CHAPTER 10
YOUNG ADULT VOLUNTARY SERVICES AND SUPPORT
BRIDGE TO INDEPENDENCE

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CHAPTER 10
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10-001 GENERAL BACKGROUND

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

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

10-002 DEFINITIONS

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

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

Department means the Nebraska Department of Health and Human Services.

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

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

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

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

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

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

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

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

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

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

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

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

10-003.01 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.

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

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

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

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

10-003.03A Education:

1. The young adult is enrolled at least part-time (6 credit hours per semester) in a secondary education program.

    a. A young adult who is on semester, summer, or other break, but was enrolled the previous semester and will be enrolled after the break, is considered to be enrolled in school.

    b. A secondary education program that is equivalent to 6 credit hours per semester may be accepted if agreed to by the Department and the young adult.

2. The young adult is enrolled at least part-time (6 credit hours per semester) in a post-secondary education program.
    a. A young adult who is on semester, summer, or other break, but was enrolled the previous semester and will be enrolled after the break, is considered enrolled in school.

b. A post-secondary education program equivalent to 6 credit hours per semester may be accepted if agreed to by the Department and the young adult.

3. A young adult enrolled in an education program less than part-time must participate in or attend another program or activity as described in 10-003.03C for a minimum of 20 hours per month.

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

10-003.03C Participating in programs or activities designed to promote employment or remove barriers to employment:

1. A young adult may participate in other programs or activities that improve enhance or teach job-related skills applicable to the workplace or careers. These types of programs and activities include, but are not limited to:

   a. Activities and classroom instruction on career awareness, exploration, and preparation such as those provided through the local workforce centers;
   b. Internships, job shadowing, on-the-job training positions and volunteer projects;
   c. Supported employment;
   d. Apprenticeship programs;
   e. Programs such as Job Corps or other young adult initiatives that improve workplace knowledge and skills;
   f. Job Search;
   g. Other programs or activities as agreed to by the Department and the young adult.

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

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

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

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

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

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

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

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

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

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

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

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

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

10-004 ELIGIBILITY CERTIFICATION AND VERIFICATION

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

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

2. For young adults participating in employment:
    a. Current pay stub(s); or
    b. Other documentation as agreed to by the Department and the young adult.

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

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

10-004.02 Ongoing Verification of Eligibility

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

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

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

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

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

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

10-005.02 Housing and support

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

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

1. Obtaining employment or other financial support;
    a. The Department does not guarantee employment and does not provide direct financial support other than monthly maintenance payment or other funding through other Department programs in which the young adult qualifies for in his or her own right.

2. Obtaining a government-issued identification card;
    a. If the Department has not previously provided the young adult with a certified birth certificate and/or social security card within the past 12 months, the Department shall do so one time for each document at no cost to the young adult.
    b. If the Department has previously provided a certified birth certificate and/or social security card to the young adult within the past 12 months, the Department will assist the young adult to obtain a replacement certificate or card but the young adult is responsible for any associated fees.
    c. The Department will assist the young adult in obtaining other government-issued identification cards, such as a driver's license or state identification card. The young adult is responsible for any associated fees.

3. Opening and maintaining a bank account;
    a. The young adult is responsible for any associated fees.

4. Obtaining appropriate community resources, including health, mental health, developmental disability, and other disability services and support;
    a. The young adult is responsible for any premiums, copayments, share of cost, or other costs related to accessing the above-listed services. The Department will assist the young adult in applying for and accessing the services described above.

5. When appropriate, satisfying any juvenile justice system requirements and assisting with sealing the young adult's juvenile court record if the young adult is eligible under Neb. Rev. Stat. § 43-2,108.01;
    a. The Department cannot provide legal advice to the young adult.
    b. The young adult is responsible for any filing fees, court costs, attorney's fees, other costs associated with such action.
    c. The young adult is responsible for any fines, restitution, or other penalties related to juvenile justice cases.

6. Completing secondary education;
    a. The young adult is responsible for any associated costs.

7. Applying for admission and aid for postsecondary education or vocational courses;
    a. The young adult is responsible for application fees, tuition, course fees, and other associated costs.

8. Obtaining the necessary state court findings and then applying for immigration relief that the young adult may be eligible for (See section 10-002.02A for special immigrant juvenile status);
    a. The Department cannot provide legal advice to the young adult.
    b. The young adult is responsible for any application or filing fees, court costs, attorney's fees, other costs associated with such action.

9. Creating a health care power of attorney in compliance with the federal Patient Protection and Affordable Care Act, Public Law 111-148;
    a. The Department cannot provide legal advice to the young adult.
    b. The young adult is responsible for any attorney's fees or other costs associated with establishing a health care power of attorney.

10. Obtaining a copy of health and education records of the young adult;
    a. The young adult is responsible for any associated costs.

11. Applying for any public benefits or benefits that the young adult may be eligible for or may be due through his or her parents or relatives, including, but not limited to, aid to dependent children, supplemental security income, social security disability insurance, social security survivors benefits, the Special Supplemental Nutrition Program for Women, Infants, and Children, the Supplemental Nutrition Assistance Program, and low-income home energy assistance programs;
    a. The Department does not guarantee eligibility for any public benefits, including those administered by the Department. The Department will assist the young adult in applying for the public benefits as described above.

12. Maintaining relationships with individuals who are important to the young adult, including searching for individuals with whom the young adult has lost contact;
    a. The young adult is responsible for any associated costs.

13. Accessing information about maternal and paternal relatives, including any siblings;
    a. The Department may only disclose information as allowed under state and federal law. Participation in the Bridge to Independence program does not entitle the young adult to access information to which he or she would not be entitled if he or she were not enrolled in the Bridge to Independence program.

14. Accessing young adult empowerment opportunities and peer support groups; and
    a. The young adult is responsible for any associated costs.

15. Accessing pregnancy and parenting resources and services.
    a. The young adult is responsible for any premiums, copayments, share of cost, or other costs related to accessing pregnancy and parenting resources and services. The Department will assist the young adult in applying for and accessing the services described above.

10-005.04 Excluded Services: The Department will not:

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

10-006 TERMINATION

10-006.01 Termination initiated by a young adult

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

10-006.02 Termination initiated by the Department

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

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

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

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

10-007 RE-ENTRY

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

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

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

10-008 ADMINISTRATIVE APPEALS

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

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

1. Denies an application for the Bridge to Independence program;
2. Terminates a young adult from the Bridge to Independence program; or
3. Denies a young adult's request for re-entry into the Bridge to Independence program.

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

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

10-009 CONFIDENTIALITY AND DISCLOSURE OF INFORMATION

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

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

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

10-010 OPERATIVE DATE

Pursuant to Neb. Rev. Stat. § 43-4514, the Bridge to Independence program shall not begin prior to January 1, 2014. This statute directs the Department to submit a state plan amendment to seek federal Title IV-E funding for this program. If the state plan amendment is approved, the Bridge to Independence program will become operative sixty days after the Department receives notice of approval of the state plan amendment.

If the state plan amendment is denied, the Bridge to Independence program will become operative as a state-only pilot program sixty days after the Department receives notice of the denial.

No individual may receive services under the Bridge to Independence program prior to the operative date specified in Neb. Rev. Stat. § 43-4514 and this section.