. Rev. Stat. §§ 28-401, 28-405.

9-002 RESPONSE ASSIGNMENT PROCESS

9-002.01 Screening: the Department will screen each Intake Accepted for Assessment for the presence of Exclusionary Criteria and each Intake Accepted for Assessment that includes no Exclusionary Criteria for the presence of RED Team Criteria.

9-002.02 RED Team Review: Within one regular business day after receiving an Intake Accepted for Assessment that includes RED Team Criteria, the RED Team will review and evaluate the Intake Accepted for Assessment to determine whether it is eligible for Alternative Response.

9-002.03 Response Eligibility: The Department will determine eligibility for Alternative Response based upon the presence or absence of Exclusionary Criteria and RED Team Criteria. If an Intake Accepted for Assessment includes

- (i) one or more Exclusionary Criteria, it is ineligible for Alternative Response;
- (ii) no Exclusionary Criteria and no RED Team Criteria, it is eligible for Alternative Response;
- (iii) one or more RED Team criteria and no Exclusionary Criteria, AND the RED Team reaches a unanimous decision that it is eligible for Alternative Response, it is eligible for Alternative Response.

9-002.04 Response Assignment: The Department will use a computerized randomization process to assign each Intake Accepted for Assessment that is eligible for Alternative Response to Alternative Response or Traditional Response. The Department will assign all other Intakes Accepted for Assessment to Traditional Response.

9-002.05 Reassignment from Alternative Response to Traditional Response: The Department will automatically transfer a family from Alternative Response to Traditional Response if (i) a safety threat is present that cannot be managed through an in-home safety plan; (ii) it cannot assess child safety; (iii) law enforcement notifies the Department that they will continue investigating the child abuse or neglect Intake Accepted for Assessment; (iv) the Caretaker receiving Alternative Response requests Traditional Response; or (v) it learns a Household Member allegedly caused the death of a child.

A family will not be reassigned to Traditional Response based upon the family's decision not to enroll or participate in Alternative Response services if the comprehensive assessment is complete AND child is determined to be safe.

If a family is reassigned to Traditional Response individuals may be subject to having their name placed on the Central Registry of Child Protection Cases. Individuals will receive written notice if their name is placed on the Central Registry of Child Protection Cases in accordance with Neb. Rev. Stat 28-713.01 (2).

9-003 ALTERNATIVE RESPONSE SERVICES AND INTERVENTIONS

9-003.01 The Department will assess each family assigned to Alternative Response for child safety and risk of future maltreatment. The family will be offered supports and services as available and appropriate.

9-003.02 The Department will assess child safety and the risk of maltreatment so long as a family participates in Alternative Response.

9-003.03 Participation in Alternative Response becomes voluntary once the Department completes the comprehensive assessment and determines that no safety concerns are present.

9-004 NOTICE AND APPEAL

9-004.01 Notice: The Department will provide written notice to families assigned to Alternative Response. This written notice will explain the Alternative Response process including assessment of safety and risk, criteria for reassignment of a family from Alternative Response to Traditional Response, and the family's rights to terminate participation in Alternative Response.

9-004.02 Grievance Process: Families receiving Alternative Response may file a grievance following the same grievance process available to families receiving Traditional Response pursuant to Neb. Rev. Stat. § 81-603.

Families may not grieve assignment or reassignment to Traditional Response or actions of any person not employed by the Department.

9-005 TERMINATION OF PARTICIPATION

9-005.01 Alternative Response terminates upon (i) reassignment of a family to Traditional Response; (ii) request of the Caretaker receiving Alternative Response after completion of the comprehensive assessment (Neb. Rev. Stat 28-710 & 28-712.01 (3)); or (iii) Closure of Alternative Response.

9-006 COLLECTION, SHARING AND REPORTING OF DATA

9-006.01 The Department will submit an evaluation report on the status of Alternative Response implementation to the Children's Commission as required by Neb. Rev. Stat. 28-712.01 (5) & 28-712 (2) & (3).

