

AMENDMENTS TO LB 247

Introduced by Stuthman, 22

1           1. Insert the following new sections:

2           Sec. 4. Section 43-512, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           43-512 (1) Any dependent child as defined in section  
5 43-504 or any relative or eligible caretaker of such a dependent  
6 child may file with the Department of Health and Human Services  
7 a written application for financial assistance for such child on  
8 forms furnished by the department.

9           (2) The department, through its agents and employees,  
10 shall make such investigation pursuant to the application as it  
11 deems necessary or as may be required by the county attorney  
12 or authorized attorney. If the investigation or the application  
13 for financial assistance discloses that such child has a parent  
14 or stepparent who is able to contribute to the support of such  
15 child and has failed to do so, a copy of the finding of such  
16 investigation and a copy of the application shall immediately be  
17 filed with the county attorney or authorized attorney.

18           (3) The department shall make a finding as to whether the  
19 application referred to in subsection (1) of this section should  
20 be allowed or denied. If the department finds that the application  
21 should be allowed, the department shall further find the amount  
22 of monthly assistance which should be paid with reference to such  
23 dependent child. Except as may be otherwise provided, payments

1 shall be made by state warrant, and the amount of payments shall  
2 not exceed three hundred dollars per month when there is but  
3 one dependent child and one eligible caretaker in any home, plus  
4 an additional seventy-five dollars per month on behalf of each  
5 additional eligible person. No payments shall be made for amounts  
6 totaling less than ten dollars per month except in the recovery of  
7 overpayments.

8 (4) The amount which shall be paid as assistance with  
9 respect to a dependent child shall be based in each case upon the  
10 conditions disclosed by the investigation made by the department.  
11 An appeal shall lie from the finding made in each case to the  
12 Director of Health and Human Services. Such appeal may be taken by  
13 any taxpayer or by any relative of such child. Proceedings for and  
14 upon appeal shall be conducted in the same manner as provided for  
15 in section 68-1016.

16 (5)(a) For the purpose of preventing dependency, the  
17 director shall adopt and promulgate rules and regulations providing  
18 for services to former and potential recipients of aid to dependent  
19 children and medical assistance benefits. The director shall adopt  
20 and promulgate rules and regulations establishing programs and  
21 cooperating with programs of work incentive, work experience, job  
22 training, and education. The provisions of this section with regard  
23 to determination of need, amount of payment, maximum payment, and  
24 method of payment shall not be applicable to families or children  
25 included in such programs.

26 (b) If a recipient of aid to dependent children becomes  
27 ineligible for aid to dependent children as a result of increased

1 hours of employment or increased income from employment after  
2 having participated in any of the programs established pursuant to  
3 subdivision (a) of this subsection, the recipient may be eligible  
4 for the following benefits, as provided in rules and regulations of  
5 the department in accordance with sections 402, 417, and 1925 of  
6 the federal Social Security Act, as amended, Public Law 100-485,  
7 in order to help the family during the transition from public  
8 assistance to independence:

9           (i) An ongoing transitional payment that is intended to  
10 meet the family's ongoing basic needs which may include food,  
11 clothing, shelter, utilities, household goods, personal care items,  
12 and general incidental expenses during the five months following  
13 the time the family becomes ineligible for assistance under the aid  
14 to dependent children program, if the family's earned income is at  
15 or below one hundred eighty-five percent of the federal poverty  
16 level at the time the family becomes ineligible for the aid to  
17 dependent children program. Payments shall be made in five monthly  
18 payments, each equal to one-fifth of the aid to dependent children  
19 payment standard for the family's size at the time the family  
20 becomes ineligible for the aid to dependent children program. If  
21 during the five-month period, (A) the family's earnings exceed one  
22 hundred eighty-five percent of the federal poverty level, (B) the  
23 family members are no longer working, (C) the family ceases to  
24 be Nebraska residents, (D) there is no longer a minor child in  
25 the family's household, or (E) the family again becomes eligible  
26 for the aid to dependent children program, the family shall become  
27 ineligible for any remaining transitional benefits under this

1 subdivision; An additional aid to dependent children payment in  
2 the amount of one-half of the previous month's aid to dependent  
3 children grant;

4 (ii) Child care as provided in subdivision (1)(c) of  
5 section 68-1724; and

6 (iii) Except as may be provided in accordance with  
7 subsection (2) of section 68-1713 and subdivision (1)(c) of section  
8 68-1724, medical assistance for up to twelve months after the month  
9 the recipient becomes employed and is no longer eligible for aid to  
10 dependent children.

