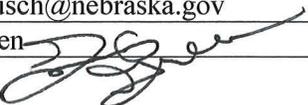


Protection and Safety Procedure Update #5-2015	
Regarding:	Bridge to Independence Program
Date Effective:	January 30, 2015
Contact:	Deanna Brakhage at 402-471-9331 or Deanna.brakhage@nebraska.gov Nathan Busch at 402-471-1791 or Nathan.busch@nebraska.gov
Issued by:	Tony Green 

1. Definitions: The following definitions guide the work of the agency.

Affidavit is a written statement of facts signed under penalty of perjury, often before a court clerk or notary public who administers the oath to the signing party, who is called the affiant or declarant. They may be admitted into evidence.

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 closure means that DHHS involvement with a young adult through the Bridge to Independence Program is terminated. This can be through the young adult’s own request for closure, the young adult reaching the age of 21 or Department’s request for termination.

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

Case Plan means Transitional Living Plan.

Court Report means a written document that contains information about the young adult and the progress towards achieving the goals in the transitional living proposal.

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 of the young adult’s basic needs. Foster care maintenance payments under Bridge to Independence shall remain at least at the rate determined by DHHS 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.

Informal Resource People/Participants/Supports are individuals who participate as members of the Independence Planning meeting and do not receive payment for their responsibility with respect to the family. Examples of this may be relatives, neighbors, spiritual leaders, volunteer mentors, friends, etc.

Interstate Compact on the placement of Children (ICPC) is the law which controls the movement of children from one state to another for the purposes of placement.

ICPC Administrator or Designee means a person designated by the executive head of each jurisdiction that shall be a general coordinator of activities under the ICPC compact in his/her jurisdiction.

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 (six) credit hours per semester.

Person Centered Practice means a process that is based on a core set of values, beliefs, and principles that recognize that a young adult can and should contribute to all aspects of services through his/her active participation.

Petition means a document filed by a Department attorney to initiate court proceedings for a young adult to be involved in the Bridge to Independence Program.

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's benefits, supplemental nutritional assistance program, developmentally disabled program, and low-income home energy assistance programs.

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).

Unable to Locate means the young adult has not been located and/or fails to respond to contact by the Department for at least 30 calendar days despite a good faith effort on the part of the Department to contact or locate the young adult.

Voluntary Service and Support Agreement means the agreement entered into between the Department and a young adult for the young adult to participate in the Bridge to Independence Program.

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.

Permanency Review Hearing means a court hearing to be held a minimum of one time a year to address progress towards permanency for the young adult.

Transitional Living Proposal- This term has also been referred to as a Transitional Living Plan or Independent Living Plan. The Transitional Living Proposal is a youth driven plan identifying the youth's strengths, knowledge and skills related to their ability and recognizing areas to focus on to improve self-sufficiency skills for the young adult consumer.

2. **ELIGIBILITY REQUIREMENTS:** In order to participate in Bridge to Independence, the following elements of eligibility must be met:

- a. Prior abuse/neglect juvenile adjudication (see section 10-003.01);
- b. Citizenship/Lawful presence (see section 10-003.02);
- c. Educational or employment conditions (see section 10-003.03);
- d. Placement and living arrangement (see section 10-003.04); and
- e. Voluntary services and support agreement (see section 10-003.05).

2.1 **Eligible Individuals:** 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 and, upon attaining nineteen years of age, was in an out-home placement or had been discharged to independent living, provided that they meet the requirements below.

A young adult may apply or re-apply for Bridge to Independence at any time before his/ her 21st birthday.

2.2 **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.

2.3 **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:

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

3. **Application Process**

3.1 **Young adult under 19 years of age**

On an annual basis, a Child and Family Service Specialist will discuss with State wards between the ages of 14 and 18 who have abuse/neglect adjudication about Bridge to Independence. The Child and Family Service Specialist will introduce the Independence Coordinator to a young adult at least 90 days prior to the youth's 19th birthday. If a young adult desires to enter the Bridge to Independence Program immediately after the juvenile case closes, he or she will be presented the Voluntary Service and Support Agreement prior to his or her 19th birthday. The Voluntary Service and Support Agreement can be signed by the young adult 90 days prior to his or her 19th birthday. In order to continue participation in the Bridge to Independence Program, the young adult must re-affirm the voluntary service and support agreement by re-signing it within 30 days after reaching age 19. Services and payments associated with the Bridge to Independence Program will not begin until the young adult's 19th birthday.

3.2 **Young adults over the age of 19**

A. Young adults can apply through any of the following avenues:

1. The Department's Child Abuse/Neglect Hotline;
2. Contacting a Child and Family Service Specialist (CFS);
3. Completing an electronic application through the bridgetoindependence.ne.gov website.

B. Upon receipt of a completed application, the Department will conduct an initial screening to determine:

- A. Young adult is between the ages of 19 and their 21st birthday;
- B. Young adult was adjudicated under Neb. Rev. Stat. 247(3) (a);

- C. The Young adult was living in out-of-home care upon of aging out of foster care or was discharged from DHHS custody to an independent living setting; and
- D. The Young adult's citizenship.

- C. After the initial screening and a determination has been made that the young adult meets the above requirements, the Independence Coordinator will schedule a face-to-face meeting. The Independence Coordinator will meet with the young adult to explain all eligibility requirements and answer any questions regarding the program. The Independence Coordinator will provide the following information to the young adult about the Bridge to Independence Program:
 - 1. Informational packet about the program;
 - 2. Explanation of program eligibility requirements;
 - 3. Explanation of housing arrangements and requirements;
 - 4. Explanation of the Voluntary Services and Support Agreement; and
 - 5. Independence Coordinator will ask the young adult to complete the NYTD survey.

4. Ineligible Young Adults

If the young adult does not qualify for the Bridge to Independence Program, the Independence Coordinator must provide the young adult with a clear and developmentally appropriate, written notice why he/she did not qualify.

The young adult will be provided with a clear and developmentally appropriate, written notice of the following:

- a. Explanation for why they were determined to be ineligible;
- b. Explanation of the administrative appeal process;
- c. Explanation about eligibility criteria for Bridge to Independence program;
- d. Information about the option to re-apply for Bridge to Independence;
- e. Information about and contact information for community resources that may benefit the young adult, specifically including information regarding state programs.

In addition to the written notice, the Independence Coordinator will attempt to have a face-to face contact with the young adult to review the above information and should make attempts to have direct contact with the young adult regarding the denial through all available communication channels the young adult has provided.

5. Education and Employment Condition

A. Education

1. Secondary Education

Secondary education includes high school, or a program leading to an equivalent of a high school diploma (i.e. a public or private high school, a college preparatory school, a General Equivalency Diploma (GED) Program, an independent study program, or home schooling). A young adult regularly attending High School or a GED program will be eligible for Bridge to Independence if the young adult is enrolled at least part-time (6 credit hours) in a secondary education program. 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. The Independence Coordinator must consult with his/her supervisor before approving an equivalency.

A young adult is considered enrolled in school when they are on semester, summer, or other break, provided they were enrolled the previous semester and continue to be enrolled after the break is over.

2. Enrollment in a Higher Education Program or a Post-Secondary Vocational or Technical School.

A post-secondary education program means education beyond secondary education including, but not limited to university, college, vocational or trade schools, and other settings of higher education. Educational courses taken at any institution which is licensed to provide education to operate in the State of Nebraska, or courses taken at a comparable institution located or licensed to operate in another state, shall count towards the participation requirement. A young adult will remain eligible for the Bridge to Independence program provided the young adult is enrolled and attending a minimum of 6 credit hours per semester/term.

A young adult is considered to meet this eligibility criterion if:

- a) They are enrolled in school and, are on semester, summer or other break, provided they were enrolled the previous semester and continue to be enrolled after the break is over.
- b) They have been accepted into a college, institution or technical school and the young adult follows through by enrolling and attending classes at the beginning of the scheduled semester or quarter.
- c) They are enrolled in post-secondary education or vocational training less than part-time (6 credit hours), and the young adult participates in or attends another program or activity for a minimum of 20 hours per week.

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. The Independence Coordinator must consult with his/her supervisor before approving and equivalency.

3. Impact of dropping classes

Dropping courses mid-term (whether considered voluntary or involuntary) shall not result in automatic disqualification from the Bridge to Independence Program. If dropping a course results in the young adult's failure to meet the 6 credit hour equivalency requirement, the young adult has 30 calendar days to add courses to meet the credit hour requirement or begin participation of another qualifying program or activity. The Independence Coordinator should review the other participation eligibility options with the young adult to ensure continued eligibility.

B. Employment.

To satisfy this eligibility criterion a young adult must be working a minimum of 80 hours per month. The young adult may meet the employment requirement through one or more places of employment, as long as the total hours worked meets a minimum of eighty hours per month.

C. Program to promote or remove barriers to employment.

To satisfy this eligibility criterion a young adult must be participating for a minimum of 40 hours per month in a program or activity designed improve, enhance or teach job-related skills applicable to the workplace or careers.