CHAPTER 10
YOUNG ADULT VOLUNTARY SERVICES AND SUPPORT
BRIDGE TO INDEPENDENCE

10-001 GENERAL BACKGROUND

10-001.01 Legal Basis: These regulations are authorized by and implement the Young Adult Voluntary Services and Support Act (YAVSSA), Neb. Rev. Stat. §§ 43-4501 to 43-4514. Applicable federal authority includes but is not limited to the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351), which amended Titles IV-B and IV-E of the Social Security Act.

10-001.02 Purpose and Scope: This chapter governs the administration of the Young Adult Voluntary Services and Support Act, also referred to as Bridge to Independence.

10-002 DEFINITIONS

Bridge to Independence means the program provided under Young Adult Voluntary Extended Services and Support Act described in this chapter. This term is used interchangeably with Young Adult Services and Support (YAVSS).

Case management means support provided by the Department to a young adult to complement his/her own efforts toward self-sufficiency.

Department means the Nebraska Department of Health and Human Services.

Foster care maintenance payment means a financial payment made to or on behalf of a young adult to cover the cost the young adult's basic needs. Foster care maintenance payments under Bridge to Independence shall remain at least at the rate set immediately prior to the young adult's exit from foster care.

Host home means a setting in which a young adult resides in the home of an adult or family (who may or may not be related to the young adult), shares basic facilities, and agrees to basic expectations as established by the host home, young adult, and the Department.

Independence Coordinator means a Department employee who is responsible for providing case management to a young adult.

Medical assistance program means the medical assistance program established by Neb. Rev. Stat. § 68-903, which is also known as Nebraska Medicaid.

Part-time enrollment means enrollment in an education program for at least 6 credit hours per semester.

Post-secondary education means education beyond secondary education including, but not limited to university, college, vocational or trade schools, and other settings of higher education.

Public benefits mean public assistance including, but not limited to, the following: aid to dependent children, supplemental security income, social security disability income, social security survivor benefits, the Special Supplemental Nutrition Program for Women, Infants, and Children, the Supplemental Nutrition Assistance Program, developmentally disabled program, and low-income home energy assistance program.

Secondary education means high school or a program leading to an equivalent to a high school diploma (examples include, but are not limited to, a public or private high school, a college-preparatory school, a GED program, an independent study program, or home schooling).

Voluntary services and support agreement means a voluntary placement agreement as defined in 42 U.S.C. § 672(f) between the Department and a young adult as his or her own guardian.

Young adult means an individual who has attained nineteen years of age but who has not attained twenty-one years of age and who is an applicant for or participant in the Bridge to Independence program.

10-003 ELIGIBILITY REQUIREMENTS: In order to participate in Bridge to Independence, the following elements of eligibility must be met:

1. Prior abuse/neglect juvenile adjudication (see section 10-003.01);
2. Citizenship/Lawful presence (see section 10-003.02);
3. Educational or employment conditions (see section 10-003.03);
4. Placement and living arrangement (see section 10-003.04); and
5. Voluntary services and support agreement (see section 10-003.05).

10-003.01 Adjudication or Equivalent Requirement: In order to be eligible for Bridge to Independence, a young adult must have previously been adjudicated to be a juvenile described in subdivision (3) (a) of Neb. Rev. Stat. § 43-247 or the equivalent under tribal law and:

1. upon attaining nineteen years of age, was in an out of home placement or had been discharged to independent living; or
2. with respect to whom a kinship guardianship assistance agreement was in effect pursuant to 42 U.S.C. 673 if the young adult had attained sixteen years of age before the agreement became effective or with respect to whom a state-funded guardianship assistance agreement was in effect if the young adult had attained sixteen years of age before the agreement became effective.

10-003.02 Citizenship/Lawful Presence Requirements: In order to participate in Bridge to Independence, a young adult must be a citizen of the United States or an alien lawfully present in the United States who is eligible to receive assistance under Section 472(a)(4) of the Social Security Act.

10-003.02A Exception: If a young adult does not meet the citizenship/lawful presence requirement but may be eligible for special immigrant juvenile status as defined in 8 U.S.C. § 1101(a)(27)(J) or other immigration relief, the Department may assist the young adult in obtaining the necessary state court findings and then applying for special immigrant juvenile status or applying for other immigration relief that the young adult may be eligible for, subject to the following:

1. The Department cannot provide legal advice to a young adult;
2. A young adult is responsible for any filing fees, court costs, attorney's fees, other costs associated with such action; and
3. The Department will not pay for any associated costs to obtain residency status.