11 (6) For purposes of sections 43-512 to 43-512.10 and  
12 43-512.12 to 43-512.18:

13 (a) Authorized attorney shall mean an attorney, employed  
14 by the county subject to the approval of the county board, employed  
15 by the department, or appointed by the court, who is authorized  
16 to investigate and prosecute child, spousal, and medical support  
17 cases. An authorized attorney shall represent the state as provided  
18 in section 43-512.03;

19 (b) Child support shall be defined as provided in section  
20 43-1705;

21 (c) Medical support shall include all expenses associated  
22 with the birth of a child and, if required pursuant to section  
23 42-369 or 43-290, medical and hospital insurance coverage or  
24 membership in a health maintenance organization or preferred  
25 provider organization;

26 (d) Spousal support shall be defined as provided in  
27 section 43-1715;

1 (e) State Disbursement Unit shall be defined as provided  
2 in section 43-3341; and

3 (f) Support shall be defined as provided in section  
4 43-3313.

5 Sec. 5. Section 68-915, Revised Statutes Cumulative  
6 Supplement, 2006, is amended to read:

7 68-915 The following persons shall be eligible for  
8 medical assistance:

9 (1) Dependent children as defined in section 43-504;

10 (2) Aged, blind, and disabled persons as defined in  
11 sections 68-1002 to 68-1005;

12 (3) Children under nineteen years of age who are eligible  
13 under section 1905(a)(i) of the federal Social Security Act;

14 (4) Persons who are presumptively eligible as allowed  
15 under sections 1920 and 1920B of the federal Social Security Act;

16 (5) Children under nineteen years of age and pregnant  
17 women with a family income equal to or less than one hundred  
18 eighty-five percent of the Office of Management and Budget income  
19 poverty guideline, as allowed under Title XIX and Title XXI of the  
20 federal Social Security Act, without regard to resources. Children  
21 described in this subdivision and subdivision (6) of this section  
22 shall remain eligible for six consecutive months from the date of  
23 initial eligibility prior to redetermination of eligibility. The  
24 department may review eligibility monthly thereafter pursuant to  
25 rules and regulations adopted and promulgated by the department.  
26 The department may determine upon such review that a child is  
27 ineligible for medical assistance if such child no longer meets

1 eligibility standards established by the department;

2 (6) For purposes of Title XIX of the federal Social  
3 Security Act as provided in subdivision (5) of this section,  
4 children with a family income as follows:

5 (a) Equal to or less than one hundred fifty percent of  
6 the Office of Management and Budget income poverty guideline with  
7 eligible children one year of age or younger;

8 (b) Equal to or less than one hundred thirty-three  
9 percent of the Office of Management and Budget income poverty  
10 guideline with eligible children over one year of age and under six  
11 years of age; or

12 (c) Equal to or less than one hundred percent of the  
13 Office of Management and Budget income poverty guideline with  
14 eligible children six years of age or older and less than nineteen  
15 years of age;

16 (7) Persons who are medically needy caretaker relatives  
17 as allowed under 42 U.S.C. 1396d(a)(ii);

18 (8) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii),  
19 disabled persons as defined in section 68-1005 with a family income  
20 of less than two hundred fifty percent of the Office of Management  
21 and Budget income poverty guideline and who, but for earnings in  
22 excess of the limit established under 42 U.S.C. 1396d(q)(2)(B),  
23 would be considered to be receiving federal Supplemental Security  
24 Income. The Department of Health and Human Services shall apply for  
25 a waiver to disregard any unearned income that is contingent upon  
26 a trial work period in applying the Supplemental Security Income  
27 standard. Such disabled persons shall be subject to payment of

1 premiums as a percentage of family income beginning at not less  
2 than two hundred percent of the Office of Management and Budget  
3 income poverty guideline. Such premiums shall be graduated based on  
4 family income and shall not be less than two percent or more than  
5 ten percent of family income; and

6 (9) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii),  
7 persons who:

8 (a) Have been screened for breast and cervical cancer  
9 under the Centers for Disease Control and Prevention breast and  
10 cervical cancer early detection program established under Title XV  
11 of the federal Public Health Service Act, 42 U.S.C. 300k et seq.,  
12 in accordance with the requirements of section 1504 of such act, 42  
13 U.S.C. 300n, and who need treatment for breast or cervical cancer,  
14 including precancerous and cancerous conditions of the breast or  
15 cervix;

16 (b) Are not otherwise covered under creditable coverage  
17 as defined in section 2701(c) of the federal Public Health Service  
18 Act, 42 U.S.C. 300gg(c);

19 (c) Have not attained sixty-five years of age; and

20 (d) Are not eligible for medical assistance under any  
21 mandatory categorically needy eligibility group.

