

LEGISLATIVE BILL 518

Approved by the Governor April 13, 1988

Introduced by V. Johnson, 8; Chambers, 11

AN ACT relating to infants; to amend section 43-512, Revised Statutes Supplement, 1987; to increase the maximum amounts of aid to dependent children; to provide for transition benefits as prescribed; to require a report; to provide an operative date; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 43-512, Revised Statutes Supplement, 1987, be amended to read as follows:

43-512. (1) Any dependent child, as defined in section 43-504, or any relative of such dependent child may file with the Department of Social Services a written application for financial assistance for such child on forms furnished by the department.

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

(3) The department shall make a finding as to whether the application referred to in subsection (1) of this section shall be allowed or denied. If it is found that the application should be allowed, the department shall further find the amount of monthly assistance which should be paid with reference to such dependent child. Except as may be otherwise provided, payments shall be made by state warrant, and the amount of payments shall not exceed ~~two hundred ninety-three~~ three hundred dollars per month ~~where~~ when there is but one dependent child and one eligible caretaker relative in any home, plus an additional ~~seventy-one~~ seventy-five dollars per month on behalf of each additional eligible person. No payments shall be made for amounts totaling less than ten dollars per month, except in the recovery

of overpayments.

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

(5)(a) For the purpose of preventing dependency, the Director of Social Services is authorized to adopt and promulgate rules and regulations providing for services to former and potential recipients of aid to dependent children and medical assistance benefits. The director is further authorized to adopt and promulgate rules and regulations establishing programs and cooperating with programs of work incentive, work experience, job training, and education. The provisions of this section with regard to determination of need, amount of payment, maximum payment, and method of payment shall not be applicable to families or children included in such programs.

(b) If a recipient of aid to dependent children is employed in a full-time, unsubsidized job after having participated in any of the programs established pursuant to subdivision (a) of this subsection and such job results in the loss of aid to dependent children, the recipient may be eligible for the following benefits in order to help the family during the transition from public assistance to independence:

(i) Child care for three months following the month in which the recipient begins employment if such child care services are needed to assist in employment retention; and

(ii) Medical assistance for up to twelve months after the month the recipient becomes employed and is no longer eligible for aid to dependent children. Full medical assistance shall be allowed for the first four months of such twelve-month period. For the remaining eight months, full medical assistance shall be allowed for any recipient whose income is less than one hundred fifty percent of the federal income poverty guidelines after disregards allowed by the Department of Social Services. Medical assistance shall be allowed for any participant whose income is one hundred fifty percent or more and less than one hundred eighty-five percent of the federal income poverty guidelines after

disregards allowed by the Department of Social Services, except that a recipient shall be required to pay an amount equal to ten percent of that portion of the recipient's gross income which is greater than one hundred fifty percent of the federal income poverty guidelines. The Director of Social Services shall seek a waiver from federal regulations in order to allow federal matching funds for extended medical assistance beyond that allowed by law on the operative date of this act.

(6) For purposes of sections 43-512 to 43-512.10, unless the context otherwise requires:

(a) Authorized attorney shall mean an attorney employed by the county subject to the approval of the county board, employed by the Department of Social Services, or appointed by the court, who is authorized to investigate and prosecute child and spousal support cases; and

(b) Spousal support shall be defined as provided in section 42-347.

Sec. 2. The Director of Social Services shall report annually, not later than February 1 of each year, to the Legislature regarding the effectiveness of programs established pursuant to subdivision (5)(a) of section 43-512. The report shall include, but not be limited to:

(1) The number of program participants;

(2) The number of program participants who become employed, whether such employment is full time or part time or subsidized or unsubsidized, and whether the employment was retained for at least thirty days;

(3) Supportive services provided to participants in the program;

(4) Grant reductions realized; and

(5) A cost and benefit statement for the program.

Sec. 3. This act shall become operative on January 1, 1989.

Sec. 4. That original section 43-512, Revised Statutes Supplement, 1987, is repealed.