

Sample Order and Findings After Young Adult Permanency Review Hearing

For young adults in the Bridge to Independence Program pursuant to Neb. Rev. Stat. § 43-4508 & 43-4509

BACKGROUND:

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

The court is required to conduct a permanency review hearing at least once per year and may conduct hearings at additional times, but not more times than is reasonably practicable, at the request of the young adult, the department, and any other party to the proceeding.² Because of the short period of time young people may be in this program, the statute also requires that the juvenile court conduct the permanency reviews in an expedited manner and issue findings and orders as speedily as possible.³

This sample Order and Findings can be used for these permanency review hearings.

The following is a summary of statutory provisions and practical background information relevant to the required permanency hearing for young adults under the Young Adult Bridge to Independence Act.

Permanency review hearing

Neb. Rev. Stat. § 43-4508 sets forth the requirements of the permanency review hearings:

- **The primary purpose of the permanency review hearing** is to ensure that the bridge to independence program is providing the young adult with the needed services and support to help the young adult move toward permanency and self-sufficiency.⁴
- Neb. Rev. Stat. § 43-4508(6) states that the permanency review hearings must be conducted consistent with 42 U.S.C. 675(5)(c) as described in subsection (6) of this section.
 - 42 U.S.C. 675(5)(c) describes the permanency hearing, which shall determine the permanency plan for the child/young adult. This section of the Social Security Act also includes language which is re-stated in subsection (6) of Neb. Rev. Stat. § 43-4508 that **“the court shall consult, in an age-appropriate manner, with the young adult** regarding the proposed permanency or transition plan for the young adult”

¹ The Young Adult Bridge to Independence Act is codified at Neb. Rev. Stat. § 43-4501 et seq.

² Neb. Rev. Stat. § 43-4508(5).

³ *Id.*

⁴ Neb. Rev. Stat. § 43-4508(6).

- **The young adult shall have a clear self-advocacy role** in the hearings, and the hearing shall support the active engagement of the young adult in key decisions as described in Neb. Rev. Stat. § 43-4508(6).⁵

Court report and court orders authorized

Neb. Rev. Stat. § 43-4509 describes the department's report to the juvenile court and the court orders authorized:

- **The department shall prepare and present to the juvenile court a report**, at the direction of the young adult, addressing progress made in meeting the goals in the case plan, including the independent living transition proposal, and shall propose modifications as necessary to further those goals.⁶
- **The court shall determine whether the department is providing the appropriate services and support** as provided in the voluntary services and support agreement to carry out the case plan.⁷
- **The court has the authority to determine whether the young adult is receiving the services and support he or she is entitled to receive** under the Young Adult Bridge to Independence Act and the department's policies or state or federal law to help the young adult move toward permanency and self-sufficiency.
- **If the court believes that the young adult requires additional services and support to achieve the goals** documented in the case plan or under the Young Adult Bridge to Independence Act and the department's policies or state or federal law, the court may make appropriate findings or order the department to take action to ensure that the young adult receives the identified services and support.

⁵ In addition, Neb. Rev. Stat. § 43-4508(6) states that "[p]ermanency reviews shall be conducted on the record and in an informal manner and, whenever possible, outside of the courtroom."

⁶ Neb. Rev. Stat. § 43-4509(1)(a).

⁷ Neb. Rev. Stat. § 43-4509(1)(b).

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

)	
)	Doc. No.
)	
_____, YOUNG ADULT)	ORDER AND FINDINGS
(First, last name of young adult))	AFTER YOUNG ADULT
)	PERMANENCY REVIEW
)	HEARING
)	

- | | |
|--|--------------------------|
| 1. Parties (name) | Present |
| a. Young Adult: | <input type="checkbox"/> |
| b. Attorney for young adult (if appointed): | <input type="checkbox"/> |
| c. Independence Coordinator: | <input type="checkbox"/> |
| d. Attorney for DHHS: | <input type="checkbox"/> |
| e. Other (specify): | <input type="checkbox"/> |
| 2. Others present in the courtroom | |
| a. CASA volunteer: | |
| b. Tribal representative: | |
| c. Other (specify): | |
| 3. The court has considered and admits into evidence: | |
| a. Report of Independence Coordinator dated: | |
| b. Independent Living Transition Proposal dated: | |
| c. B2I Court Questionnaire dated: | |
| c. Other (specify): | |
| 4. The following individuals were sworn and testified: | |

THE COURT FINDS

- 5. Notice of the date, time, and location of the hearing was given as required by law.
- 6. The Independence Coordinator met with the young adult at least thirty (30) days prior to the hearing as required by law.
- 7. Notice of the young adult's right to request an attorney, the benefits and role of such attorney, and the specific steps to take to request that an attorney be appointed was given as required by law.

The young adult
 does
 does not
request the appointment of an attorney.

The young adult
 does
 does not
request the appointment of a CASA volunteer, if available, having been advised of the benefits and role of a CASA volunteer in this program.

8. The case plan, including the Independent Living Transition Proposal
 was
 was not
developed jointly with the young adult.

9. The young adult did
 did not
sign and receive a copy of his or her case plan, including his or her Independent Living Transition Proposal.

10. The department proposed modifications necessary to further the goals in the case plan and those modifications were stated on the record. The proposed modifications are as follows:

11. The court consulted with the young adult regarding the proposed Independent Living Transition Proposal.

12. The young adult had the opportunity to advocate regarding key decisions on the record. The young adult advocated that:

13. The case plan, including the Independent Living Transition Proposal
 does
 does not
include a description of the **identified housing situation or living arrangement and the resources to assist the young adult in the transition** from the extended services program to adulthood.

14. The case plan, including the Independent Living Transition Proposal
 does
 does not
include a written description of **resources to help the young adult** in creating permanent relationships and preparing for the transition to adulthood and independent living.
15. The young adult is
 is not
getting the needed services and support to help the young adult move toward permanency and self-sufficiency.
16. The department is
 is not
providing the appropriate services and support as provided in the voluntary services and support agreement to carry out the case plan.
17. The young adult does
 does not
require additional services and support to achieve the goals documented in the case plan or under the department's policies or state or federal law.
18. The department has made the following **reasonable efforts**:
- yes no reasonable efforts to **comply with the young adult's Independent Living Transition Proposal**, including efforts to finalize the young adult's permanency plan and prepare him or her for independent living
- yes no reasonable efforts to **establish or maintain relations between the young adult and individuals who are important to him or her**, including efforts to establish and maintain relationships with caring and committed adults who can serve as lifelong connections
- yes no reasonable efforts to **establish or maintain the young adult's relationship with his or her siblings** who are under juvenile court jurisdiction
19. Continuing in the Bridge to Independence program
 is
 is not
in the young adult's **best interests**.

IT IS THEREFORE ORDERED

The Independent Living Transition Proposal

- is approved
- shall be modified as follows:

The department shall take action to ensure that the young adult receives the following services and support as follows:

- The Court appoints counsel for the Young Adult in a separate order.
- The Court appoints a CASA volunteer, if available, for the Young Adult in a separate order.

The Nebraska Department of Health and Human Services shall ensure payment for all services ordered herein unless the young adult has other resources available to access such services.

All prior orders not in conflict with this order remain in full force and effect.

Dated this ___ day of _____, 20__.

BY THE COURT:

Judge