A program's activity can be individualized or a combination of programs based on the young adult's strengths and needs. Activities could be self-directed by young adult or an organized program. Participation in programs or activities must comprise a minimum of 40 hours per month. These activities or services will include programs which improve, enhance, or teach job related skills applicable to the workplace or careers. These types of programs and services include, but are not limited to:

1. Activities and classroom instruction on career awareness, exploration, and preparation such as those provided through the local workforce centers;
2. Internships, job shadowing, on-the-job training positions and volunteer projects;
3. Supported employment;
4. Apprenticeship programs;
5. Programs such as Job Corps or other young adult initiatives that improve workplace knowledge and skills;
6. Job Search;
7. Other programs or activities as agreed to by the Department and the

D. Incapable of Participation

Young adults who are incapable of meeting the required educational or employment conditions due to a medical condition can remain eligible for the Bridge to Independence Program. A "medical condition" is a diagnosed physical or mental health condition that renders a young adult incapable of participating in any of the activities described in 1-3 above. A licensed healthcare practitioner must verify in writing that the young adult is capable of meeting the educational or employment conditions due to a medical condition.

E. Transitioning between Education and Employment Activities

If a young adult is no longer engaged in a qualifying educational or employment condition, he/she has a maximum of 30 calendar days to begin participation in another qualifying educational or employment condition.

The Independence Coordinator will assist the young adult in making the necessary transition between educational and work related programs. If the young adult is unable or unwilling to begin participation in a qualifying educational or employment condition within the 30 day time period, the Independence Coordinator should consult with his/her supervisor and initiate action to terminate the young adult's participation in Bridge to Independence.

NOTE: The 30 day 'grace' period only applies to transitioning between educational or employment conditions and does not apply when a young adult becomes ineligible due to one of the following circumstances:

1. The young adult reaches his or her 21st birthday;
2. The young adult is incarcerated;
3. The young adult dies.

6. Living Arrangements

6.1 Placement

By signing the Voluntary Services and Support Agreement, the young adult agrees to give the Department placement and care responsibilities over him/herself. Young adults will be able to live in housing arrangements that are safe, least restrictive and encourage as much independence as possible, based on the young adults developmental needs and readiness for independence. Approval for housing arrangements should be respectful of the young adult's autonomy and developmental maturity.

A young adult may live alone or with a roommate(s). If a young adult is living in a non-licensed housing arrangement, a background check will not be performed on individual(s) living in the same residence.

The following is a list of approved Living Arrangements:

A. Licensed Foster Family home;

A young adult can reside in a licensed foster home.

B. Licensed Foster Care Facility:

Continued placement in these facilities should only be allowed when a young adult is completing high school or during a short term setting in which the young adult is preparing for transition to a less restrictive housing arrangement. The following are Licensed Foster Care Facilities:

1. Licensed group home;
2. Licensed child-caring agency or residential child-caring agency.

C. A supervised independent living setting, which may include but not limited to:

1. Single or shared residence, such as an apartment or house;
2. Host Home;
A host home is a setting in which a young adult resides in a 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.
3. College dormitory or other post-secondary education housing;
If a young adult is living in a dorm or other post-secondary education housing (i.e. sorority or fraternity housing) a plan will need to be developed to ensure the young adult has a place to stay when school is closed during a school break.
4. Emergency Shelter;
Emergency Shelter provides emergency housing and supports on a temporary basis for those who are homeless.
5. Parental Home;
Residing with a parent is an allowable supervised placement as long as the young adult was not reunified and/or placed with the parent, through a court order, prior to the time of their 19th birthday or court's jurisdiction being closed.

6. Transitional Living Program;
Transitional Living Programs are owned and managed by Community Based or Private Agencies. These programs offer different types of housing situations depending on the program. The purposes of Transitional Living Programs are to assist youth and young adults in enhancing the young adult's self-sufficiency skills while they prepare to transition into a housing situation that has minimal supervision.
7. Institutions;
In order to qualify for an approved housing arrangement listed below, the young adult must be living in the following situations on a voluntary basis. If the young adult has been court ordered or ordered to be placed in an institution due to a Mental Health Board decision, the housing arrangement cannot be approved for the Bridge to Independence Program. Programs include:
 - a. Licensed mental health treatment facility;
 - b. Licensed substance abuse treatment facility;
 - c. Other adult Treatment Facility.

6.2 Supervision in supervised independent living settings

Independence Coordinators will provide supervision in all approved supervised independent living arrangements. At least once a month the Independence Coordinator will meet face to face with the young adult face to face in the young adult's living arrangement.

6.3 Changes in living arrangement

When a young adult desires to move to another housing arrangement he or she will obtain prior approval from the Independence Coordinator.

In unforeseen circumstances, if prior approval is unable to be obtained (i.e. emergency move to another housing arrangement, incarceration, commitment to a treatment facility through a court order or Mental Health Board) a young adult must notify the Independence Coordinator within 10 business days of the change in his or her living arrangement. The Independence Coordinator must provide approval or denial of a young adults living arrangement within 2 business days. A verbal decision will be provided initially to the young adult to ensure the young adult is aware of the decision. The Independence Coordinator must then follow up with a written notice of approval or denial decision.

In case of a denial, the young adult will be provided the reasons for the denial. The young adult needs to be made aware that they have a choice to remain in the current housing arrangement or seek alternative housing. The young adult will have 30 calendar days to seek alternative housing. If the young adult choses to remain in housing that cannot be approved, the Independence Coordinator will provide a 30 day written termination notice. This notice will include information stating why the housing arrangement was denied and information on acceptable housing alternatives.

Reasons to deny living arrangements

- a. The living arrangement is not an approved living arrangement as outlined in the Bridge to Independence Regulations 395 NAC 10-003.04;
- b. The living arrangement puts the young adult's safety or well-being at risk;
- c. The living arrangement is not in the best interest;
- d. The housing situation does not meet housing safety standards;
- e. The living arrangement is due to an involuntary commitment into a treatment facility.

7. Voluntary Services and Support Agreement

7.1 The Voluntary Services and Support Agreement is a signed agreement between the young adult and the Department. This agreement provides the young adult entry into the Bridge to Independence Program. After a young adult signs the Voluntary Services and Support Agreement, the Department is responsible for the following:

- a. Placement and care responsibilities;
- b. Case management responsibilities;
- c. Ensuring a foster care maintenance payment is implemented on behalf of the young adult;
- d. Ensuring a court case is started.

The Independence Coordinator will review the Voluntary Services and Support Agreement with a young adult who has been found eligible and desires to enter the Bridge to Independence.

For a young adult to start participating and receiving services through the Bridge to Independence Program, he/she must read, and sign the agreement. The Independence Coordinator will present the Voluntary Service and Support Agreement to the young adult and explain the content and expectations of the agreement. The Independence Coordinator must ensure that the young adult understands the Voluntary Support and Service Agreement completely prior to any signatures being obtained. The agreement does not become final until both the young adult and the Independence Coordinator signs the agreement.

7.2 The Independence Coordinator will ensure a copy of the Voluntary Service and Support Agreement is distributed to the following:

- a. Young adult;
- b. Bridge to Independence case file;
- c. Court;
- d. All legal parties, including the Department's attorney and the young adult's attorney, if applicable;
- e. IMFC worker.

8. Documentation of Program Eligibility

Before an Independence Coordinator can offer a Voluntary Services and Support Agreement to a young adult, the Independence Coordinator must obtain verification of eligibility. The Independence Coordinator and a young adult will work collaboratively in obtaining the needed documentation for eligibility. Verification documentation must be obtained for each requirement listed below.

A. Age eligibility

1. A copy of the young adult's birth certificate shall be obtained as verification of age.

B. Adjudication Status

2. A copy of the adjudication court order issued in the juvenile court matter.
3. Documentation of out of home placement/independent living.

C. Citizenship eligibility

1. A copy of the young adult's birth certificate shall be obtained as verification of US citizenship; or
2. A copy of the front and back of the young adult's Permanent Resident Card (also known as green card) shall be obtained as verification of lawful permanent residency; or
3. A copy of the verification of citizenship and immigration status made through the Systematic Alien Verification for Entitlements (SAVE) program.

D. Education or Employment program Participation

1. 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. Employment:

- Current pay stub(s); or
- Other documentation as agreed to by the Department and the young adult.

E. For young adults participating in programs or activities to promote employment or remove barriers to employment:

1. Written acknowledgement from an instructor or other staff person that the young adult has enrolled or participated in a program or activity (with dates included); or
2. Current classroom or testing schedules related to any of the programs or activities described in 10-003.03C; or
3. 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
4. Certification or other proof of attendance at job readiness programs; or
5. Other documentation as agreed to by the Department and the young adult.

F. For young adults who are incapable of meeting the educational or employment conditions:

1. A statement from one or more medical professionals that documents the young adult's condition; or
2. Determination of a disability from Social Security Administration; or
3. Determination of a developmental disability by the Department's Division of Developmental Disabilities; or
4. Other documentation as agreed to by the Department and the young adult

9. Court Procedures

Federal and state law requires a judicial determination that participating in the Bridge to Independence Program is in the young adult's best interests. Federal and State law requires that there be judicial oversight of the agreement between the young adult and DHHS.

