

# Bridge to Independence Program



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PRESENTED BY APPLESEED, DHHS – CHILDREN AND FAMILY SERVICES, AND THE  
ADMINISTRATIVE OFFICE OF THE COURTS AND PROBATION

DECEMBER 2024

# Topics to Cover

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1. B2i Background and History
2. Evaluation & Data
3. Program Overview & Eligibility
4. New! Expansion to JJ Youth
5. Appeal
6. Things to consider
7. Discussion & Questions

# Background & History

National data shows generally poor outcomes for many young people who age out of foster care.

- Less than 2% finished college
- Over 50% experienced homelessness
- Many others struggled with employment, healthcare access, and poverty

In response, Congress passed the ***Fostering Connections to Success and Increasing Adoptions Act*** in 2008, which allowed states to extend foster care services up to age 21.

45 states extend foster care over age 18

# Nebraska Legislation

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NE process: stakeholder group, fiscal analysis, NDHHS data, surveys of over 250 stakeholders and surveys and focus groups with 100 youth

Youth -driven process, with Project Everlast

LB 216 (Sen. McGill, 2013)

- Passed by the NE Leg (44-2-3) on May 29, 2013,
- signed into law by Gov. Heineman on June 5, 2013
- Codified at Neb. Rev. Stat. § 43-4501 et seq.

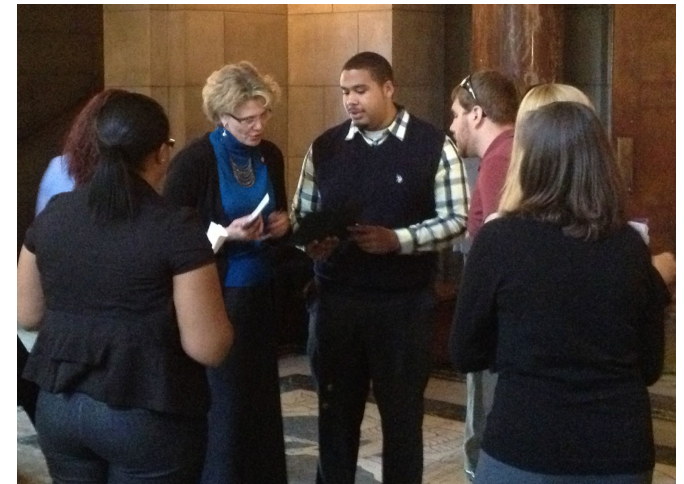
State Plan Amendment

- Program began Oct. 1, 2014

NDHHS regs (395 NAC 10)

Advisory Committee - recommendations

LB 853 & LB 908 (Sens. McGill & Coash, 2014)



# The Bridge to Independence Program (“B2i”)

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The federal *Fostering Connections to Success and Increasing Adoptions Act of 2008* allowed states to extend foster care services up to 21

Nebraska implemented **Young Adult Bridge to Independence Act (2013)**

- Created B2i - Nebraska’s extended foster care program
- Provides support and services until 21 to help young people “transition to adulthood, become self-sufficient, and create permanent relationships.”
- Helps ensure a smoother, more supported transition from foster care to adulthood
- Codified at **Neb. Rev. Stat. § 43-4501 et seq.**

# Expansion to JJ

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Traditionally, B2I has only been available in NE to youth with FC system involvement

**LB 14 (2023, Sen. Dungan)** (passed as part of LB 50) allows certain JJ youth to be in B2I starting January 1, 2025

B2I's original intention was always to include JJ youth

- Included in original bill, but amended out
- B2I Advisory Committee and other advocates consistently recommended coming back to this

Makes sense to include both populations as both at risk for negative consequences (poverty, housing and employment instability, mental health needs, criminal system involvement, etc.), that B2I has been shown to mitigate

*“There are many youth that don't have a biological family that will help.*

*Some 'age out' and feel like they have no one.*

*Those youth only know a world of new people and constant disruption in their lives.*

*Youth need people to help, who are stable and consistent in their lives.”*

# Resources

**Bench Guide: Juvenile Justice System Involved Youth & The Bridge to Independence Program**


In 2023, LB 50 expanded eligibility for the Bridge to Independence Program ("B2I") to include youth aging out of the juvenile justice system who are disconnected from family support and at risk of homelessness. Below are essential Nebraska Juvenile Code provisions judges and attorneys should know to implement this change.