10-003.03 Educational or Employment Conditions: A young adult must meet at least one of the participation requirements described in 10-003.03A through 10-003.03D in order to be eligible for Bridge to Independence:

10-003.03A Education

1. The young adult is enrolled at least part-time (6 credit hours per semester) in a secondary education program.
 - a. A young adult who is on semester, summer, or other break, but was enrolled the previous semester and will be enrolled after the break, is considered to be enrolled in school.
 - b. A secondary education program that is equivalent to 6 credit hours per semester may be accepted if agreed to by the Department and the young adult.
2. The young adult is enrolled at least part-time (6 credit hours per semester) in a post-secondary education program.
 - a. A young adult who is on semester, summer, or other break, but was enrolled the previous semester and will be enrolled after the break, is considered enrolled in school.
 - b. A post-secondary education program equivalent to 6 credit hours per semester may be accepted if agreed to by the Department and the young adult.
3. A young adult enrolled in an education program less than part-time must participate in or attend another program or activity as described in 10-003.03C for a minimum of 20 hours per month.

10-003.03B Employment: Employed for at least eighty hours per month. The employment requirement may be satisfied through one or more places of employment, so long as the young adult meets the minimum of eighty hours per month.

10-003.03C Participating in Programs or Activities Designed to Promote Employment or Remove Barriers to Employment:

1. A young adult may participate in other programs or activities that improve enhance or teach job-related skills applicable to the workplace or careers. These types of programs and activities include, but are not limited to:
 - a. Activities and classroom instruction on career awareness, exploration, and preparation such as those provided through the local workforce centers;
 - b. Internships, job shadowing, on-the-job training positions and volunteer projects;
 - c. Supported employment;
 - d. Apprenticeship programs;
 - e. Programs such as Job Corps or other young adult initiatives that improve workplace knowledge and skills;
 - f. Job Search;
 - g. Other programs or activities as agreed to by the Department and the young adult.

2. A young adult must participate in a program or activity or a combination of programs or activities described in item 1, above, for a minimum of 40 hours a month.

10-003.03D Incapable of Participation: A young adult who is incapable of doing any of the activities described in 10-003.03A through 10-003.03C due to a medical condition will be deemed to meet the educational or employment conditions.

10-003.03E Transitioning Between Participation Activities: If a young adult is no longer engaged in one of the educational, employment, or work-related program/activities necessary to meet participation requirements, the young adult has 30 days in which to begin participation in another education, employment or work-related program/activity.

10-003.04 Housing or Living Arrangement Requirements: In order to be eligible for the Bridge to Independence program, a young adult must agree to continued care and placement responsibility by the Department. Young adults participating in Bridge to Independence may reside in-state or out-of-state in one of the following housing or living arrangements that have been approved by the Department:

1. Licensed foster care facility, including:
 - a. Licensed group home;
 - b. Licensed child-caring agency or residential child-caring agency; or
2. A supervised independent living setting, which may include but is not limited to:
 - a. Single or shared residence, such an apartment or house;
 - b. Host home;
 - c. College dormitory or other post-secondary education housing;
 - d. Emergency shelter;
 - e. Parental home;
 - f. Transitional living program;
 - g. Institutions in which a young adult is living voluntarily, including:
 - i. Licensed mental health treatment facility
 - ii. Licensed substance abuse treatment facility
 - iii. Other Adult Treatment Facility
 - h. Other supervised independent living setting approved by the Department.

A young adult residing in an approved supervised independent living setting must be supervised or monitored by a Department employee a minimum of once every 30 days.

10-003.04A Changes in Placement or Living Arrangement: Changes in living arrangements must be reported to and approved by the Department.

10-003.05 Voluntary Services and Support Agreement: A young adult must sign a voluntary services and support agreement on a Department-approved form in order to participate in Bridge to Independence. The agreement is not final until it is signed by both the young adult and an authorized Department representative.

