

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 485

Introduced by DeBoer, 10.

Read first time January 15, 2021

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to child care; to amend sections 68-1206 and
- 2 68-1724, Revised Statutes Cumulative Supplement, 2020; to change
- 3 provisions relating to child care assistance; to harmonize
- 4 provisions; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-1206, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 68-1206 (1)(a) ~~(1)~~ The Department of Health and Human Services
4 shall administer the program of social services in this state. The
5 department may contract with other social agencies for the purchase of
6 social services at rates not to exceed those prevailing in the state or
7 the cost at which the department could provide those services. The
8 statutory maximum payments for the separate program of aid to dependent
9 children shall apply only to public assistance grants and shall not apply
10 to payments for social services. As part of the provision of social
11 services authorized by section 68-1202, the department shall participate
12 in the federal child care assistance program under 42 U.S.C. 9857 et seq.
13 ~~618~~, as such sections ~~section~~ existed on January 1, 2021 ~~2013~~, and
14 provide child care assistance to families with incomes up to ~~one hundred~~
15 ~~twenty-five percent of the federal poverty level for FY2013-14 and one~~
16 hundred eighty-five ~~thirty~~ percent of the federal poverty level ~~for~~
17 ~~FY2014-15 and each fiscal year thereafter.~~

18 (b) Funds provided to the State of Nebraska pursuant to the Child
19 Care and Development Block Grant Act of 1990, 42 U.S.C. 9857 et seq., as
20 such act and sections existed on January 1, 2021, shall be used to
21 implement this subsection. If the available amount of such funds is
22 insufficient to implement this subsection, then funds provided to the
23 state for the Temporary Assistance for Needy Families program established
24 in 42 U.S.C. 601 et seq. may also be used. Nothing in this section shall
25 prohibit state General Funds from being used to implement this
26 subsection.

27 (2) As part of the provision of social services authorized by this
28 section and section 68-1202, the department shall participate in the
29 federal Child Care Subsidy program. A child care provider seeking to
30 participate in the federal Child Care Subsidy program shall comply with
31 the criminal history record information check requirements of the Child

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

27 (3) In determining the rate or rates to be paid by the department
28 for child care as defined in section 43-2605, the department shall adopt
29 a fixed-rate schedule for the state or a fixed-rate schedule for an area
30 of the state applicable to each child care program category of provider
31 as defined in section 71-1910 which may claim reimbursement for services

1 provided by the federal Child Care Subsidy program, except that the
2 department shall not pay a rate higher than that charged by an individual
3 provider to that provider's private clients. The schedule may provide
4 separate rates for care for infants, for children with special needs,
5 including disabilities or technological dependence, or for other
6 individual categories of children. The schedule may also provide tiered
7 rates based upon a quality scale rating of step three or higher under the
8 Step Up to Quality Child Care Act. The schedule shall be effective on
9 October 1 of every year and shall be revised annually by the department.

10 Sec. 2. Section 68-1724, Revised Statutes Cumulative Supplement,
11 2020, is amended to read:

12 68-1724 (1) Cash assistance shall be provided for a period or
13 periods of time not to exceed a total of sixty months for recipient
14 families with children subject to the following:

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

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

20 (c) When no longer eligible to receive cash assistance, assistance
21 shall be available to reimburse work-related child care expenses even if
22 the recipient family has not achieved economic self-sufficiency. The
23 amount of such assistance shall be based on a cost-shared plan between
24 the recipient family and the state which shall provide assistance up to
25 two hundred ~~one hundred eighty-five~~ percent of the federal poverty level.

26 A recipient family may be required to contribute up to twenty percent of
27 such family's gross income for child care. It is the intent of the
28 Legislature that transitional health care coverage be made available on a
29 sliding-scale basis to individuals and families with incomes up to one
30 hundred eighty-five percent of the federal poverty level if other health
31 care coverage is not available; and

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

7 The department shall develop policy guidelines to allow for cash
8 assistance to persons who have received the maximum cash assistance
9 provided by this section and who face extreme hardship without additional
10 assistance. For purposes of this section, extreme hardship means a
11 recipient family does not have adequate cash resources to meet the costs
12 of the basic needs of food, clothing, and housing without continuing
13 assistance or the child or children are at risk of losing care by and
14 residence with their parent or parents.

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

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

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

23 (c) The adults in the recipient family shall ensure that the minor
24 children regularly attend school. Education is a valuable personal
25 resource. The cash assistance provided to the recipient family may be
26 reduced when the parent or parents have failed to take reasonable action
27 to encourage the minor children of the recipient family ages sixteen and
28 under to regularly attend school. No reduction of assistance shall be
29 such as may result in extreme hardship. It is the intent of the
30 Legislature that a process be developed to insure communication between
31 the case manager, the parent or parents, and the school to address issues

1 relating to school attendance;

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

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

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

23 Sec. 3. Original sections 68-1206 and 68-1724, Revised Statutes
24 Cumulative Supplement, 2020, are repealed.