Transition Planning for JJ Youth		
<b>Information Sharing to JJ Youth Potentially Eligible for B2I</b>	Neb. Rev. Stat. § 43-1311.03 (8)(d)(v)	Starting January 1, 2025: The Office of Probation shall identify and provide information regarding B2I to juveniles: <ul style="list-style-type: none"><li>• Adjudicated pursuant to § 43-247 (1), (2), (3)(b) and</li><li>• In court-ordered out-of-home placements in the 6 months prior to turning 19*</li></ul>
<b>Required Hearing &amp; Findings for JJ Youth To Be Eligible for B2I</b>	Neb. Rev. Stat. § 43-1311.03 (8)(d)(v) - (ii)	<i>Within 6 months prior to a juvenile turning 19:</i> If the court or any party to a juvenile's case believes it would be contrary to the juvenile's welfare to return to their family home, the court or party may request a hearing for the court to decide whether it is necessary for the juvenile to remain in the court-ordered out-of-home placement. <ul style="list-style-type: none"><li>• The court may consider whether:<ul style="list-style-type: none"><li>◦ The juvenile is disconnected from family support that would assist them in transitioning to adulthood</li><li>◦ The juvenile faces the risk of homelessness upon closure of their case; or</li><li>◦ The Office of Probation has made reasonable efforts to return them to the family home prior to their 19th birthday.</li></ul></li><li>• The court is to find, in writing, "whether or not return[ing] to the family home would be contrary to the juvenile's welfare," and authorize the juvenile to remain in their out-of-home placement.</li></ul>
	Neb. Rev. Stat. § 43-1311.03 (8)(d)(iv)	<i>NOTE: A juvenile with a pending motion to revoke probation at the time of this hearing shall not be eligible for B2I.</i>

<b>If Required Findings Are Made</b>	Neb. Rev. Stat. § 43-1311.03 (8)(d)(iii)	If the court finds that returning the juvenile to the family home would be contrary to their welfare: <ul style="list-style-type: none"><li>• The Office of Probation shall notify DHHS within 10 days.</li><li>• Then, as soon as possible before the youth turns 19, DHHS shall explain, in person, the information regarding B2I provided to the juvenile, including how to avoid a lapse in services and supports.</li></ul> <i>Then, if the juvenile is in the out-of-home placement when they turn 19 pursuant to the above required court order, DHHS shall proceed with § 43-4506 and § 43-4508 to initiate B2I participation.</i>
General Eligibility for B2I for JJ Youth		
<b>JJ Youth Eligibility for B2I</b>	Neb. Rev. Stat. § 43-4504 (2)(c)	<i>After January 1, 2025, B2I is available to juveniles:</i> <ul style="list-style-type: none"><li>• Adjudicated pursuant to § 43-247 (1), (2), or (3)(b)</li><li>• In court-ordered out-of-home placement the day before turning 19*, and</li><li>• Such placement was authorized within the 6 months prior to them turning 19 within a written court order finding it would be contrary to their welfare to remain or return to their family home.</li></ul> <i>The juvenile must also meet the other eligibility requirements in § 43-4504 (age, residency, etc.).</i>
Once in B2I		
<b>Court-Appointed Attorney</b>	Neb. Rev. Stat. § 43-4510 (1)	Once in B2I, the juvenile shall be provided a properly trained court-appointed attorney if they'd like one, which may continue to be the defense counsel they were appointed prior to turning 19, with the juvenile's consent.
<b>Medical Coverage for JJ Youth in B2I</b>	Neb. Rev. Stat. § 43-4505 (2)	Once in B2I, the juvenile is eligible for medical care under the medical assistance program pursuant to § 68-915 or other medical assistance categories under federal law.

\*Or the age of majority under the relevant tribal law.