22 Eligibility shall be determined under this section  
23 using an income budgetary methodology that determines children's  
24 eligibility at no greater than one hundred eighty-five percent of  
25 the Office of Management and Budget income poverty guideline and  
26 adult eligibility using adult income standards no greater than the  
27 applicable categorical eligibility standards established pursuant

1 to state or federal law. The department shall determine eligibility  
2 under this section pursuant to such income budgetary methodology  
3 and subdivision ~~(1)(s)~~ (1)(r) of section 68-1713.

4 Sec. 6. Section 68-1709, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 68-1709 The Legislature finds and declares that the  
7 primary purpose of the welfare programs in this state is to provide  
8 temporary, transitional support for Nebraska families so that  
9 economic self-sufficiency is attained in as an expeditious manner  
10 as possible. ~~with the goal of attaining such self-sufficiency~~  
11 ~~within two years of the initial receipt of public assistance.~~ The  
12 Legislature further finds and declares that this goal is to be  
13 accomplished through individualized assessments of the personal and  
14 economic resources of each applicant for public assistance and  
15 through the use of individualized self-sufficiency contracts.

16 The Legislature further finds and declares that it is  
17 in the best interests of the state, its citizens, and especially  
18 those receiving public assistance through welfare programs in this  
19 state that the welfare system be reformed to support, stabilize,  
20 and enhance individual and family life in Nebraska by: (1) Pursuing  
21 efforts to help Nebraskans avoid poverty and prevent the need for  
22 welfare; (2) eliminating existing complex and conflicting welfare  
23 programs; (3) creating a simplified program in place of the  
24 existing complex and conflicting welfare programs; (4) removing  
25 disincentives to work and promoting economic self-sufficiency; (5)  
26 providing individuals and families the support needed to move from  
27 public assistance to economic self-sufficiency; (6) changing public

1 assistance from entitlements to temporary, contract-based support;  
2 (7) removing barriers to public assistance for intact families;  
3 (8) basing the duration of public assistance upon the individual  
4 circumstances of each applicant within the time limits allowed  
5 under federal law; (9) providing continuing assistance and support  
6 for persons sixty-five years of age or over and for individuals  
7 and families with physical, mental, or intellectual limitations  
8 preventing total economic self-sufficiency; (10) supporting regular  
9 school attendance of children; and (11) promoting public sector,  
10 private sector, individual, and family responsibility.

11           Sec. 7. Section 68-1710, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13           68-1710 It is the intent of the Legislature that, with  
14 the passage of the federal Personal Responsibility and Work  
15 Opportunity Reconciliation Act of 1996, Public Law 104-193, the  
16 Department of Health and Human Services ~~no longer be required to~~  
17 ~~maintain federal approval to~~ implement the Welfare Reform Act and  
18 ~~the waivers enumerated in the act.~~ in a manner consistent with  
19 federal law.

20           Sec. 8. Section 68-1713, Revised Statutes Cumulative  
21 Supplement, 2006, is amended to read:

22           68-1713 ~~(1)~~ The Department of Health and Human Services  
23 shall submit a waiver request or requests to the United States  
24 Department of Health and Human Services and the United States  
25 Department of Agriculture as necessary for federal authorization to  
26 implement the provisions of the Welfare Reform Act. The Department  
27 of Health and Human Services may include the provisions of sections

1 ~~68-1718 to 68-1726 in its waiver requests and shall designate~~  
2 ~~counties for implementation on or after July 1, 1995, of such~~  
3 ~~sections for recipient families in the aid to dependent children~~  
4 ~~program. It is the intent of the Legislature that such designated~~  
5 ~~counties include at least one county with a population of not~~  
6 ~~more than thirty-five thousand inhabitants and one county with a~~  
7 ~~population of at least one hundred fifty thousand inhabitants but~~  
8 ~~not more than three hundred thousand inhabitants.~~

9           (1) The Department of Health and Human Services shall  
10 implement the following policies:

11           (a) Permit Work Experience in Private ~~for Profit~~  
12 for-Profit Enterprises;

13           (b) Permit Job Search;

14           (c) Permit Employment to be Considered a JOBS Program  
15 Component;

16           (d) Make Sanctions More Stringent to Emphasize  
17 Participant Obligations;

18           (e) Alternative Hearing Process;

19           (f) Permit Adults in Two-Parent Households to Participate  
20 in JOBS Activities Based on Their Self-Sufficiency Needs;

21           (g) Eliminate Exemptions for Individuals with Children  
22 Between the Ages of 12 Weeks and Age Six;

23           (h) Providing Poor Working Families with Transitional  
24 Child Care to Ease the Transition from Welfare to Self-Sufficiency;

25           (i) Provide Transitional Health Care for 12 Months After  
26 Termination of ADC if funding for such transitional medical  
27 assistance is available under Title XIX of the federal Social

1 Security Act as amended, as described in section 68-906;

2 (j) Cap Family Benefits Based on the Number of Children  
3 in the Unit at the Time of Initial Eligibility;

4 (k) Require Adults to Ensure that Children in the Family  
5 Unit Attend School;

6 (l) Encourage Minor Parents to Live with Their Parents;

7 (m) Establish a Resource Limit of \$4,000 for a single  
8 individual and \$6,000 for two or more individuals for ADC;

9 (n) Exclude the Value of One Vehicle Per Family When  
10 Determining ADC Eligibility;

11 (o) Exclude the Cash Value of Life Insurance Policies in  
12 Calculating Resources for ADC;

13 ~~(p) Permit the Self-Sufficiency Contract Assessment to~~  
14 ~~Substitute for the Six-Month ADC Redetermination Process;~~

15 ~~(q)~~ (p) Establish Food Stamps as a Continuous Benefit  
16 with Eligibility Reevaluated with Yearly Redeterminations;

17 ~~(r)~~ (q) Establish a Budget the Gap Methodology Whereby  
18 Countable Earned Income is Subtracted from the Standard of the Need  
19 and Payment is Based on the Difference or Maximum Payment Level,  
20 Whichever is Less. That this Gap be Established at a Level that  
21 Encourages Work but at Least at a Level that Ensures that Those  
22 Currently Eligible for ADC do not Lose Eligibility Because of the  
23 Adoption of this Methodology;

24 ~~(s)~~ (r) Adopt an Earned Income Disregard of Twenty  
25 Percent of Gross Earnings in the ADC Program and One Hundred  
26 Dollars in the Related Medical Assistance Program;

27 ~~(t)~~ (s) Disregard Financial Assistance Received Intended

1 for Books, Tuition, or Other Self-Sufficiency Related Use;

2 ~~(u)~~ (t) Culture: Eliminate the 100-Hour Rule, The Quarter  
3 of Work Requirement, and The 30-Day Unemployed/Underemployed Period  
4 for ADC-UP Eligibility; and

5 ~~(v)~~ (u) Make ADC a Time-Limited Program. ~~+~~

6 ~~(w)~~ Eliminate Self-Initiated Training as a JOBS Option;  
7 and

8 ~~(x)~~ Other Waivers: Statewide Operation of the  
9 Demonstration Project.

10 At the end of the first year of implementation, the  
11 department shall identify any adjustments or adaptations that may  
12 be needed before the policies of the Welfare Reform Act are  
13 implemented in other areas of the state. Such review shall include  
14 an evaluation of the impact of such policies. The department shall  
15 implement the policies in additional counties as necessary to  
16 complete statewide implementation.

17 (2) The Department of Health and Human Services shall (a)  
18 apply for a waiver to allow for a sliding-fee schedule for the  
19 population served by the caretaker relative program or (b) pursue  
20 other public or private mechanisms, to provide for transitional  
21 health care benefits to individuals and families who do not  
22 qualify for cash assistance. It is the intent of the Legislature  
23 that transitional health care coverage be made available on a  
24 sliding-scale basis to individuals and families with incomes up to  
25 one hundred eighty-five percent of the federal poverty level if  
26 other health care coverage is not available.

27 Sec. 9. Section 68-1718, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           68-1718 (1) At the time an individual or a family applies  
3 for financial assistance pursuant to section 43-512, an assessment  
4 shall be conducted. Eligibility determination shall begin with a  
5 comprehensive assets assessment, in which the applicant and case  
6 manager collaborate to identify the economic and personal resources  
7 available to the applicant. Each applicant shall work with only one  
8 case manager who shall facilitate all service provision.