10-003.05A If a voluntary services and support agreement is initially signed when the young adult is under age 19, in order to continue participation in Bridge to Independence, the young adult must re-affirm the voluntary services and support agreement by re-signing it within 30 days after reaching age 19.

10-003.05B By signing a voluntary services and support agreement a young adult agrees to the following:

1. That the Department will have continued placement and care responsibility for the young adult;
2. That the young adult will meet the educational or employment conditions as described in section 10-003.03;
3. That the young adult will cooperate in maintaining regular contact with the Department.

10-003.05C The young adult will receive a copy of the voluntary services and support agreement, which will include:

1. Program eligibility requirements;
2. Educational or employment conditions;
3. Services and Supports the young adult will receive through the Bridge to Independence program;
4. The voluntary nature of the young adult participation in Bridge to Independence and the young adult's right to terminate the voluntary services support agreement at any time;
5. The conditions that may result in the termination of the voluntary services support agreement and the young adult's early discharge from the Young Bridge to Independence program;
6. The young adult's right to request an attorney;
7. The young adult's right to request a review hearing with the juvenile court having jurisdiction over the case; and
8. The responsibilities of the Department.

10-004 ELIGIBILITY CERTIFICATION AND VERIFICATION

10-004.01 Verification of Educational or Employment Conditions: A young adult's educational or employment conditions, as required in section 10-003.03, must be verified by submission of one or more of the following acceptable documents:

1. For young adults participating in an education program:
 - a. Current post-secondary transcripts that include number of hours completed; or
 - b. Proof of enrollment in secondary or post-secondary education for the current semester that includes the number of hours enrolled; or
 - c. Current High School class schedule; or
 - d. GED class or testing schedules; or
 - e. Letters of acceptance to a college, vocational or technical school (including a start date), or other qualified program such as GED programs. Letters of acceptance are only considered acceptable documentation if the young adult has not yet enrolled but intends to enroll prior to the next semester or term; or
 - f. Current Individual Educational Plan (IEP); or
 - g. Proof of enrollment in on-line distance learning classes; or
 - h. An approved Education and Training Voucher (ETV) application; or
 - i. Other documentation as agreed by the Department and the young adult.
2. For young adults participating in employment:
 - a. Current pay stub(s); or
 - b. Other documentation as agreed to by the Department and the young adult.

3. For young adults participating in programs or activities to promote employment or remove barriers to employment:
 - a. Written acknowledgement from an instructor or other staff that the young adult has enrolled or participated in a program or activity (with dates included); or
 - b. Current classroom or testing schedules related to any of the programs or activities described in 10-003.03C; or
 - c. Schedules or logs demonstrating participation in an internship, job shadowing, on-the-job training, or volunteer projects, which are signed or acknowledged by an instructor or staff; or
 - d. Certification or other proof of attendance at job readiness programs; or
 - c. Other documentation as agreed to by the Department and the young adult.

4. For young adults who are incapable of meeting the educational or employment conditions:
 - a. A statement from one or more medical professionals that documents the young adult's condition; or
 - b. Determination of a disability from Social Security Administration; or
 - c. Determination of a developmental disability by the Department's Division of Developmental Disabilities; or
 - d. Other documentation as agreed to by the Department and the young adult

10-004.02 Ongoing Verification of Eligibility

10-004.02A Eligibility Reviews: Eligibility for a young adult participating in Bridge to Independence will be reviewed every six months.

10-004.02B Acceptable Documentation for Eligibility Reviews: Upon receipt of a verification request from the Department, the young adult will provide the same documentation that is required for initial eligibility.

10-004.02C Duty to Respond to Verification Requests: A young adult will have 30 days after the verification request is mailed to provide verification for continued eligibility.

10-004.03 Duty to Report Changes: A young adult has a duty to report any changes that may affect eligibility within 10 business days. Failure to timely report may affect eligibility.

10-005 SERVICES: Extended services and support provided under the Bridge to Independence program include:

10-005.01 Medical Care Under the Medical Assistance Program: A young adult who is enrolled in the Bridge to Independence program will receive medical assistance through Nebraska Medicaid, if eligible. The Department will assist the young adult in applying for the medical assistance program.