## B2I EXTENDS SUPPORTS TO YOUTH WITH JUVENILE JUSTICE EXPERIENCE

Fact Sheet
LB50 has passed in the Nebraska Legislature and will take effect January 1st, 2025

The Bridge to Independence Program, or B2I, is Nebraska's "extended foster care program." Through B2I, young people like you who have aged out can voluntarily continue to receive supports and services, from ages 19 to 21. This includes a monthly stipend, health care coverage, case management support, and many other services.

**The B2I program has been expanded to include some young people with JJ experience.**

The B2I program currently includes young people who age out of the foster care system. But a NEW law just expanded the program to allow some young people with juvenile justice experience to participate.

You may be eligible under the new law if you meet the following guidelines:

- Juvenile Justice case
- Living out of home when aging out / leaving the system at age 19\* with the juvenile court's approval
- Juvenile court found it wouldn't be good for you to be in your family home in the 6 months before you turned 19

If you think you might be eligible, here is what to expect:

1. The Office of Probation is required to reach out to you in the 6 months before you turn 19 if you might be eligible and provide you with information about the program.
2. If you are interested in the program, you or your attorney or any other party in your case can request a hearing before you age out. At this hearing, the judge has to make a decision if it would be "contrary to your welfare to return to your family home" and if you need to stay in your out-of-home placement until you turn 19. This seems complicated but it is meant to make sure that you aren't kept on probation for no reason just to participate in B2I and that the program is targeted towards people who may be at risk of homelessness. This decision has to happen before you age out for you to be in B2I.
3. The law requires the judge to consider the following things when making their decision:
  - You are facing homelessness
  - You are disconnected from family support
  - The Office of Probation has made reasonable efforts to return you to your family home before your 19th birthday.
4. If the judge makes the decision, you may be eligible for B2I. Then, the Office of Probation is required to let DHHS know within 10 days. After that, DHHS is required to reach out to you as soon as possible before your 19th birthday so they can confirm your eligibility and you can decide if you want to participate.
5. If you currently have an issue with your probation being revoked in the 6 months before you turn 19, you might not be eligible for B2I.
6. To participate, you will also have to meet the other requirements for the B2I program. This includes attending school or working at least 80 hours per month (unless you have a medical condition or a reason to not attend school or work) and you must live in Nebraska.\*\*
7. Once in the program, the benefits and responsibilities are the same, including a stipend, an optional court-appointed attorney, and monthly visits from your caseworker that you will get. You may receive Medicaid if you are eligible.

\* Or age 18 if you have a case in tribal court.  
\*\* Or you might still be eligible for B2I if you were placed outside of Nebraska in your case.

## Professionals:

Plain language: <https://neappleseed.org/download/45126/>  
 Statutory language: <https://neappleseed.org/download/45128/>

## Young People:

<https://neappleseed.org/download/45130/>

# The Bridge to Independence Program (“B2i”)

## **B2i is voluntary**

- Young people are legally adults - can choose to join and leave at any time
- “B2i shall at all times recognize and respect the autonomy of the young adult.”

## **BUT B2i is foster care**

- Under the care of DHHS
- Under the jurisdiction of the juvenile court
- Under the authority of the Foster Care Review Office
- In “foster care” for the purposes of Medicaid eligibility



# The Bridge to Independence Program (“B2i”)

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B2i participants are generally legal adults BUT defined as “children” for child welfare purposes

Since legal adults, the young person opts into and consents to their attorney, and has a more traditional client-directed attorney-client relationship, rather than GAL and young person relationship

