

AMENDMENTS TO LB485

Introduced by Health and Human Services.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 68-1206, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:

5           68-1206 (1) The Department of Health and Human Services shall  
6 administer the program of social services in this state. The department  
7 may contract with other social agencies for the purchase of social  
8 services at rates not to exceed those prevailing in the state or the cost  
9 at which the department could provide those services. The statutory  
10 maximum payments for the separate program of aid to dependent children  
11 shall apply only to public assistance grants and shall not apply to  
12 payments for social services.

13           (2)(a) As part of the provision of social services authorized by  
14 section 68-1202, the department shall participate in the federal child  
15 care assistance program under 42 U.S.C. 9857 et seq. 618, as such  
16 sections section existed on January 1, 2021 2013, and provide child care  
17 assistance to families with incomes up to (i) one hundred eighty-five  
18 twenty-five percent of the federal poverty level for fiscal years 2021-22  
19 through 2023-24 FY2013-14 and (ii) one hundred thirty percent of the  
20 federal poverty level for fiscal year 2024-25 FY2014-15 and each fiscal  
21 year thereafter.

22           (b) (2) As part of the provision of social services authorized by  
23 this section and section 68-1202, the department shall participate in the  
24 federal Child Care Subsidy program. A child care provider seeking to  
25 participate in the federal Child Care Subsidy program shall comply with  
26 the criminal history record information check requirements of the Child  
27 Care Licensing Act. In determining ongoing eligibility for this program,

1 ten percent of a household's gross earned income shall be disregarded  
2 after twelve continuous months on the program and at each subsequent  
3 redetermination. In determining ongoing eligibility, if a family's income  
4 exceeds one hundred eighty-five percent of the federal poverty level for  
5 fiscal years 2021-22 through 2023-24 or one hundred thirty percent of the  
6 federal poverty level for fiscal year 2024-25 and each fiscal year  
7 thereafter, the family shall receive transitional child care assistance  
8 through the remainder of the family's eligibility period or until the  
9 family's income exceeds eighty-five percent of the state median income  
10 for a family of the same size as reported by the United States Bureau of  
11 the Census, whichever occurs first. When the family's eligibility period  
12 ends, the family shall continue to be eligible for transitional child  
13 care assistance if the family's income is below two hundred percent of  
14 the federal poverty level for fiscal years 2021-22 through 2023-24 or one  
15 hundred eighty-five percent of the federal poverty level for fiscal year  
16 2024-25 and each fiscal year thereafter. The family shall receive  
17 transitional child care assistance through the remainder of the  
18 transitional eligibility period or until the family's income exceeds  
19 eighty-five percent of the state median income for a family of the same  
20 size as reported by the United States Bureau of the Census, whichever  
21 occurs first. The amount of such child care assistance shall be based on  
22 a cost-shared plan between the recipient family and the state and shall  
23 be based on a sliding-scale methodology. A recipient family may be  
24 required to contribute a percentage of such family's gross income for  
25 child care that is no more than the cost-sharing rates in the  
26 transitional child care assistance program as of January 1, 2015, for  
27 those no longer eligible for cash assistance as provided in section  
28 68-1724. ~~Initial program eligibility standards shall not be impacted by~~  
29 ~~the provisions of this subsection.~~

30 (c) For fiscal years 2021-22 through 2023-24, funds provided to the  
31 State of Nebraska pursuant to the Child Care and Development Block Grant

1 Act of 1990, 42 U.S.C. 9857 et seq., as such act and sections existed on  
2 March 24, 2021, shall be used to pay the costs to the state resulting  
3 from the income eligibility changes made in subdivisions (2)(a) and (b)  
4 of this section by this legislative bill. If the available amount of such  
5 funds is insufficient to pay such costs, then funds provided to the state  
6 for the Temporary Assistance for Needy Families program established in 42  
7 U.S.C. 601 et seq. may also be used.

8 (d) The Department of Health and Human Services shall collaborate  
9 with a private nonprofit organization with expertise in early childhood  
10 care and education for an independent evaluation of the income  
11 eligibility changes made in subdivisions (2)(a) and (b) of this section  
12 by this legislative bill, if private funding is made available for such  
13 purpose. The evaluation shall be completed by December 15, 2023, and  
14 shall be submitted electronically to the department and to the Health and  
15 Human Services Committee of the Legislature.