9.1 Initiating Court Procedures.

The Independence Coordinator will prepare a Court information packet within 15 calendar days after a young adult signs the Voluntary Service and Support Agreement. The Independence Coordinator will forward the Court Information packet through interoffice mail or E-Mail to the Department's Legal Services. The Court Information packet must include the following:

- A. Bridge to Independence Court Cover Sheet;
- B. Voluntary Service and Support Agreement;
- C. Notice of Action documenting the initial date of service;
- D. A signed and notarized affidavit written by the Independence Coordinator detailing the reasons for the Petition;
The Affidavit will be prepared by the Independence Coordinator. The Affidavit must be signed by the Independence Coordinator and notarized. The Affidavit will contain the following information:
 - A. Statement of facts explaining why it is in the best interests of the young adult to participate in the Bridge to Independence Program;
 - B. Summary of the young adults programming eligibility. Information should describe how the young adult meets all five eligibility requirements including specific information on:
 1. How the young adult is meeting the educational or employment conditions or a statement that the young adult is incapable of meeting the conditions due to a medical condition;
 2. Description of the young adult's living arrangement, including how supervision will occur if the young adult is in a supervised independent living arrangement;
 3. Services provided or identified to support the young adult;
 4. Reasonable Efforts made to achieve permanency;
 5. Information describing the young adult's safety, permanency, well-being;

6. Department's efforts towards meeting the goals outlined in the Transitional Living Plan, services that may be needed to help assist the young adult with their goals towards self-sufficiency;
 7. Any other information the Independence Coordinator or the young adult would like for the court to consider.
- E. Transitional Living Plan;
- F. A copy of the most recent juvenile court order.

9.2 Petition

The Petition must be filed to the Court by a Department attorney within 45 days of the young adult's signature on the Voluntary Services and Support Agreement.

Upon receipt of the Petition, the court will schedule a hearing. The Independence Coordinator is required to attend the initial court hearing and all subsequent court hearings. The Independence Coordinator will submit a court report at the initial court hearing. The young adult should have the opportunity to agree or disagree to any information contained in the court report. If the young adult agrees with the report, the court report should be signed by the young adult and the Independence Coordinator and submitted to the Court. The court must make a best interest determination no later than 180 days after the date of signature by the young adult on the Voluntary Services and Support Agreement. If the court's determination is not made within 180 days, the young adult will not be eligible for Title IV-E funding.

Court jurisdiction will continue during the young adult's enrollment in the program, but will not exceed the young adults 21st birthday.

10. **Case Oversight**

10.1 Permanency Hearing

An annual permanency review hearing is required, and must be held within 365 days of the original best interests finding by the court. The Independence Coordinator will submit the Court Report and Transitional Living Plan along with any other documentation that the Independence Coordinator might want the Court to consider to the court, all legal parties, including the Departments Legal Services at least 5 business days before the scheduled hearing.

After the permanency review hearings, the Court will make findings and enter orders on the young adult's best interests and the services and supports of the young adult.

A. Permanency Hearings or Case Reviews at the request of the young adult

A young adult can request a hearing at any time by requesting a hearing through the Judge's Bailiff.

It is the responsibility of the Independence Coordinator to ensure that the young adult is informed about how to request a permanency hearing.

B. Young adult's request for a court appointed attorney

The Independence Coordinator shall notify the young adult at least 60 days prior to each case review and permanency hearing his/her right to request a client-directed attorney. If the young adult would like an attorney to be appointed, the Independence Coordinator shall provide the young adult with a clear and developmentally appropriate written notice regarding the young adult's right to request a client-directed attorney, the benefits and role of such attorney, and specific steps to take to request that an attorney be appointed if the young adult would like an attorney appointed.

10.2 Case Reviews

A. Foster Care Review Office Reviews

Title IV-E case reviews must occur at least once every 180 days. Case reviews are conducted by the Foster Care Review Office (FCRO). FCRO case reviews will include FCRO, Independence Coordinator, the young adult, legal counsel (if appointed) and any other individual the young adult would like to participate. Case reviews are intended to evaluate progress made meeting the goals identified in the Transitional Living Plan, ensuring services are being provided and the young adult has the supports he/ she needs as they transition into adulthood. The Case reviews need to review the following:

1. A determination of safety in the young adult's placement;

2. Whether continued services through the Bridge to Independence Program is appropriate;
3. Whether appropriate and meaningful independent living skill services are being developed and provided; and
4. Progress is made towards goals in the Transitional Living Proposal.

B. Youth Participation in Case Reviews

Case reviews should be held in a young adult friendly environment.

It is the responsibility of the Independence Coordinator to inform the young adult the date, time and location of the scheduled case review. The Independence Coordinator should meet with the young adult and discuss the case review process at least 30 days before the case review date. If the young adult does not have legal counsel, the Independence Coordinator must inform the young adult of his/her right to request an attorney or a court hearing at any time.

Young adults must be invited to attend the case reviews, but are not required to attend. The young adult should feel supported during these case reviews, and be allowed to invite anyone he/she feel would be supportive. Young adults who choose not to attend the Case Review should have an opportunity to provide information about their progress and needs in the program. The case review will be conducted with or without the young adult present.

The young adult should be provided a youth questionnaire that he/she can fill out to provide information to the FCRO if the young adult chooses not to attend. The Independence Coordinator should make the questionnaire readily available to the young adult. The questionnaire should be made available in the following ways:

1. Independence Coordinator will provide the questionnaire and a self-addressed envelope to the FCRO prior to the Case Review;
2. Can be downloaded and printed off from BridgetoIndependence.ne.gov

The young adult should be able to provide the questionnaire with their feedback to the Foster Care Review Office by the following ways via mail, fax, telephone or face to face meeting:

Foster Care Review Office
521 South 14th Street Suite 401
522 Lincoln, Nebraska 68508
Fax: 402-471-4437
Telephone: 402-471-4420

Face-to-face meeting can be scheduled by calling the FCRO and scheduling an appointment or having the FCRO attend a monthly meeting that the young adult has with his/her Independence Coordinator.

C. Case Reviews at the request of the young adult

A young adult can request a case review at any time by requesting a case review through the Foster Care Review Office.

It is the responsibility of the Independence Coordinator to ensure that the young adult is informed about how to request a case review.

11. Reports and Plans

11.1 Court Report

The Independence Coordinator will ensure that the report contains information in the following areas:

- A. Statement of facts explaining why it is in the best interests of the young adult to participate in the Bridge to Independence Program;
- B. Summary of the young adults programming eligibility. Information should describe how the young adult meets all five eligibility requirements including specific information on:
 1. How the young adult is meeting the educational or employment conditions or a statement that the young adult is incapable of meeting the conditions due to a medical condition;
 2. Description of the young adult's living arrangement, including how supervision will occur if the young adult is in a supervised independent living arrangement;
 3. Services provided or identified to support the young adult;
 4. Reasonable Efforts made to achieve permanency;
 5. Information describing the young adult's safety, permanency, well-being;

6. Department's efforts towards meeting the goals outlined in the Transitional Living Plan, services that may be needed to help assist the young adult with their goals towards self-sufficiency;
7. Any other information the Independence Coordinator or the young adult would like for the court to consider;
8. The young adult and the Independence Coordinator should sign the court report. If the young adult does not agree with the report's content the young adult has the right to refuse to sign the report, however, the disagreement must be documented in the court report.

11.2 Transitional Living Plan

The Transitional Living Plan is developed by the independence planning team based on the young adult's strengths, needs and goals. The transitional living plan needs to be completed within 15 days of a young adult signing the Voluntary Service and Support Agreement. Independence Coordinators have the responsibility to collaborate with the young adult to create a transitional living proposal that will best move the young adult towards self-sufficiency.

11.2-1 This transitional living plan includes the following domains:

- A. Independent Living Needs and Assessment
- B. Education
- C. Employment
- D. Housing
- E. Transportation
- F. Physical and Mental Health
- G. Parenting
- H. Financial Management
- I. Permanent Connections
- J. Crisis Management Plan

The Transitional Living Plan should reflect the roles and responsibilities of the young adult, the Department, service providers and informal supports for each domain. The Independence Coordinator has an ongoing duty to make reasonable efforts to implement a plan for supports and services for the young adult's self-sufficiency. If a young adult cannot fulfill education or employment conditions of the Bridge to Independence Program due to a medical condition, the Independence Coordinator must include written information in the Transitional Living Plan addresses the medical condition(s) and the young adult's incapacity.