## Where We Are Today...

As of September 30, 2024, 257 Young Adults are actively participating in B2i

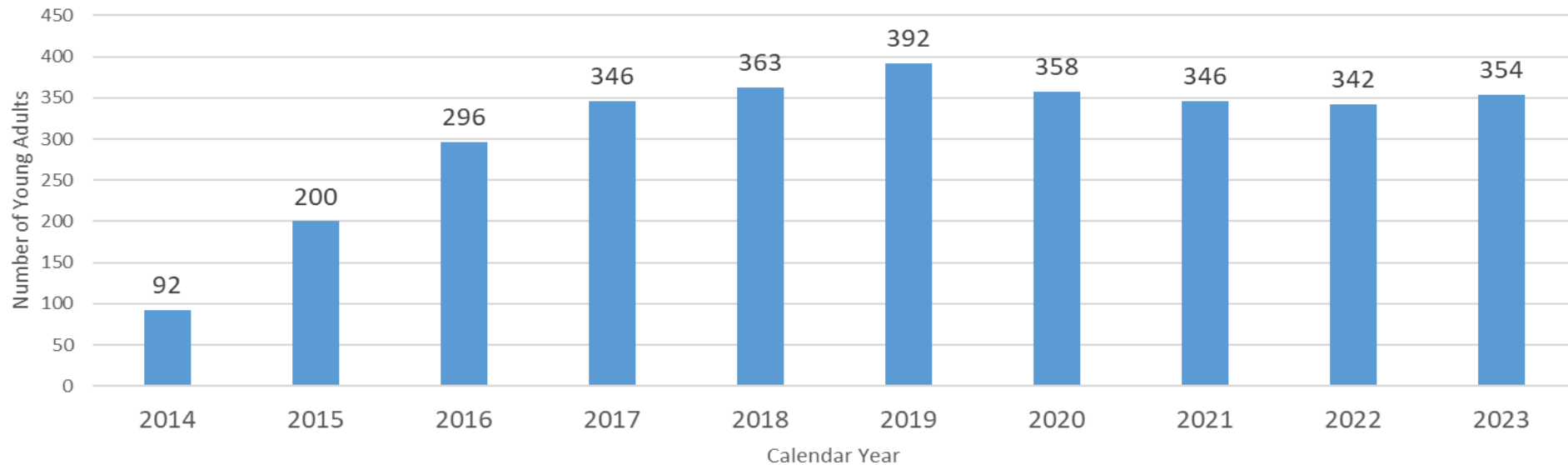
Since the inception of B2i, 1,498 young adults have chosen to participate in B2i.