10-005.02 Housing and Support

1. Housing or living arrangements for a young adult will comply with section 10-003.04;
2. Financial support for a young adult will be in the form of continued foster care maintenance payments, as follows:
 - a. Foster care maintenance payments for a young adult residing in a foster care facility will be sent to the foster care facility;
 - b. For a young adult residing in a supervised independent living setting, all or part of the foster care maintenance payments may be sent directly to the young adult or may be sent to an entity providing housing or services to the young adult or a third-party payee or other intermediary.

10-005.03 Case Management: Case Management includes assistance with the following:

1. Obtaining employment or other financial support;
 - a. The Department does not guarantee employment and does not provide direct financial support other than monthly maintenance payment or other funding through other Department programs in which the young adult qualifies for in his or her own right.
2. Obtaining a government-issued identification card;
 - a. If the Department has not previously provided the young adult with a certified birth certificate and/or social security card within the past 12 months, the Department shall do so one time for each document at no cost to the young adult.
 - b. If the Department has previously provided a certified birth certificate and/or social security card to the young adult within the past 12 months, the Department will assist the young adult to obtain a replacement certificate or card but the young adult is responsible for any associated fees.
 - c. The Department will assist the young adult in obtaining other government-issued identification cards, such as a driver's license or state identification card. The young adult is responsible for any associated fees.

3. Opening and maintaining a bank account;
 - a. The young adult is responsible for any associated fees.
4. Obtaining appropriate community resources, including health, mental health, developmental disability, and other disability services and support;
 - a. The young adult is responsible for any premiums, copayments, share of cost, or other costs related to accessing the above-listed services. The Department will assist the young adult in applying for and accessing the services described above.
5. When appropriate, satisfying any juvenile justice system requirements and assisting with sealing the young adult's juvenile court record if the young adult is eligible under Neb. Rev. Stat. § 43-2,108.01;
 - a. The Department cannot provide legal advice to the young adult.
 - b. The young adult is responsible for any filing fees, court costs, attorney's fees, other costs associated with such action.
 - c. The young adult is responsible for any fines, restitution, or other penalties related to juvenile justice cases.
6. Completing secondary education;
 - a. The young adult is responsible for any associated costs.
7. Applying for admission and aid for postsecondary education or vocational courses;
 - a. The young adult is responsible for application fees, tuition, course fees, and other associated costs.
8. Obtaining the necessary state court findings and then applying for immigration relief that the young adult may be eligible for (See section 10-002.02A for special immigrant juvenile status);
 - a. The Department cannot provide legal advice to the young adult.
 - b. The young adult is responsible for any application or filing fees, court costs, attorney's fees, other costs associated with such action.
9. Creating a health care power of attorney in compliance with the federal Patient Protection and Affordable Care Act, Public Law 111-148;
 - a. The Department cannot provide legal advice to the young adult.
 - b. The young adult is responsible for any attorney's fees or other costs associated with establishing a health care power of attorney.

10. Obtaining a copy of health and education records of the young adult;
 - a. The young adult is responsible for any associated costs.
11. Applying for any public benefits or benefits that the young adult may be eligible for or may be due through his or her parents or relatives, including, but not limited to, aid to dependent children, supplemental security income, social security disability insurance, social security survivors benefits, the Special Supplemental Nutrition Program for Women, Infants, and Children, the Supplemental Nutrition Assistance Program, and low-income home energy assistance programs;
 - a. The Department does not guarantee eligibility for any public benefits, including those administered by the Department. The Department will assist the young adult in applying for the public benefits as described above.
12. Maintaining relationships with individuals who are important to the young adult, including searching for individuals with whom the young adult has lost contact;
 - a. The young adult is responsible for any associated costs.
13. Accessing information about maternal and paternal relatives, including any siblings;
 - a. The Department may only disclose information as allowed under state and federal law. Participation in the Bridge to Independence program does not entitle the young adult to access information to which he or she would not be entitled if he or she were not enrolled in the Bridge to Independence program.
14. Accessing young adult empowerment opportunities and peer support groups; and
 - a. The young adult is responsible for any associated costs.
15. Accessing pregnancy and parenting resources and services.
 - a. The young adult is responsible for any premiums, copayments, share of cost, or other costs related to accessing pregnancy and parenting resources and services. The Department will assist the young adult in applying for and accessing the services described above.