If the young adult is entering the Bridge to Independence Program directly from foster care, it is acceptable to utilize the Transitional Living Plan developed just prior to the young adult exiting foster care. After entry into the Bridge to Independence Program, the Independence Coordinator will review the Transitional Living Plan with the young adult and the transitional living team at least every six months to determined appropriateness and ensuring the needs of the young adult are still being met

11.2-2 Noncompliance with Transitional Living Plans

The Transitional Living Plan is an opportunity for young adults to engage in preparation for self-sufficiency. It is the responsibility of the Independence Coordinator to engage the young adult to work on the goals identified in the Transitional Living Plan. If the disagreement or non-compliance is about program eligibility, the Independence Coordinator must inform the young adult about the consequences of their decisions which could include termination from the program.

12. Services provided through Bridge to Independence Program

12.1 Medical Services

- A. IV-E Funded
 1. A young adult who is receiving Title IV-E foster care maintenance payments is categorically eligible for Title XIX (Medicaid) program available in their state of residence. The IMFC worker will ensure that a Medicaid case is initiated.
- B. Non-IV-E funded
 1. A young adult who is not IV-E eligible will need to make application through ACCESSNebraska to determine Medicaid eligibility.
- C. Former Foster Care Children eligible under the Affordable Care Act (ACA)

1. Beginning January 1, 2014, Medicaid coverage is available for individuals under the age of 26 who were in foster care and receiving Medicaid when they aged out.
2. For young adults who must apply for Medicaid through ACCESSNebraska, the Independence Coordinator should offer and make efforts to assist the young adult in making such application. Depending on the specific needs of the individual young adult, this may include providing the young adult with the contact information for ACCESSNebraska, assisting the young adult in gathering information or records to complete the application, assisting the young adult in getting access to a telephone, computer, or other means to complete the application, and/or assisting the young adult in the actual completion of the application.

12.2 Monthly Maintenance Payment

Financial support will be in the form of continued foster care maintenance payments. The foster care maintenance payment paid to the young adult will be the amount that was determined to be the DHHS foster care maintenance payment at the time the young adult was discharged from DHHS custody.

If the young adult is transitioning into Bridge to Independence directly from foster care the Independence Coordinator will use the most recent FCPay that was used while the young adult was in foster care.

If the young adult is living in one of the following housing arrangements, the payment must be paid to the provider.

- A. Foster Home;
- B. Group Home;
- C. Residential facility.

A young adult living in a supervised living arrangement other than a foster home, group home or Residential facility all or part of the payment 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.

13. Additional Services for Housing

In order to enhance self-sufficiency, the Independence Coordinator should provide additional supports to the young adult regarding housing:

- A. Provide information to the young adult about affordable housing;
This should include information about the cost of housing and what should be considered in making a decision about housing and affordability. The young adult should be provided information about rental assistance that community supports may offer.
- B. Provide information and assistance in filling out rental applications and acquiring a lease;
This could include what a young adult will need for the application process, such as pay stubs, co-signer, etc.
- C. Provide information about security deposits and utilities;
The Independence Coordinator will help the young adult understand the role and responsibilities he or she has with regards to the security deposit for rental property. The Independence Coordinator will provide education of utilities obtained and maintained, so the young adult knows what he or she is responsible for, where to make payment and different payment options, and consequences of an unpaid bill.
- D. Education on tenants' rights and responsibilities;
This education should include what rights and responsibilities a young person may have when they rent and the responsibilities of the landlord.
- E. Provide information about home management;
This includes how to do laundry, meal preparation, housekeeping, meal planning, grocery shopping, etc;
- F. Assistance with emergency funds for deposit or rent.
In the situation where a young adult needs additional assistance for deposit money or rent, the Independence Coordinator will provide the young adult with available resources he or she can contact for assistance. This could include churches, Salvation Army, Project Everlast or other local community resources.

14. Case Management

14.1 Provision of Case Management Services to Young Adults

Young adults participating in the Bridge to Independence Program will receive case management, provided by the assigned Independence Coordinator. Their adult status must be acknowledged and respected at all times. Since young adults can leave the program at any time, it is important for the Independence Coordinator to engage the young adult in a way that supports their developmental needs and provides a safety net for trial and error experiences, so that the young adult can learn from mistakes made. The Bridge to Independence Program provides young adults with the opportunity to develop incremental responsibilities and other problem solving skills that will help them succeed. These young adults can be provided with the experience of living independently while still in a supportive environment.

The Independence Coordinators will:

- A. Assist young adults in assessing strengths and needs, identifying resources, navigating educational systems, accessing health care and budgeting.
- B. Assist young adults in developing the capacity to be financially self-supportive. Independence Coordinators will also assist the young adults in accessing financial support via appropriate DHHS and community resources when needed.
- C. Collect documents and verify the young adult's eligibility status every six months.
- D. Ensure that the young adult receive written verification of the permanency hearings and case review dates and locations.
- E. Conduct the NYTD survey periodically throughout the young adult's participation in the program. Young adults who are participating in the program will be asked to complete the NYTD survey at the beginning of the program, every 6 months during enrollment of the program and at the time of discharge.
- F. Support the goals and action steps outlined in the Transitional Living Plan.
- G. Maintain the young adult's case file.
- H. Assist the young adult with family connections and facilitate contact with siblings still in state custody if it is deemed safe for all parties.
- I. Prepare a court report and attend the annual permanency review hearing.
- J. Coordinate monthly Independence Planning Meetings with the young adult and whoever the young adult would like to be on their planning team.

14.2 Case Management includes assistance with the following:

A. Obtaining employment or other financial support.

If the young adult needs additional financial support, the Independence Coordinator shall assist in location of additional funds or crisis payments that are supplied and provided to individuals through the community.

The Independence Coordinator will assess the needs of the young adult and provide additional support and education in the following areas:

1. Career preparation services focusing on developing a young adult's ability to find, apply for and retain appropriate employment;
2. Locating and encouraging vocational and career assessments;
3. Inform the young adult about career exploration and planning;
4. Guidance in setting and assessing vocational and career interests and skills;
5. Provide guidance and encouragement with matching interests and abilities to chosen vocational goals;
6. Provide job seeking opportunities and job placement support;
7. Assist with writing resumes and filling out job applications;
8. Enhance job interview skills;
9. Locate job shadowing;
10. Educating about possible employee benefits;
11. Provide job retention skills;
12. Teaching workplace values;
13. Teach customer service;
14. Provide information to the young adult about employment programs and vocational training;
15. Encourage and coordinate career specific mentors;
16. Plan transportation opportunities for employment;
17. Refer the young adult to career fairs;
18. Assist in locating job interview clothing.

B. Obtaining a government-issued identification card.

By federal and state law, the Department is to provide all youth aging out of foster care with a certified birth Certificate and Social Security Card.

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.

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 Independence Coordinator will assist the young adult to obtain a replacement certificate or card but the young adult is responsible for any associated fees. . The assistance provided will include instructions on how to obtain a Birth Certificate, and Social Security Card. The Independence Coordinator should assist the young adult with obtaining the needed documentation when applying for identification cards.

Independence Coordinator's will assist the young adult with obtaining any other government issued identification cards, such as a driver's license or state identification card. The young adult will be responsible for the associated fees. If the young adult needs financial assistance for these documents, Independence Coordinator's will provide information on possible financial assistance to obtain a government issued identification card, birth certificate and social security card or special immigrant status;

C. Opening and maintaining a bank account.

The Independence Coordinator's will assist the young adult to open a checking account and/or a savings account if needed. Independence Coordinator's will need to educate the young adult about the importance of maintaining a checking and/or savings account. The young adult is responsible for any associated fees.

The Independence Coordinator's will assist the young adult with financial skills education. This may include:

1. Money management;
2. Budgeting planning;
3. Teaching consumer awareness and smart shopping skills;
4. Accessing information about the young adult's credit score;
5. Providing information about credit cards;
6. Accessing information about loans and taxes;
7. Education on where the young adult can get their taxes done. Independence Coordinator's cannot provide legal advice or tax advice.

D. Obtaining appropriate community resources, including health, mental health, developmental disability and other disability services and support.

The young adult is responsible for any premiums, co-payments, share of cost, or other costs related to accessing the above-listed services and for ensuring enrollment in Nebraska Medicaid (if eligible) or another health plan at the time of services are accessed.

E. When appropriate, satisfying any juvenile justice system requirements and assisting with sealing the young adult's juvenile record if the young adult is eligible under Neb. Rev Stat. § 43-2, 108.01;

The young adult is responsible for any fines, restitution, or other penalties related to juvenile justice cases.

The Department cannot provide legal advice to the young adult.

Sealing a record means that a record shall not be available to the public except upon an order of a court and upon good cause shown. Young adults may use the sealing process if they were under eighteen years of age when the offense took place and the county/city attorney offered the young adult pretrial diversion or mediation or filed a juvenile court petition under subdivision (1), (2), 3(b) or (4) of section 43-247 or file a criminal complaint in county court against the young adult for a misdemeanor or infraction, other than for a traffic offense that may be waived, under the laws of this state or a city or village ordinance.

The young adult is responsible for any filing fees, court costs, attorney fees, other costs associated with such action.