89% are not pregnant or parenting

50% of B2i young adult's primary program eligibility is employment

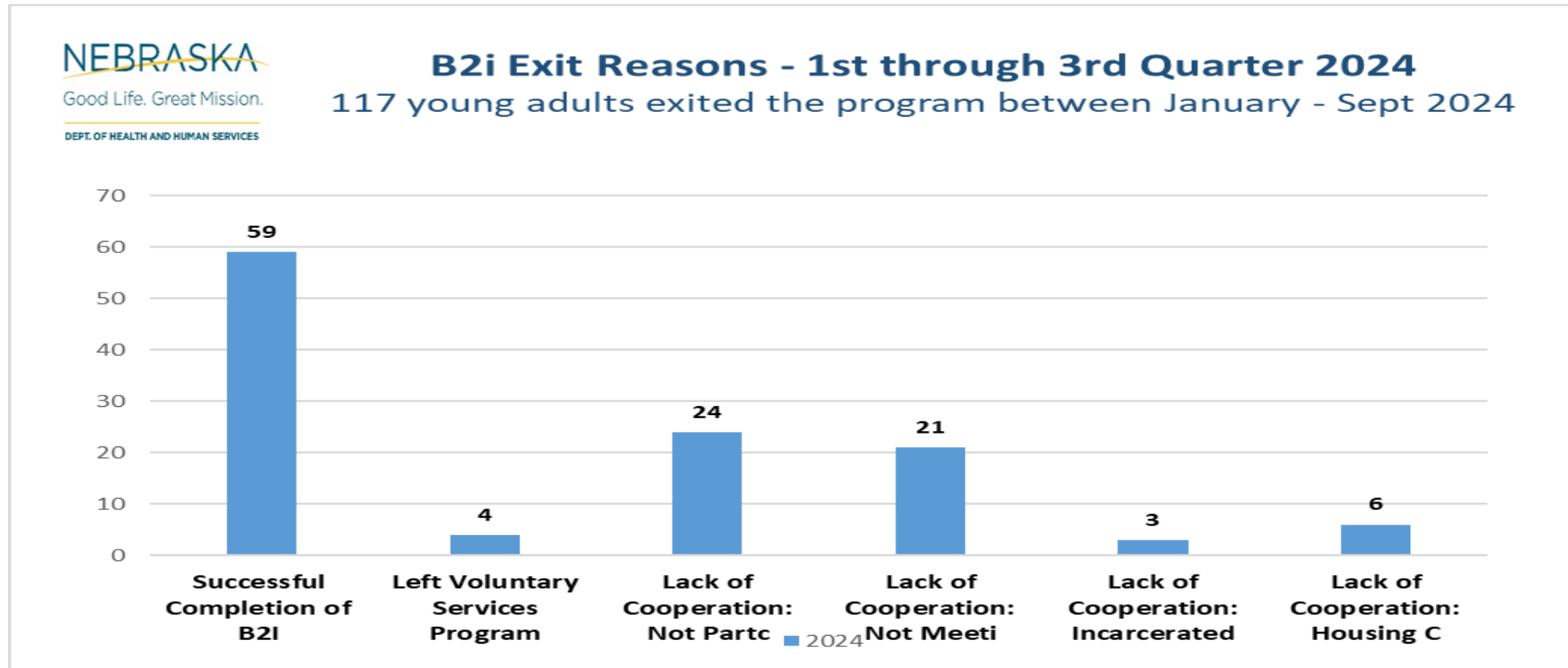
# B2i Participation By Year

Number of Youth Adults Served by  
the Bridge to Independence Program by Calendar Year



\*The number of young adults on this chart is the number of individual youth served each year. If the same youth is served in 2022 continues in the program in 2023, they would be counted in the number of active youth served that year.

# 2024 B2i Exit Reasons



# 2019 Child Trends Evaluation of B2i

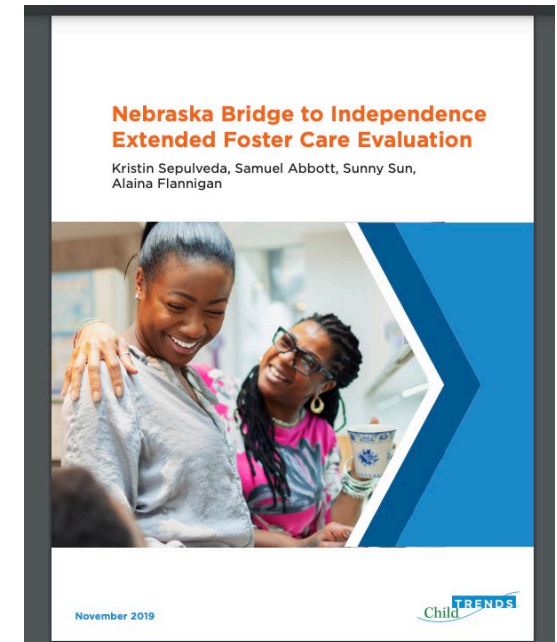
Involvement in B2i reduced the negative outcomes that youth who age out of care are more likely to experience.

B2i participants were more likely than their non-B2i foster youth peers to:

- Have post-secondary education
- Have safe, stable, affordable housing
- Be able to cover monthly expenses
- Have adults to turn to in a crisis or for a loan
- Have some savings

All reported high-quality, positive relationships with IC, progress towards their goals, and that the stipend helped them feel more financially secure & focus their energy elsewhere

Said NE can do a better job of telling youth about B2i



# B2i Staffing

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B2i staff are located across the state.

- 13 Independence Coordinators
- 2 B2i Supervisors
- Future hiring of possible 3 additional staff

# B2i Staff

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TERRANCE WILLIAMS- SUPERVISOR

***Staff:***

Val Gartner-Lexington

Chris Mendoza-Kearney

Dave Bruno-Lincoln

Jordan Housh-Lincoln

Jason Gilbreth- Lincoln

Rebekah Henderson-Lincoln

Kaylie Aldred- Lincoln

KATHY ANSTINE- SUPERVISOR

***Staff:***

Letitia Kopp-Fremont

Brenda Steinheider- Omaha

Mindy Anderson-Omaha

Melissa Pratt- Omaha

Darra Boetel- Omaha

Jamie Andersen- Omaha



# Program Overview and Eligibility

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# Services Provided to Young Adult

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Medical Coverage based on Medicaid eligibility.