9           (2) Each applicant's personal resources shall be  
10 assessed in the comprehensive assets assessment. For purposes  
11 of this section, personal resources shall include education,  
12 vocational skills, employment history, health, life skills,  
13 personal strengths, and support from family and the community. This  
14 assessment shall also include a determination of the applicant's  
15 goals, employment background, educational background, housing  
16 needs, child care and transportation needs, health care needs, and  
17 other barriers to economic self-sufficiency.

18           (3) The comprehensive assets assessment shall structure  
19 personal resources information and control subjectivity. The  
20 assessment shall be used:

21           (a) To develop a self-sufficiency contract under  
22 section 68-1719 and promote services which specifically lead to  
23 self-sufficiency; and

24           (b) To determine if the applicant should be referred to  
25 other community resources for assistance.

26           (4) Periodic assessments, including an exit assessment  
27 prior to implementation of the ~~two-year~~ time limit on cash

1 assistance as provided in section 68-1724, shall be conducted  
2 with recipients to establish if the terms of the self-sufficiency  
3 contract have been met by the recipient family and by the state.

4 Sec. 10. Section 68-1721, Revised Statutes Cumulative  
5 Supplement, 2006, is amended to read:

6 68-1721 (1) Under the self-sufficiency contract developed  
7 under section 68-1719, the principal wage earner and other  
8 nonexempt members of the applicant family shall be required to  
9 participate in one or more of the following: ~~Education,~~ approved  
10 activities, including, but not limited to, education, job skills  
11 training, work experience, job search, or employment.

12 (2) Education shall consist of the general education  
13 development program, high school, Adult Basic Education, English  
14 as a Second Language, postsecondary education, or other education  
15 programs approved in the contract.

16 (3) Job skills training shall include vocational  
17 training in technical job skills and equivalent knowledge.  
18 Activities shall consist of formalized, technical job skills  
19 training, apprenticeships, on-the-job training, or training in the  
20 operation of a microbusiness enterprise. The types of training,  
21 apprenticeships, or training positions may include, but need not be  
22 limited to, the ability to provide services such as home repairs,  
23 automobile repairs, respite care, foster care, personal care, and  
24 child care. Job skills training shall be prioritized and approved  
25 for occupations that facilitate economic self-sufficiency.

26 (4) The purpose of work experience shall be to improve  
27 the employability of applicants by providing work experience and

1 training to assist them to move promptly into regular public or  
2 private employment. Work experience shall mean unpaid work in a  
3 public, private, for-profit, or nonprofit business or organization.  
4 Work experience placements shall take into account the individual's  
5 prior training, skills, and experience. A placement shall not  
6 exceed six months.

7 (5) Job search shall assist adult members of recipient  
8 families in finding their own jobs. The emphasis shall be placed on  
9 teaching the individual to take responsibility for his or her own  
10 job development and placement.

11 (6) Employment shall consist of work for pay. The  
12 employment may be full-time or part-time but shall be adequate  
13 to help the recipient family reach economic self-sufficiency.

14 Sec. 11. Section 68-1722, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 68-1722 The Legislature finds that the state has  
17 responsibilities to help ensure the success of the self-sufficiency  
18 contract for each recipient. The Department of Health and Human  
19 Services shall employ case management practices and supportive  
20 services to the extent necessary to facilitate movement toward  
21 self-sufficiency within the ~~two-year~~ time limit on participation  
22 as provided in section 68-1724.

23 The department may purchase case management services.  
24 It is the intent of the Legislature that any case management  
25 utilized by the department shall include standards which emphasize  
26 communication skills; appropriate interviewing techniques; and  
27 methods for positive feedback, support, encouragement, and

1 counseling. The case management provided shall also include a  
2 recognition of family dynamics and emphasize working with all  
3 family members; shall respect diversity; shall empower individuals;  
4 and shall include recognizing, capitalizing, and building on a  
5 family's strengths and existing support network. It is the intent  
6 of the Legislature that generally a case manager would have a  
7 family caseload of no more than seventy cases.