16 (3) In determining the rate or rates to be paid by the department  
17 for child care as defined in section 43-2605, the department shall adopt  
18 a fixed-rate schedule for the state or a fixed-rate schedule for an area  
19 of the state applicable to each child care program category of provider  
20 as defined in section 71-1910 which may claim reimbursement for services  
21 provided by the federal Child Care Subsidy program, except that the  
22 department shall not pay a rate higher than that charged by an individual  
23 provider to that provider's private clients. The schedule may provide  
24 separate rates for care for infants, for children with special needs,  
25 including disabilities or technological dependence, or for other  
26 individual categories of children. The schedule may also provide tiered  
27 rates based upon a quality scale rating of step three or higher under the  
28 Step Up to Quality Child Care Act. The schedule shall be effective on  
29 October 1 of every year and shall be revised annually by the department.

30 Sec. 2. Section 68-1724, Revised Statutes Cumulative Supplement,  
31 2020, is amended to read:

1           68-1724 (1) Cash assistance shall be provided for a period or  
2 periods of time not to exceed a total of sixty months for recipient  
3 families with children subject to the following:

4           (a) If the state fails to meet the specific terms of the self-  
5 sufficiency contract developed under section 68-1719, the sixty-month  
6 time limit established in this section shall be extended;

7           (b) The sixty-month time period for cash assistance shall begin  
8 within the first month of eligibility;

9           (c) When no longer eligible to receive cash assistance, assistance  
10 shall be available to reimburse work-related child care expenses even if  
11 the recipient family has not achieved economic self-sufficiency. The  
12 amount of such assistance shall be based on a cost-shared plan between  
13 the recipient family and the state which shall provide assistance up to  
14 two hundred percent of the federal poverty level for fiscal years 2021-22  
15 through 2023-24 or one hundred eighty-five percent of the federal poverty  
16 level for fiscal year 2024-25 and each fiscal year thereafter. A  
17 recipient family may be required to contribute up to twenty percent of  
18 such family's gross income for child care. It is the intent of the  
19 Legislature that transitional health care coverage be made available on a  
20 sliding-scale basis to individuals and families with incomes up to one  
21 hundred eighty-five percent of the federal poverty level if other health  
22 care coverage is not available; and

23           (d) The self-sufficiency contract shall be revised and cash  
24 assistance extended when there is no job available for adult members of  
25 the recipient family. It is the intent of the Legislature that available  
26 job shall mean a job which results in an income of at least equal to the  
27 amount of cash assistance that would have been available if receiving  
28 assistance minus unearned income available to the recipient family.

29           The department shall develop policy guidelines to allow for cash  
30 assistance to persons who have received the maximum cash assistance  
31 provided by this section and who face extreme hardship without additional

1 assistance. For purposes of this section, extreme hardship means a  
2 recipient family does not have adequate cash resources to meet the costs  
3 of the basic needs of food, clothing, and housing without continuing  
4 assistance or the child or children are at risk of losing care by and  
5 residence with their parent or parents.

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

8 (a) Adults in recipient families shall mean individuals at least  
9 nineteen years of age living with and related to a child eighteen years  
10 of age or younger and shall include parents, siblings, uncles, aunts,  
11 cousins, or grandparents, whether the relationship is biological,  
12 adoptive, or step;

13 (b) The payment standard shall be based upon family size;

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

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

27 (e) For minor parents, the assistance payment shall be based on the  
28 minor parent's income. If the minor parent lives with at least one  
29 parent, the family's income shall be considered in determining  
30 eligibility and cash assistance payment levels for the minor parent. If  
31 the minor parent lives independently, support shall be pursued from the

1 parents of the minor parent. If the absent parent of the minor's child is  
2 a minor, support from his or her parents shall be pursued. Support from  
3 parents as allowed under this subdivision shall not be pursued when the  
4 family income is less than three hundred percent of the federal poverty  
5 guidelines; and

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

14 Sec. 3. This act becomes operative on July 1, 2021.

15 Sec. 4. Original sections 68-1206 and 68-1724, Revised Statutes  
16 Cumulative Supplement, 2020, are repealed.

17 Sec. 5. Since an emergency exists, this act takes effect when  
18 passed and approved according to law.