F. Completing secondary and post-secondary education.

A young adult is responsible for any associated cost of completing their higher education. Independence Coordinator's should assess the needs of the young adult and offer additional supports (if needed) in the following areas:

1. Assistance in completing the Free Application for Federal Student Financial Aid;
2. Applying for the Education and Training Voucher;
3. Assist in applying for admission and aid for post-secondary education fees, tuition, course fees, and other associated costs;
4. Assisting in locating and applying for scholarships;
5. Locate classes and possible financial assistance for test preparation for post-secondary school (Scholastic Aptitude Test-SAT, American College Test-ACT);
6. Secure test preparation for secondary school results;
7. Providing information about college and other post-secondary school options;
8. Provide education about alternative to traditional post education;
9. Help locating possible tutors;
10. Assist with obtaining transcripts;
11. Provide information for young adults who could receive special education services until age 21;
12. Assist with college visits;
13. Identification of transportation options.

G. Obtaining the necessary state court findings and then applying for immigration relief that the young adult may be eligible.

The Department cannot provide legal advice to a young adult. The young adult is responsible for any application for filing fees, court costs, attorney fees, other costs associated with such action.

Independence Coordinator's will assist the young adult in obtaining the necessary state court findings and then assist in the application process for special immigrant juvenile status. The Department cannot provide any funding in efforts to obtain legal status of a young adult. However, funding may be available through the home county's consulate and/or non-profit agencies. Independence coordinators should help assist making referrals accordingly. When appropriate the Independence Coordinator's should connect the Young Adult with the appropriate consulate.

H. Education about health care power of attorney in compliance with the Federal Patient Protection and Affordable Care Act, Public law 111-148.

A Nebraska Power of Attorney for Health Care Form is a document that allows a young adult to choose a person who will have the authority to make health care decisions for him/her if he/she is unconscious, mentally incompetent, or otherwise unable to make such decisions. It is the responsibility of the Department to provide youth aging out of foster care information and a Nebraska Power of Attorney for Health Care Form for the young adult to complete, if he/she so chooses. The Independence Coordinator should ensure that the young adult has information on how to complete the Power of Attorney for Health Care Form.

The Department cannot provide legal advice to the young adult. The young adult is responsible for any attorney's fees or other costs associated with establishing a health care power of attorney.

I. Obtain a copy of health and education records of the young adult.

Upon discharge of the young adult from foster care the CFS Specialist and/or Independence Coordinator is to ensure that the young adult has a written summary of medical history or a copy of medical records to include:

1. Immunizations; and
2. Names, addresses, and phone numbers of primary medical providers.

The young adult is responsible for any associated costs.

If medical records have not been provided by the Department or have been misplaced, the Independence Coordinator will provide the medical records that the Department files contain. In addition to providing medical records, the Independence Coordinator needs to assess the needs of the young adult health and education.

- J. 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 survivor's benefits, the special Supplemental Nutrition Assistance Program, and low-income home energy assistance programs.

The Department does not guarantee eligibility for any public benefits, including those administered by the Department of Health and Human Services. The Independence Coordinator will assist the young adult in applying for the public benefits as described above. Depending on the specific needs of the individual young adult, this may include providing the young adult with information on how and where to apply for public benefits, assisting the young adult in gathering information or records to complete the applications, assisting the young adult in getting access to a telephone, computer, or other means to complete the application, and/or assisting the young adult in actual completion of the application.

- K. Maintaining relationships with individuals who are important to the young adult, including searching for individuals with whom the young adult has lost contact.

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 to if he or she were not enrolled in the Bridge to Independence Program.

The young adult is responsible for any associated costs as it relates to making contact with family.

- L. Accessing young adult empowerment opportunities and peer supports groups.

The Independence Coordinator should encourage participation in Project Everlast or other youth/young adult programs

The young adult is responsible for any associated costs that may accompany participation in peer support groups or other organizations.

- M. Accessing pregnancy and parenting resources and services.

The young adult is responsible for any premiums, co-payments, share of cost, or other costs related to accessing pregnancy and parenting resources and services and for ensuring enrollment in Nebraska Medicaid (if eligible) or another health plan at the same time the services are accessed.

14.3 Monthly visitation with young adults

The Division of Children and Family Services believes that consistent contact with young adults allows an Independence Coordinator to continually assess the young adult's current situation, progress towards transitioning towards adulthood, barriers towards self-sufficiency needs, and achieving permanent connections. Visiting the young adult gives the Independence Coordinator valuable information about the young adult's well-being, progress towards self-sufficiency, allows the young adult to provide input, and opportunities to develop a relationship with the Independence Coordinator. Regular contact by the same Independence Coordinator is best for the young adult and will provide valuable information necessary for effective case management.

A. Young adults living in Nebraska

The Independence Coordinator will have face-to-face visits with young adults a minimum of one time a month. Visits should occur in the young adult's home as this will allow the Independence Coordinator an opportunity to assess the housing situation. The Independence Coordinator may need to increase the frequency of visits depending on the young adult's situation (i.e. verifying eligibility participation, personal crisis, etc.).

B. Young adults living out of state.

Residing out of the State of Nebraska is allowable for young adults participating in the program who are residing in an appropriate placement. All monthly visits must be done face-to-face. Independence Coordinators may request supervision from the other state through the Interstate Compact on Placement of Children (ICPC), but such services are at the discretion of the other state as not all states will accept an ICPC request or provide services/supervision for young adults in extended services beyond age of majority. In the event the other state is not willing to accept an ICPC request for a young adult or provide such services, arrangements must be made for supervision, which could include contracting with a private agency in the other state.

According to federal requirements, monthly visits must be face-to-face; therefore, video conferencing or the use of other technology, such as “skyping”, is not considered an acceptable method for conducting monthly visits.

If the Independence Coordinator wants to process an ICPC packet for supervision in another state the Independence Coordinator will send an ICPC packet to the Deputy Administrator for ICPC in Central Office. The ICPC packet will include:

1. 100A Form
2. Cover letter explaining the current situation and requested service, including the current address and contact information. Since these are young adults the Independence Coordinator will just be asking for supervision, no home study will be required.
3. Medical and Financial Plan- The medical and financial plan must include how the young adult will be covered for medical and daily living purposes
4. Voluntary Service and Support Agreement
5. Transitional Living Plan

The Independence Coordinator will be responsible for visiting the young adult out of state until the other state has accepted the ICPC supervisory responsibility for the young adult.

14.4 Independence Planning Meeting

The Independence Coordinator will schedule a monthly Independence Planning meeting for the purpose of creating, implementing, evaluating and updating the transitional living proposal/plan. The team will include the young adult, Independence Coordinator, and other formal and informal supports that the young adult would like to invite.

14.5 Refusal of services

Young adults have the right to make decisions which Independence Coordinators or other case professionals may deem to be inappropriate. Additionally, young adults have the right to accept or refuse treatment options and/or services which others may believe to be in their best interests.

14.6 Excluded Services

DHHS will not:

- Assume responsibility or liability for any losses or damages incurred by a young adult.
- Sign releases of information or other forms requiring the young adult’s consent on behalf of a young adult.
- Provide legal advice.

15. Re-Entry

Young adults may choose to exit the Bridge to Independence Program at any time and in some instances this may include an unplanned exit. If a young adult exits the Bridge to Independence Program prior to reaching age 21, they may return to participate in the Bridge to Independence Program at any time prior to age 21, as long as the following required stipulations for eligibility are met.

- A. The young adult must re-apply to re-enter the Bridge to Independence Program.
- B. The young adult must meet all eligibility requirements prior to re-entry.
- C. The young adult must sign a new voluntary Bridge to Independence Agreement.

15.1 Application Process for Re-Entry

Young adults who chose to re-enter the Bridge to Independence Program can make application through the following avenues:

- A. DHHS child abuse/neglect Hotline;
- B. Notification to CFS Specialist;
- C. Electronic application through the bridgetoindependence.ne.gov website.

15.2 Case Management Overview

An Independence Coordinator will provide services and supports as if the young adult was entering the Bridge to Independence Program initially.

16. Termination of Services

16.1 Conclusion of the 30 day “grace” period

If the 30 day “grace” period ends and ineligibility continues, Independence Coordinators must initiate case closure. Case closure is a mandatory consultation point and Independence Coordinators must obtain supervisors’ approval for case closure.

16.2 Termination initiated by a young adult

A young adult may terminate the Voluntary Services and Support Agreement, at any time, by notifying the Independence Coordinator, of his or her desire to terminate participation in the Bridge to Independence Program.

Termination date becomes effective on the last calendar day of the month in which it is received by the Department of Health and Human Services.