8 Supportive services shall include, but not be limited  
9 to, assistance with transportation expenses, participation and  
10 work expenses, parenting education, family planning, budgeting,  
11 and relocation to provide for specific needs critical to the  
12 recipient's or the recipient family's self-sufficiency contract.  
13 For purposes of this section, family planning shall not include  
14 abortion counseling, referral for abortion, or funding for  
15 abortion. If the state fails to meet the specific terms of  
16 the self-sufficiency contract, the ~~two-year~~ time limit on cash  
17 assistance under section 68-1724 shall be extended. ~~for an~~  
18 ~~additional period of not more than two years.~~

19 Sec. 12. Section 68-1723, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 68-1723 (1) Cash assistance shall be provided only while  
22 recipients are actively engaged in the specific activities outlined  
23 in the self-sufficiency contract developed under section 68-1719.  
24 If the recipients are not actively engaged in these activities, no  
25 cash assistance shall be paid.

26 (2) Recipient families with at least one adult with  
27 the capacity to work, as determined by the comprehensive assets

1 assessment, shall participate in the self-sufficiency contract as  
2 a condition of receiving cash assistance. If any such adult fails  
3 to cooperate in carrying out the terms of the contract, the family  
4 shall be ineligible for cash assistance.

5 (a) Adult members of recipient families whose youngest  
6 child is between the ages of twelve weeks and six months shall  
7 engage in an individually determined number of part-time hours  
8 in activities such as family nurturing, preemployment skills, or  
9 education.

10 (b) Participation in activities outlined in the  
11 self-sufficiency contract shall not be required for one parent of  
12 a recipient family whose youngest child is under the age of twelve  
13 weeks.

14 (c) ~~The two-year time limit on cash~~ Cash assistance under  
15 section 68-1724 shall be extended: (i) To cover the twelve-week  
16 postpartum recovery period for children born to recipient families;  
17 and (ii) to recognize special medical conditions of such children  
18 requiring the presence of at least one adult member of the  
19 recipient family, as determined by the state, which extend past the  
20 age of twelve weeks.

21 (d) Full participation in the activities outlined in the  
22 self-sufficiency contract shall be required for adult members of a  
23 two-parent recipient family whose youngest child is over the age of  
24 six months. Part-time participation in activities outlined in the  
25 self-sufficiency contract shall be required for an adult member of  
26 a single-parent recipient family whose youngest child is under the  
27 age of six years.

1           ~~(e)~~ Full participation in the activities outlined in  
2 the self-sufficiency contract and the two-year time limit on cash  
3 assistance under section 68-1724 shall begin for a minor parent  
4 when: ~~(i)~~ The minor parent graduates from high school; ~~(ii)~~ the  
5 minor parent receives his or her General Education Development  
6 diploma; or ~~(iii)~~ the minor parent reaches nineteen years of age.

7           ~~(f)~~ (e) In cases in which the only adults in the  
8 recipient family do not have parental responsibility which shall  
9 mean such adults are not the biological or adoptive parents  
10 or stepparents of the children in their care, and assistance  
11 is requested for all family members, including the adults,  
12 the family shall participate in the activities outlined in  
13 the self-sufficiency contract as a condition of receiving cash  
14 assistance.

15           ~~(g)~~ (f) Unemployed or underemployed absent and  
16 able-to-work parents of children in the recipient family may  
17 participate in self-sufficiency contracts, employment, and payment  
18 of child support, and such absent parents may be required to pay  
19 all or a part of the costs of the self-sufficiency contracts.

20           (3) Individual recipients and recipient families shall  
21 have the right to request an administrative hearing (a) for the  
22 purpose of reviewing compliance by the state with the terms  
23 of the self-sufficiency contract or (b) for the purpose of  
24 reviewing a determination by the department that the recipient  
25 or recipient family has not complied with the terms of the  
26 self-sufficiency contract. It is the intent of the Legislature that  
27 an independent mediation appeal process be developed as an option

1 to be considered.

2           Sec. 13. Section 68-1724, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           68-1724 (1) Cash assistance shall be provided for a  
5 period or periods of time not to exceed a total of ~~two years~~  
6 sixty months for recipient families with children subject to the  
7 following:

8           (a) If the state fails to meet the specific terms of  
9 the self-sufficiency contract developed under section 68-1719, the  
10 ~~two-year~~ sixty-month time limit established in this section shall  
11 be extended; ~~for an additional period of not more than two years;~~

12           (b) The ~~two-year~~ sixty-month time period for cash  
13 assistance shall begin when the self-sufficiency contract is signed  
14 or when any children born into the recipient family prior to the  
15 initial ten months of assistance reach the age of six months,  
16 ~~whichever is later;~~ within the first month of eligibility;

