

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 310

Introduced by Conrad, 46.

Read first time January 11, 2023

Committee:

- 1 A BILL FOR AN ACT relating to public assistance; to amend section 43-512,
- 2 Reissue Revised Statutes of Nebraska; to change the maximum payment
- 3 level for monthly assistance; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-512, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-512 (1) Any dependent child as defined in section 43-504 or any
4 relative or eligible caretaker of such a dependent child may file with
5 the Department of Health and Human Services a written application for
6 financial assistance for such child on forms furnished by the department.

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

15 (3) The department shall make a finding as to whether the
16 application referred to in subsection (1) of this section should be
17 allowed or denied. If the department finds that the application should be
18 allowed, the department shall further find the amount of monthly
19 assistance which should be paid with reference to such dependent child.
20 Except as may be otherwise provided, payments shall be made by unit size
21 and shall be consistent with subdivisions (1)(p), (1)(q), (1)(t), and (1)
22 (u) of section 68-1713. Beginning on September 10, 2023 ~~August 30, 2015~~,
23 the maximum payment level for monthly assistance shall be eighty-five
24 ~~fifty-five~~ percent of the standard of need described in section 43-513.

25 No payments shall be made for amounts totaling less than ten dollars
26 per month except in the recovery of overpayments.

27 (4) The amount which shall be paid as assistance with respect to a
28 dependent child shall be based in each case upon the conditions disclosed
29 by the investigation made by the department. An appeal shall lie from the
30 finding made in each case to the chief executive officer of the
31 department or his or her designated representative. Such appeal may be

1 taken by any taxpayer or by any relative of such child. Proceedings for
2 and upon appeal shall be conducted in the same manner as provided for in
3 section 68-1016.

4 (5)(a) For the purpose of preventing dependency, the department
5 shall adopt and promulgate rules and regulations providing for services
6 to former and potential recipients of aid to dependent children and
7 medical assistance benefits. The department shall adopt and promulgate
8 rules and regulations establishing programs and cooperating with programs
9 of work incentive, work experience, job training, and education. The
10 provisions of this section with regard to determination of need, amount
11 of payment, maximum payment, and method of payment shall not be
12 applicable to families or children included in such programs. Income and
13 assets described in section 68-1201 shall not be included in
14 determination of need under this section.

15 (b) If a recipient of aid to dependent children becomes ineligible
16 for aid to dependent children as a result of increased hours of
17 employment or increased income from employment after having participated
18 in any of the programs established pursuant to subdivision (a) of this
19 subsection, the recipient may be eligible for the following benefits, as
20 provided in rules and regulations of the department in accordance with
21 sections 402, 417, and 1925 of the federal Social Security Act, as
22 amended, Public Law 100-485, in order to help the family during the
23 transition from public assistance to independence:

24 (i) An ongoing transitional payment that is intended to meet the
25 family's ongoing basic needs which may include food, clothing, shelter,
26 utilities, household goods, personal care items, and general incidental
27 expenses during the five months following the time the family becomes
28 ineligible for assistance under the aid to dependent children program, if
29 the family's earned income is at or below one hundred eighty-five percent
30 of the federal poverty level at the time the family becomes ineligible
31 for the aid to dependent children program. Payments shall be made in five

1 monthly payments, each equal to one-fifth of the aid to dependent
2 children payment standard for the family's size at the time the family
3 becomes ineligible for the aid to dependent children program. If during
4 the five-month period, (A) the family's earnings exceed one hundred
5 eighty-five percent of the federal poverty level, (B) the family members
6 are no longer working, (C) the family ceases to be Nebraska residents,
7 (D) there is no longer a minor child in the family's household, or (E)
8 the family again becomes eligible for the aid to dependent children
9 program, the family shall become ineligible for any remaining
10 transitional benefits under this subdivision;

11 (ii) Child care as provided in subdivision (1)(c) of section
12 68-1724; and

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

17 (6) For purposes of sections 43-512 to 43-512.18:

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

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

24 (c) Medical support shall include all expenses associated with the
25 birth of a child, cash medical support as defined in section 42-369,
26 health care coverage as defined in section 44-3,144, and medical and
27 hospital insurance coverage or membership in a health maintenance
28 organization or preferred provider organization;

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

30 (e) State Disbursement Unit shall be defined as provided in section
31 43-3341; and

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

2 Sec. 2. Original section 43-512, Reissue Revised Statutes of
3 Nebraska, is repealed.