16.3 Department initiated termination

The Department may terminate the Voluntary Service and Support Agreement, if the young adult becomes ineligible. Ineligibility for the Bridge to Independence Program occurs when the young adult:

- A. Fails to meet any of the eligibility requirements:
 1. The young adult is no longer engaged in a qualifying educational or employment condition and fails to begin a new qualifying educational or employment condition or demonstrate incapability due to a medical condition within 30 calendar day period;
 2. The young adult, who was previously deemed incapable of meeting an educational or employment condition due to a medical condition, is no longer incapable and does not begin participation in a qualifying educational or employment condition within 30 calendar days;
 3. The young adult resides in a living arrangement that is not approved by the Department;
 4. The young adult fails or refuses to adhere to the terms of the Voluntary Services and Support Agreement.
- B. Reaches his or her 21st birthday;
- C. Is incarcerated;
- D. Fails to respond or make contact with the Independence Coordinator for at least 30 calendar days. The Independence Coordinator must have documented attempts to contact the young adult during the 30 day “grace” period before initiation an action to terminate ;
- E. Cannot be located for at least 30 calendar days. The Independence Coordinator must have documented attempts to locate the young adult during the 30 day period before initiating an action to terminate;
- F. Dies.

16.4 Case Closure

Case closure can occur when a young adult elects to leave the program; the Department terminates the young adult for one of the reasons listed above.

- A. Independence Coordinator will provide documentation to DHHS Legal to initiate a request to close the court’s jurisdiction with the following information when a case is terminated:
 - a. Young adult initiate’s termination: Independence Coordinator will provide a letter to the court, a copy of Notice of Action of termination, and Voluntary Termination of Services (if signed by the young adult).
 - b. DHHS initiates termination: Independence Coordinator will provide a written affidavit and Notice of Action of termination.
- B. Independence Coordinators should be involving the young adult in careful discharge planning to ensure the young adult is aware of all of the community resources and options available to them.

- C. When a case is approaching closure, Independence Coordinators should discuss with the young adult's about his/her next steps in dealing with their change in status.
- D. If referrals for services need to be done prior to discharge, Independence Coordinators should assist the young adult in completion of the needed referrals.
- E. The young adult should be aware of his/her support system.

16.5 Exit Packet

If the young adult is eligible for re-entry, Independence Coordinators has the responsibility to provide the young adult with an exit packet that will contain information on how the young adult can re-enter the program. The packet will also contain a community resource guide the young adult can access if he or she wishes to do so.

16.6 Final survey

Independence Coordinators will ask the young adult to participate in an exit NYTD survey before the case programming concludes.

16.7 Closed Case Files

Files that are closed must contain the following information, as applicable:

- A. Voluntary Support and Service Agreement
- B. Court orders including the final order closing the case
- C. Current documentation
- D. Transitional living Plans
- E. The NYTD surveys
- F. Bridge to Independence Rights and Responsibilities
- G. Court reports
- H. Copy of the birth certificate and social security card
- I. Notice of Action documenting the reason for closure.

17. Notice of Action

The Department has the responsibility to notify the young adult at least 30 days prior to terminating a young adult's participation in the Bridge to Independence Program. Prior to termination of the Bridge to Independence Program, Independence Coordinators will provide a clear and developmentally appropriate written notice of action to the young adult. This notice will include the reason for the action and information regarding the young adult's right to appeal. The notice will be sent by certified mail, return receipt requested. The notice will have the last day of program eligibility.

Independence Coordinators must send notice to the following:

- A. Young Adult
- B. Juvenile Court
- C. All legal parties, including the Department's attorney and the young adult's attorney, if applicable
- D. IMFC worker

17.1 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 the case of death of the young adult, in which case the termination is effective immediately. NOTE: A written notice must be sent to the young adult prior to termination upon the young adult's 21st birthday. This means that a written notice must be sent at least 30 days prior to the young adult's 21st birthday.

17.2 Right to Appeal

A Young adult has the right to an administrative appeal if the Department:

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

17.3 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. The Independence Coordinator is responsible for submitting appeal requests to the DHHS Hearing Office via email, fax or interoffice mail:

DHHS Hearing Office

220 South 17th Street, Lower Level

PO Box 98914

Lincoln, Nebraska 68509-8914

Email: DHHS.HearingOffice@nebraska.gov

Fax: 402-742-2376 or 402-471-7244

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.

18. 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.

Although, a young adult must utilize the administrative appeal procedure to contest any of the Departments actions, nothing will limit a young adult's right to request a review hearing from the Juvenile Court. A young adult must utilize the administrative appeal procedure to contest any of the actions listed below:

- A. Denies an application for the Bridge to Independence Program;
- B. Terminates a young adult from the Bridge to Independence Program;
- C. Any action, inaction, or failure to act with reasonable promptness with regard to assistance or services.
- D. Denies a young adult's request for re-entry into the Bridge to Independence Program.

19. Mandatory Consultation points with Supervisor

Consultation is important to ensure the consistent application of Department Policy and to assure that as many factors and ramifications as possible are considered when critical decisions are made.

Supervisory Consultation will occur in the following circumstances:

1. When a Young adult is accepted into the program by signing the Voluntary Support and Services Agreement.
2. When denying a young person's housing situation.
3. When terminating a young adult's participation in the program.
4. When an Independence Coordinator cannot locate a young adult after 30 calendar days.
5. When an Independence Coordinator initiates a 30 day "grace" period with a young adult.
6. When a young adult is not following through with providing verification for program eligibility after 15 days.
7. Young Adult is homeless.
8. Anytime an Independence Coordinator is questioning if the verification that is provided is sufficient for program eligibility.
9. Discovering actions or behaviors towards children that would warrant mandatory reporting.
10. When making a decision about a program or activity meeting eligibility for the Bridge to Independence Program.
11. When making an approval decision regarding "supervised living setting" meeting eligibility requirements for the Bridge to Independence Program.
12. When a young adult requests an administrative appeal.

20. Confidentiality and Disclosure

A. 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. The Independence Coordinator should consult with the Department's Legal Services whenever a request for information is received from anyone other than the young adult.

B. 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.

21. Critical Incident Reporting

The following procedure is being implemented in an effort to ensure effective communication if critical incidents with young adults who are involved with the Bridge to Independence Program.

- A. Independence Coordinators will immediately report by phone and e-mail Critical Incidents involving young adults to their supervisors immediately, but no later than one hour after learning of the incident utilizing the Critical Incident Reporting form. The Supervisor will immediately report via e-mail to all of the following individuals:
1. Service area Administrator
 2. Bridge to Independence Administrator
 3. CFS Director
 4. CFS Deputy Director
 5. Policy Section Chief
 6. Department Legal Services
 7. Communications and Legislative Service Administrator
 8. Inspector General
- B. The term Critical Incident includes, but not limited to:
1. Death of a young adult resulting from a crime;
 2. Near fatality, life threatening condition or serious injury of a vulnerable adult resulting from a crime;
 3. Death or near death of a young adult that DHHS is working with through the Bridge to Independence Program, by other means, accidental or non-accidental (includes suicides and attempted suicides);
 4. Allegations or arrest of a young adult that DHHS is working with through the bridge to Independence Program for serious illegal/criminal activity (i.e. homicide; manslaughter; aggravated or armed robbery, etc.)
 5. High Profile: any other event that is highly concerning, poses potential liability, or is of emerging public interest such as contacts involving the news media; or
 6. Any other incident designated by the Director.

This listing is not exclusive and is meant to be used as a minimum guide. There may be situations other than the ones listed above that should be communicated with administration. If there is any question about an incident and whether or not it should be reported, please consult with a supervisor or the bridge to Independence Administrator.

Communications and Legislative Services staff is the primary contact with news media regarding any Critical Incident. Any news media inquiry about a Critical Incident should be immediately referred to the Communications and Legislative services Division of DHHS.

22. Determination of IV-E Eligibility

With the implementation of the Bridge to Independence Program, the Department will extend foster care maintenance payments to young adults age 19 or older in accordance with the Federal Fostering Connections Act of 2008 (PL 110-351). The Department may claim applicable costs for this Title IV-E program.

Income Maintenance Foster Care workers will determine IV-E eligibility for every young adult who enters the Bridge to Independence Program. Determination of IV-E eligibility must be completed within 5 business days of:

1. receipt of the Voluntary Services and Support Agreement signed by both the young adult and the Independence Coordinator (or the authorized Department representative); and,
2. Receipt of the supporting documents required for verification purposes.

The IMFC Worker will review the following IV-E eligibility requirements for each young adult who enters the Bridge to Independence Program:

- A. **Age** (refer to Determination of Program Eligibility section of this policy);
- B. **Citizenship** (refer to Determination of Program Eligibility section of this policy);
- C. **Education or Employment Program Participation** (refer to Determination of Program Eligibility section of this policy);
- D. **Living Arrangement**

1. A youth who turns age 19 while in a licensed foster family home or a licensed facility, and chooses to remain living in the licensed foster home or licensed facility, and chooses to immediately participate in Bridge to Independence is eligible for Title IV-E foster care maintenance payments if otherwise eligible. The foster care maintenance payments must be paid through the licensed foster parent, licensed facility, or the licensed child placing agency.
2. A youth who turns age 19 while in an out of home placement, and who chooses to live in an approved supervised setting and immediately participate in Bridge to Independence is eligible for Title IV-E foster care maintenance payments provided the youth is otherwise eligible. The foster care maintenance payments may be made directly to the youth unless otherwise indicated in the Voluntary Services and Support Agreement. See 395 NAC 10-003.04 for a list of acceptable supervised independent living settings.
3. A youth who is discharged to Independent Living prior to turning age 19, and who chooses to participate in Bridge to Independence upon turning age 19, or before turning age 21, is eligible for Title IV-E foster care maintenance payments provided the youth is living in a licensed foster home, a licensed facility, or an approved supervised setting, and provided the youth is otherwise eligible. The foster care maintenance payment must be paid through the licensed provider when the youth is living in a licensed foster home or facility. The foster care maintenance payment may be made directly to the youth when the youth is living in an approved supervised setting, or as otherwise indicated in the Voluntary Services and Support Agreement.