17           (c) When no longer eligible to receive cash assistance,  
18 assistance shall be available to reimburse work-related child care  
19 expenses even if the recipient family has not achieved economic  
20 self-sufficiency. The amount of such assistance shall be based on a  
21 cost-shared plan between the recipient family and the state which  
22 shall provide assistance up to one hundred eighty-five percent  
23 of the federal poverty level for up to twenty-four months. A  
24 recipient family may be required to contribute up to twenty percent  
25 of such family's gross income for child care. It is the intent  
26 of the Legislature that transitional health care coverage be made  
27 available on a sliding-scale basis to individuals and families

1 with incomes up to one hundred eighty-five percent of the federal  
2 poverty level if other health care coverage is not available; and

3 ~~(d) After receiving cash assistance under this section~~  
4 ~~for two years at a monthly payment level not exceeding that~~  
5 ~~provided in section 43-512, families shall receive no further cash~~  
6 ~~assistance pursuant to this section for at least two years after~~  
7 ~~the assistance period ends; and~~

8 ~~(e) (d)~~ The self-sufficiency contract shall be revised  
9 and ~~the two-year time period for~~ cash assistance extended when  
10 there is no job available for adult members of the recipient  
11 family. It is the intent of the Legislature that available job  
12 shall mean a job which results in an income of at least equal  
13 to the amount of cash assistance that would have been available  
14 if receiving assistance minus unearned income available to the  
15 recipient family.

16 The department shall develop policy guidelines to allow  
17 for cash assistance to persons who have received the maximum  
18 cash assistance provided by this section and who face extreme  
19 hardship without additional assistance. For purposes of this  
20 section, extreme hardship means a recipient family does not have  
21 adequate cash resources to meet the costs of the basic needs of  
22 food, clothing, and housing without continuing assistance or the  
23 child or children are at risk of losing care by and residence with  
24 their parent or parents.

25 (2) Cash assistance conditions under the Welfare Reform  
26 Act shall be as follows:

27 (a) Adults in recipient families shall mean individuals

1 at least nineteen years of age living with and related to a  
2 child eighteen years of age or younger and shall include parents,  
3 siblings, uncles, aunts, cousins, or grandparents, whether the  
4 relationship is biological, adoptive, or step;

5 (b) The payment standard shall be based upon family  
6 size. Any child born into the recipient family after the initial  
7 ten months of participation in the program shall not increase  
8 the cash assistance payment, except that child support or other  
9 income received on behalf of such child or children shall not  
10 be considered as countable income to the recipient family in  
11 determining the amount of their cash assistance payment;

12 (c) The adults in the recipient family shall ensure that  
13 the minor children regularly attend school. Education is a valuable  
14 personal resource. The cash assistance provided to the recipient  
15 family may be reduced when the parent or parents have failed to  
16 take reasonable action to encourage the minor children of the  
17 recipient family ages sixteen and under to regularly attend school.  
18 No reduction of assistance shall be such as may result in extreme  
19 hardship. It is the intent of the Legislature that a process be  
20 developed to insure communication between the case manager, the  
21 parent or parents, and the school to address issues relating to  
22 school attendance;

23 (d) Two-parent families which would otherwise be eligible  
24 under section 43-504 or a federally approved waiver shall receive  
25 cash assistance under this section;

26 (e) For minor parents, the assistance payment shall be  
27 based on the minor parent's income. If the minor parent lives

1 with at least one parent, the family's income shall be considered  
2 in determining eligibility and cash assistance payment levels for  
3 the minor parent. If the minor parent lives independently, support  
4 shall be pursued from the parents of the minor parent. If the  
5 absent parent of the minor's child is a minor, support from his or  
6 her parents shall be pursued. Support from parents as allowed under  
7 this subdivision shall not be pursued when the family income is  
8 less than three hundred percent of the federal poverty guidelines;  
9 and

10 (f) For adults who are not biological or adoptive  
11 parents or stepparents of the child or children in the family,  
12 if assistance is requested for the entire family, including the  
13 adults, a self-sufficiency contract shall be entered into as  
14 provided in section 68-1719. If assistance is requested for only  
15 the child or children in such a family, such children shall be  
16 eligible after consideration of the family's income and if (i)  
17 the family cooperates in pursuing child support and (ii) the minor  
18 children of the family regularly attend school.

19 2. Amend the repealer and renumber the remaining sections  
20 accordingly.