Case Management- *Services to help prepare for the transition*

- Monthly meetings with the Independence Coordinator
- Vital Document Access
- Community Resources & Public Benefit Navigation.
- Much more- Young Adult Driven

Monthly Maintenance Payment to provide housing support.

# B2i Eligibility Overview

To be eligible, a young person must meet all of the following requirements:

- Age
- Adjudication
- Eligible placement when aging out
- Immigration status
- Nebraska residency
- Voluntary Placement Agreement
- Work & Education Requirements
- Approved Living Arrangement

# Current Eligibility

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## **Age:**

- Aged 19 up to 21<sup>st</sup> birthday—unless a Tribal Young adult whose jurisdiction ends at age 18 according to their tribal code.

## **Adjudication:**

- Juvenile Court adjudication in an abuse/neglect case under Nebraska Statute 43-247 3(a) or equivalent with Tribal Law
- Juvenile Court adjudication in Sub-Division (8) of section 43-247 or the equivalent under tribal law.
- Youth who were in DHHS custody and entered into a Kinship or State state-funded guardianship Assistance Agreement at age 16 or older.

## **Placement:**

- In an out-of-home placement upon turning 19 years old OR discharged to Independent Living before age 19.

# Eligibility Continued

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**Neb. Rev. Stat. § 43-4504 (5) –**

“Does not meet the level of care for a nursing facility, skilled nursing facility, or for an intermediate care facility for persons with developmental disabilities.”

# Eligibility Continued

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## Residency

- Must be a Nebraska resident
- Citizenship/lawful presence in the United States

# Immigration Status

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Must be a citizen or have an eligible immigration status

What does that include? It depends where you look.

- **Neb. Rev. Stat. § 4-108 et seq.** - must be “lawfully present” to receive public benefits in NE
- *E.M. v. NE DHHS* (2020) - lawfully present means the categories within 8 USC § 1621(a)
  - 1. Qualified aliens (as defined in 8 USC § 1641(b)); asylees, refugees, LPRs, etc.)
  - 2. Nonimmigrants under the INA (temporary visitors, workers, students, etc.)
  - 3. Aliens paroled in the US for less than a year
  - SO must have a status in one of those categories to be in B2i.
  - (Court held SIJ status youth are NOT so they are ineligible for B2i)
- **BUT 395 NAC 10-003.01** - must be a “qualified alien” to be in B2i - so defined differently.
- Should use the case definition (lawfully present) rather than narrower reg (qualified alien)
- Advocates motivated to allow all youth in B2i regardless of immigration status, which NE can do.

# Participation Eligibility

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## Work & Education Requirements

**Neb. Rev. Stat. § 43-4504(3) + 395 NAC 10-003.03** say must be:

- In school part-time (six credits hours)
- Working part-time (80 hours a month)
- In a job skills program (40 hours a month) OR
- Incapable of the above due to a medical condition

Temporary lapses are typically okay if less than 30 days

Have to prove initially, every 6 months, and when asked, using written documentation agreed upon by the young person and DHHS

# Housing Requirements

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## Approved Living Arrangement

- Must reside in a housing or living arrangement approved by DHHS and in a category:
  - Group home, or
  - Supervised independent living setting (apartment, house, dorm, shelter, parental home, etc.), or
  - Military Housing
- Young Adult must report changes within 10 business days



# Voluntary Services and Support Agreement (VSSA)

For continuity of services and supports, a VSSA must be signed by a youth who is aging out of foster care or the Office of Probation Administration at age 19, appears to be eligible for services and supports, and is interested in the Bridge to Independence program.

The VSSA does not become final until both the young adult and the Independence Coordinator sign the agreement.

Services are to be started within 15 days of VSSA signature.

Once signed, DHHS-CFS is responsible for the following:

Placement and Care responsibilities

Case management responsibilities

Ensuring the foster care payment is implemented

Ensure the court case is started

# B2i Case Court Oversight

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A Petition must be filed to the Juvenile Court within 10 to 15 days of signing the Voluntary Services and Support Agreement (VSSA).

The Court needs to determine a “Best Interest” finding within 180 days.