E. Placement and Care Responsibility

In order to be eligible for Title IV-E foster care maintenance payments, the young adult must agree to continued care and placement responsibility by the Department.

1. A young adult may make this agreement in writing by signing a Voluntary Services and Support Agreement after he/she turns 19 or prior to turning age 19. If the young adult signs the Voluntary Service and Support Agreement prior to age 19, the young adult must re-sign the agreement within 30 days after reaching age 19 years old as his or her own guardian.
2. A judicial determination of best interests for the young adult to continue in extended services and support must be made no later than 180 days after the young adult and the Department have finalized the Voluntary Services and Support Agreement. This agreement is not final until it is signed by both the young adult and the Independence Coordinator or designated Department representative.
3. In order to maintain Title IV-E foster care maintenance payments, Permanency Review hearings must be held at least once per year, from the date of the finalized Agreement, in order to determine that reasonable efforts are being made by the Department to ensure that the young adult is receiving the services and support needed to move him or her toward permanency and self-sufficiency.
4. If the young adult chooses not to participate in the Bridge to Independence Program for 180 days or longer, and the court of jurisdiction has not specifically authorized the break in participation, a new judicial determination regarding best interests and reasonable efforts is required when the young adult chooses to return to the Bridge to Independence Program in order to be eligible for Title IV-E foster care maintenance payments during this second episode.

F. AFDC Program Eligibility

In order to be eligible for Title IV-E foster care maintenance payments, the young adult must meet AFDC eligibility requirements per section 472(a)(3) of the Federal Social Security Act.

1. A young adult who turns age 19 while in an out of home placement, or who turns age 19 after being discharged to Independent Living, and who chooses to participate in the Bridge to Independence Program, must meet AFDC eligibility criteria based on the young adult's income and resources without regard to the income and resources of the young adult's parents, legal guardian, or others (i.e. spouse) or any household members from which the young adult was removed as a young child (i.e. a child-only case).
2. AFDC redeterminations for young adults between the ages of 19 and 21 years old must be completed annually, or whenever the young adult chooses to participate in the Bridge to Independence program after having not participated for whatever reasons for 180 days or longer.

G. Medicaid Eligibility

A young adult age 19 to 21 years of age that has been determined IV-E eligible is categorically eligible for Title XIX Medicaid.

23. Adoption and Federal Kinship Guardianship Extended Subsidy

Expansion of an adoption or a federal kinship guardianship subsidy after the young adult's 19th birthday will require a review by the Income Maintenance Foster Care Worker (IMFC). This program does not require any court involvement or oversight.

23.1 Eligibility Requirements:

In order to participate in extended adoption and/or federal kinship guardianship (Kin-Gap) subsidy assistance through the Bridge to Independence program, all of the following elements of eligibility must be met:

1. The young adult entered in an Adoption or Kin-Gap subsidy when the young adult was age 16 or older;
2. The young adult must have an active Adoption or Kin-Gap guardianship subsidy at the time of the young adult's 19th birthday;
3. The young adult had an abuse/neglect juvenile adjudication at time of adoption or guardianship;
4. The young adult must meet the Citizenship/Lawful presence requirements (see section 10-003.02);
5. The young adult must meet the educational or employment conditions (see section 10-003.03);
6. The young adult is incapable of doing any part of the educational or employment activities due to a medical condition;
7. The young adult must be between the age of 19 and 21;
8. The adoptive parent(s) or relative guardian(s) must sign an agreement, agreeing that the subsidy funds provided by the DHHS and received by the adoptive parent(s) or guardian(s) shall be used for the benefit of the young adult.
9. The young adult must sign a Bridge to Independence Extended Adoption/Kin-Gap Subsidy Mutual Agreement which outlines the participation requirements the young adult must participate in to be eligible for extended subsidy assistance.

24. Application

Three months prior to the young adult's 19th birthday the IMFC worker will determine eligibility for extended subsidy assistance through the Bridge to Independence Program. The assigned IMFC worker must send the DHHS-designated review form to the adoptive parent or relative guardian(s). If the review form is not returned within one month of the young adult's 19th birthday, the worker must attempt to contact the adoptive parent(s) or relative guardian(s) again, by letter and/or phone or whatever method is appropriate, to obtain the information. If no response is received, the worker must close the subsidy on the young adult's 19th birthday.

25. Documentation of Program Eligibility

Before an IMFC worker can offer an extended subsidy payment for a young adult, the IMFC worker must obtain verification of eligibility. The adoptive parent(s) or relative guardian(s) is responsible to provide documentation to the IMFC worker supporting that the young adult meets one of the five participation criteria as outlined in 395 NAC 10-004.01.

See section 395 NAC 10-004.01 for needed documentation for eligibility.

25.1 Ongoing verification of Eligibility

Eligibility for extended adoption or Kin-Gap subsidy will be reviewed annually by the IMFC worker. The adoptive parent(s) or relative guardian(s) is responsible to provide documentation to the IMFC worker supporting that the young adult continues to meet one of the five participation criteria.

25.2 Duty to report changes

The adoptive parent(s) or relative guardian(s) is responsible for reporting any changes to the IMFC worker within 10 business days when the young adult is no longer meeting one of the five participation criteria.

26. Subsidy Payment

The IMFC worker will extend the adoption or Kin-Gap subsidy assistance at the same amount that was authorized on the young adult's 19th birthday.

The adoptive parent(s) or relative guardian(s) must agree to continue to provide support for the young adult.

The young adult cannot directly receive the financial benefit; it must continue to go directly to the adoptive parent(s) or relative guardian(s) who is supporting the young adult.

The adoptive parent(s) or guardian(s) will not have the ability to request an increase in subsidy payment in this program.

27. Medicaid Eligibility

A young adult age 19 to 21 years of age that has been determined IV-E eligible at the initial subsidy is categorically eligible for Title XIX Medicaid.

28. Out of State Residency

Extended Adoption or Kin-GAP subsidy assistance will continue regardless of the state of residency in which the adoptive or relative guardian and young adult resides. IMFC workers are to encourage adoptive or relative guardians and young adults to apply for Medicaid on behalf of the young adult in the new state of residence. Families moving out of Nebraska are also to be encouraged to research the applicable laws of the new state.

29. Suspension of Payment

If a young adult is unable to meet the participation eligibility requirements at any time between ages 19 and 21, DHHS will suspend the adoption or Kin-Gap subsidy payment. The adoptive parent(s) or relative guardian(s) may request reinstatement of a subsidy payment at any time prior to the young adult's 21st birthday, as long as the young adult is enrolled in a participation eligibility activity (i.e. education, employment, etc.)

30. Termination of Services

30.1 Termination initiated by a young adult

An adoptive parent(s) or relative guardian(s) may voluntarily terminate the subsidy, at any time, by notifying the IMFC worker, in writing, of his or her desire to terminate subsidy assistance in Bridge to Independence Program. An adoptive parent(s) or guardian(s) will fill out a termination request form to officially notify DHHS of his or her request.

Termination date becomes effective at the last calendar day of the calendar month in which it is received by the Department of Health and Human Services.

30.2 DHHS initiated termination

DHHS must terminate the subsidy payment, if the young adult becomes ineligible. Ineligibility for Bridge to Independence occurs when the young adult:

1. Discontinues his or her educational, vocational or trade program and does not re-enter a similar program or meet another eligibility requirement within the 30 calendar day grace period;
2. Is no longer employed at least 80 hours per month, and does not meet one of the other eligibility requirements within the 30 calendar day grace period;
3. Is no longer deemed incapable due to a medical condition and does not meet one of the other eligibility requirements within 30 calendar day's grace period;

4. Is no longer participating in programs or activities designed to promote employment or remove barriers to employment a minimum of 40 hours a month and does not meet one of the other eligibility requirements within 30 calendar days grace period;
5. Is no longer participating in a combination of education program less than part time and participation in other activities for 20 hours a week and does not meet the other eligibility requirement within 30 calendar day's grace period;
6. Young adult reaches his or her 21st birthday;
7. Young adult is incarcerated more than 30 calendar days;
8. Adoptive parent(s) or relative guardian(s) is not using the subsidy payment to provide any support to the young adult.
9. Young adult or adoptive parent(s) dies.

31. Notice of Action

The Department of Health and Human Services has the responsibility to notify the adoptive parent(s) or relative guardian(s) at least 30 days prior to when services cease. Therefore, prior to termination of subsidy assistance payment through the Bridge to Independence Program the Department of Health and Human Services will provide a written notice of action to the adoptive parent(s) or relative guardian(s). This notice will include the reason for the action and information regarding the adoptive parent(s) or relative guardian(s) right to appeal. The notice will be sent by certified mail, return receipt requested. The notice will have the last day of program eligibility.