10-005.04 Excluded Services: The Department will not:

1. Assume responsibility or liability for any losses or damages incurred by a young adult;
2. Sign releases of information or other forms requiring the young adult's consent on behalf of a young adult;
3. Assume responsibility for any contracts entered into by a young adult;
4. Co-sign leases or contracts with a young adult.

10-006 TERMINATION

10-006.01 Termination Initiated by a Young Adult

1. A termination request initiated by a young adult must be submitted to the Department in writing.
2. If no effective date is specified, termination becomes effective at the end of the calendar month in which it is received by the Department.

10-006.02 Termination Initiated by the Department

10-006.02A Grounds for Termination: The Department may terminate a young adult from the Bridge to Independence program if any of the following occur:

1. The young adult fails to meet any of the eligibility requirements;
2. The young adult reaches his or her 21st birthday;
3. The young adult is incarcerated;
4. The young adult dies;
5. The young adult fails to make or respond to contact with the Independence Coordinator for at least 30 calendar days; or
6. The young adult cannot be located for at least 30 calendar days.

10-006.02B Notice of Action: Prior to termination of Bridge to Independence Program, the Department will provide a clear and developmentally appropriate written notice of action to the young adult. This notice will include all information required by Neb. Rev. Stat. § 43-4506. The notice will be sent by certified mail, return receipt requested.

10-006.02C Effective Date of Department-Initiated Termination: A termination initiated by the Department will become effective 30 days after a written notice is mailed to the young adult, except in case of the death of the young adult, in which case the termination is effective immediately.

10-007 RE-ENTRY

10-007.01 Re-Entry Eligibility: Regardless of the reason for a prior termination of a young adult from the Bridge to Independence program, a young adult may re-enter the Bridge to Independence program at any time before his/her 21st birthday, provided he or she meets eligibility requirements at the time of re-entry.

10-007.02 Procedure for Re-Entry: In order to re-enter the Bridge to Independence program, a young adult must:

1. Submit a written re-entry request or application to the Department;
2. Meet all eligibility requirements as described in section 10-003 and provide documentation on current educational or employment conditions as described in section 10-004;
3. Sign a new voluntary services and support agreement with the Department.

10-008 ADMINISTRATIVE APPEALS

10-008.01 Notice of Action: Whenever the Department denies or terminates a young adult from the Bridge to Independence Program, the Department will provide a clear and developmentally appropriate written notice of action to the young adult. This notice will include all information required by Neb. Rev. Stat. § 43-4506. The notice will be sent by certified mail, return receipt requested.

10-008.02 Right to Appeal: The young adult has the right to an administrative appeal if the Department:

1. Denies an application for the Bridge to Independence program;
2. Terminates a young adult from the Bridge to Independence program; or
3. Denies a young adult's request for re-entry into the Bridge to Independence program.
4. Any action, inaction, or failure to act with reasonable promptness with regard to assistance or services.

10-008.03 Procedure and Deadline for Appeal Requests: In order to request an administrative appeal, the young adult must file a written request with the Department within 30 days of the date of the Notice of Action. If a timely appeal request is received by the Department, no change in the young adult's enrollment in the Bridge to Independence program will occur while the appeal is pending.

10-008.04 Appeal Process: All administrative appeals will be held in accordance with the Administrative Procedure Act, Neb. Rev. Stat. § 84-901 et seq., and 465 NAC 6.

10-009 CONFIDENTIALITY AND DISCLOSURE OF INFORMATION

10-009.01 Confidentiality: Information pertaining to a young adult's participation in the Bridge to Independence program is confidential and will not be released to any person except as authorized by state law or when ordered by a court of competent jurisdiction.

10-009.02 Persons or Organizations Allowed Access to Information: The Department will only allow access to case information by persons or organizations legally authorized under Nebraska law.

10-009.03 Format of Requests for Information: A request for information pertaining to a young adult's participation in the Bridge to Independence program must be submitted in writing, on a Department approved form, must describe the information sought with sufficient detail, must identify the person's or organization's authority to receive the requested information, and must be dated, signed, and notarized.