- The court shall determine whether the Bridge To Independence Program is providing the appropriate services and support.
- If the court believes that the young adult requires additional services and support to achieve their goals, the Court may make appropriate findings or order DHHS to take action to ensure that the Young Adult receives the identified services and support.
- Permanency Hearing must occur at least once a year.
- Young Adult can request more hearings if they choose.

# Termination of Services

## Reasons for Termination:

- The Young Adult fails to meet any of the eligibility requirements
  - Is incarcerated or committed to or placed in a residential facility by a court.
  - Young Adult fails to meet with Independence Coordinator for at least 30 days
  - Young Adult cannot be located for at least 30 days.
  - Young Adult moves outside of Nebraska and does not meet the residency definition.
- The Young adult can appeal a Termination

# Probation's Role in Bridge to Independence (B2i)



STATE OF  
**NEBRASKA**  
JUDICIAL BRANCH

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Probation Juvenile  
Services Division

# B2i Eligibility for Probation Youth

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## **Adjudication:**

The youth must be adjudicated to be a juvenile as described in subdivision (1), (2), or (3)(b) of section [43-247](#) and who is in a court-ordered out-of-home placement in the six months prior to attaining nineteen years of age.

(A) Whether the juvenile is disconnected from family support that would assist the juvenile in transitioning to adulthood;

(B) Whether the juvenile faces the risk of homelessness upon closure of the juvenile court case; or

(C) Whether the Office of Probation Administration has made reasonable efforts to return the juvenile to the family home prior to the juvenile's nineteenth birthday.

## **Exception:**

A juvenile with a current pending motion to revoke probation before the court at the time of the hearing shall not be eligible for the Young Adult Bridge to Independence Act.

# Role of Probation for B2i youth

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- Identify youth aged 18 ½ years old in a court-ordered out-of-home placement
- Provide information fact sheet about B2i to all youth age 18 ½ in a court-ordered out-of-home placement
- Communicate with legal parties and/or the court regarding a hearing finding return to the family home would be contrary to the juvenile's welfare
- Upon the court's finding order, the Juvenile Probation Services Division will notify the Department of Health and Human Services within ten days, providing a referral to DHHS for eligibility determination
- Ongoing case collaboration with DHHS to ensure a smooth transition to B2i upon completion of probation at the 19<sup>th</sup> birthday

# LB 50 Under Appeal

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- Appeal pending regarding LB 50 - *State ex rel. Hilgers v. Evnen* (S - 24 - 0221)
  - Hearing schedule in January 2025
- Believe B2i JJ expansion is NOT at risk
  - LB 50 is a big package of bills
  - Case challenges only 2 sections that expand what types of offending adults are eligible for parole (for commuting already imposed sentences, violating separation of powers)
  - Parties & lower court agree/have not disputed those sections are severable
  - Very low risk would affect other sections
- Unless and until SCONE says not severable and shuts down all of LB 50, expansion to JJ youth is the law and must be implemented by January 1, 2025

## LB 50 Under Appeal

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Upon final decision of the appeal, Probation will begin to identify youth and provide information regarding B2i to eligible probation youth.

However, the DHHS B2i program is prepared to accept applications of eligible probation youth and will comply with any and all court orders.



# Things to Consider for Probation Expansion

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- The time frames for the transfer process may vary depending on when the court enters the *Contrary of Welfare* finding.
- B2i and the Juvenile Probation Services Division will have to work closely for a successful transition.
- Where the youth is placed vs. where they want to reside may affect B2i assignments. Proactive planning for future housing will help eliminate the change in Independence Coordinator assignments.
- B2I program is voluntary, however, a Young Adult on Probation can not be found eligible if they do not have a court order with the “Contrary to Welfare” finding.

# Bridge To Independence Program Contacts

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**WEBSITE:** [www.b2i.ne.gov](http://www.b2i.ne.gov)

DHHS Prevention Administrator: [Camas.Holder@nebraska.gov](mailto:Camas.Holder@nebraska.gov)

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[Kathy.Anstine@nebraska.gov](mailto:Kathy.Anstine@nebraska.gov)



# Discussion & Questions?