32. Effective Date of Department-initiated termination.

A termination initiated by the Department of Health and Human Services will become effective 30 days after a written notice is mailed to the adoptive parent(s) or relative guardian(s), except in case of the death of the young adult, in which case the termination is effective immediately.

33. Right to Appeal

An adoptive parent(s) or guardian(s) has the right to an administrative appeal if the Department:

1. Denies an application for extension of Subsidy through the Bridge to Independence Program;
2. Terminates subsidy assistance through the Bridge to Independence program; or
3. Denies a reinstatement of young adult's subsidy through the Bridge to Independence program.

34. Procedure and Deadline for Appeal Requests

In order to request an administrative appeal, the adoptive parent(s) or relative guardian(s) 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 subsidy assistance will occur while the appeal is pending.

35. 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.

36. Guardianship Assistance Extension Program (State Funded)

Extension of a state-funded guardianship assistance beyond the young adult's 19th birthday will require a review by the Income Maintenance Foster Care Worker (IMFC). This program does not require any court involvement or oversight.

36.1 Eligibility Requirements:

In order to participate in the state-funded guardianship assistance program through the Bridge to Independence Act, the following elements of eligibility must be met:

10. The guardian and the State of Nebraska entered into a guardianship assistance agreement when the young adult was age 16 or older;
11. The guardian, the State of Nebraska and the young adult entered into an agreement to continue the guardianship assistance prior to the young adult's 19th birthday
 - a. As part of this agreement:
 - i. The guardian shall ensure that any guardianship assistance funds provided by the Department and received by the guardian shall be used for the benefit of the young adult;
 - ii. The young adult shall agree that the guardianship may continue for the purpose of the guardians receiving extended guardianship assistance;
 - iii. The young adult shall acknowledge the requirements for continued eligibility in the extended guardianship assistance program.
12. The young adult had a Neb. Rev. Stat. §43-247(3)(a) adjudication at time the guardianship was established;
13. The young adult must meet the Citizenship/Lawful presence requirements as set forth in 395 NAC 10-003.02;
14. The young adult must meet one of the following educational or employment conditions:
 - a. The young adult is completing secondary education or an educational program leading to an equivalent credential;
 - b. The young adult is enrolled in an institution that provides post-secondary or vocational education;
 - c. The young adult is employed for at least 80 hours per month;
 - d. The young adult is participating in a program or activity designed to promote employment or remove barriers to employment; or
 - e. The young adult is incapable of doing any part of the activities listed in this section due to a medical condition, which incapacity must be supported by regularly updated information
15. The young adult must be between the age of 19 and 21;

37. Application

Three months prior to the young adult's 19th birthday the IMFC worker will determine eligibility for extended subsidy assistance through the Bridge to Independence Program. The assigned IMFC worker must send the DHHS-designated review form to the adoptive parent or relative guardian(s). If the review form is not returned within one month of the young adult's 19th birthday, the worker must attempt to contact the adoptive parent(s) or relative guardian(s) again, by letter and/or phone or whatever method is appropriate, to obtain the information. If no response is received, the worker must close the subsidy on the young adult's 19th birthday.

A guardian or young adult may also apply on line prior to the young adults 19th birthday at bridgetoindependence.ne.org.

If the guardian or young adult choose not to extend the guardianship assistance before the young adults 19th birthday, the guardian and the young adult are unable to receive an extension to a guardianship assistance after the young adult's 19th birthday. All requests and forms must be completed prior to the young adult's 19th birthday.

38. Documentation of Program Eligibility

Before an IMFC worker can offer an extended subsidy payment for a guardian and young adult, the IMFC worker must obtain verification of eligibility. The guardian(s) or young adult is responsible to provide documentation to the IMFC worker as outlined in 395 NAC 10-0040.0.

39. Ongoing verification of Eligibility

Eligibility for extended guardianship assistance will be reviewed every six months by the IMFC worker. The IMFC worker will send out a written request to both the guardian(s) and young adult for documentation at least 30 days prior to the six month review period. The guardian(s) and young adult are responsible for providing documentation to the IMFC worker supporting that the young adult continues to meet one of the five program eligibility criteria.

40. Duty to report changes

The guardian(s) and young adult must report any changes in meeting the eligibility criteria to the IMFC worker within 10 business days.

41. Subsidy Payment

Prior to the authorization of guardianship assistance amount, the IMFC worker will contact the Bridge to Independence Program Specialist to determine the amount of guardianship assistance.

The young adult cannot directly receive the financial benefit; it must continue to go directly to the guardian(s) who is supporting the young adult.

The guardian(s) and the young adult will not have the ability to request an increase in subsidy payment in this program.

The final month of assistance will be prorated according to the days the young adult is eligible.

A guardianship assistance payment can be suspended up to 12 months if the young adult is not participating in any of the program eligibility requirements. A 30 day notice will be provided to the guardian and young adult prior to initiating the suspension of payment. This notice will clearly explain:

1. Suspension of payment can be a maximum of 12 months long;
2. Anytime during this 12 month suspension the guardian(s) and young adult can provide eligibility documentation to the IMFC worker to re-initiate the assistance payment;
3. If documentation is not received from the guardian or young adult on program eligibility within 12 months, the guardianship assistance will be terminated;
4. The guardian and young adult will receive a 30 day notice prior to termination of the guardianship assistance.

The State Funded Guardian Assistance Extension component through Bridge to Independence Program has been allocated limited funds. Therefore, when the funds are depleted, assistance payments will cease until additional funds are allocated to this component of the program. The IMFC worker will notify the guardian(s) and young adult with a Notice of Action at least 30 days before the payment will be terminated.

42. Medicaid Eligibility

A young adult benefiting from this assistance will not be determined IV-E eligible therefore; he/she will not be categorically eligible for Title XIX Medicaid. The young adult has the right to apply for Medicaid directly to see if he/she qualifies for Medicaid.

43. Termination of Services

43.1 Termination initiated by a guardian or young adult

A guardian(s) or a young adult may terminate the subsidy, at any time, by notifying the IMFC worker, in writing, of his or her desire to terminate subsidy assistance in Bridge to Independence Program. A guardian(s) or young adult can fill out a termination request form or send written notification to officially notify DHHS of his or her request.

The termination date becomes effective at the last calendar day of the calendar month in which it is received by the Department of Health and Human Services.

43.2 DHHS initiated termination

After 12 months of suspended subsidy assistance, the IMFC will terminate the guardianship assistance if the guardian(s) or young adult is unable to verify participation in programming.

If subsidy assistance have been suspended, the IMFC worker must send written notification to the guardian(s) and young adult requesting eligibility documentation at least 30 days prior to terminating the subsidy assistance. Ineligibility for Bridge to Independence occurs when the young adult:

1. Discontinues his or her educational, vocational or trade program and does not re-enter a similar program or meet another eligibility requirement within the 30 calendar day grace period;
2. Is no longer employed at least 80 hours per month, and does not meet one of the other eligibility requirements within the 30 calendar day grace period;
3. Is no longer deemed incapable due to a medical condition and does not meet one of the other eligibility requirements within 30 calendar day's grace period;
4. Is no longer participating in programs or activities designed to promote employment or remove barriers to employment.

DHHS will terminate a subsidy assistance if the subsidy assistance is not being used to support the young adult. The IMFC worker will send a Notice of Action 30 days prior to terminating the subsidy assistance. If the subsidy is terminated for this reason, the guardian(s) and young adult may not re-apply for subsidy assistance under the Bridge to Independence Act.

44. Notice of Action

The Department of Health and Human Services has the responsibility to notify the guardian(s) and young adult at least 30 days prior to the subsidy payment ceasing permanently. Therefore, prior to termination of subsidy assistance payment under the Bridge to Independence Act the Department of Health and Human Services will provide a written notice of action to the young adult and the guardian(s). This notice will include the reason for the action and information regarding the guardian's and young adult's right to appeal. The notice will be sent by certified mail, return receipt requested. The notice will have the last day of program eligibility.

45. Effective Date of Department-initiated termination.

A termination initiated by the Department of Health and Human Services will become effective 30 days after a written notice is mailed to the guardian(s) and young adult, except in case of the death of the young adult, in which case the termination is effective immediately.

46. Right to Appeal

A guardian(s) and young adult has the right to an administrative appeal if the Department:

1. Denies an application for extension of a state-funded guardianship subsidy;

2. Terminates the extended guardianship assistance agreement.

A guardian(s) or young adult will not be allowed to appeal if the decision for termination of subsidy assistance is due to lack of funds.

47. Procedure and Deadline for Appeal Requests

In order to request an administrative appeal, the guardian(s) or 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 subsidy payment will occur while the appeal is pending.

48. 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.

References:

395 NAC 10

Neb Rev Stat. § 43-4501 to 43-4514