

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 940

Introduced by Janssen, 15; Fulton, 29; Lautenbaugh, 18; McCoy, 39;
Schilz, 47.

Read first time January 14, 2010

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Welfare Reform Act; to amend
2 sections 68-1708, 68-1723, and 68-1724, Reissue Revised
3 Statutes of Nebraska; to provide for drug-screening
4 of applicants for and recipients of cash assistance
5 benefits; to harmonize provisions; and to repeal the
6 original sections.

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

1 Section 1. Section 68-1708, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 68-1708 Sections 68-1708 to 68-1734 and section 4 of this
4 act shall be known and may be cited as the Welfare Reform Act.

5 Sec. 2. Section 68-1723, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 68-1723 (1) Cash assistance shall be provided only while
8 recipients are actively engaged in the specific activities outlined
9 in the self-sufficiency contract developed under section 68-1719.
10 If the recipients are not actively engaged in these activities, no
11 cash assistance shall be paid.

12 (2) Recipient families with at least one adult with
13 the capacity to work, as determined by the comprehensive assets
14 assessment, shall participate in the self-sufficiency contract as
15 a condition of receiving cash assistance. If any such adult fails
16 to cooperate in carrying out the terms of the contract, the family
17 shall be ineligible for cash assistance.

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

23 (b) Participation in activities outlined in the
24 self-sufficiency contract shall not be required for one parent of
25 a recipient family whose youngest child is under the age of twelve

1 weeks.

2 (c) Cash assistance under section 68-1724 shall be
3 extended: (i) To cover the twelve-week postpartum recovery period
4 for children born to recipient families; and (ii) to recognize
5 special medical conditions of such children requiring the presence
6 of at least one adult member of the recipient family, as determined
7 by the state, which extend past the age of twelve weeks.

8 (d) Full participation in the activities outlined in the
9 self-sufficiency contract shall be required for adult members of a
10 two-parent recipient family whose youngest child is over the age of
11 six months. Part-time participation in activities outlined in the
12 self-sufficiency contract shall be required for an adult member of
13 a single-parent recipient family whose youngest child is under the
14 age of six years.

15 (e) In cases in which the only adults in the recipient
16 family do not have parental responsibility which shall mean such
17 adults are not the biological or adoptive parents or stepparents
18 of the children in their care, and assistance is requested for all
19 family members, including the adults, the family shall participate
20 in the activities outlined in the self-sufficiency contract as a
21 condition of receiving cash assistance.

22 (f) Unemployed or underemployed absent and able-to-work
23 parents of children in the recipient family may participate
24 in self-sufficiency contracts, employment, and payment of child
25 support, and such absent parents may be required to pay all or a

1 part of the costs of the self-sufficiency contracts.

2 (3) Individual recipients and recipient families shall
3 have the right to request an administrative hearing (a) for the
4 purpose of reviewing compliance by the state with the terms of
5 the self-sufficiency contract or (b) for the purpose of reviewing
6 a determination by the ~~department~~ Department of Health and Human
7 Services that the recipient or recipient family has not complied
8 with the terms of the self-sufficiency contract. It is the intent
9 of the Legislature that an independent mediation appeal process be
10 developed as an option to be considered.

11 (4) Applicants and recipients who test positive pursuant
12 to the screening provided in section 4 of this act shall be
13 ineligible for cash assistance as provided in such section and the
14 rules and regulations of the department.

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

17 68-1724 (1) Cash assistance shall be provided for a
18 period or periods of time not to exceed a total of sixty months for
19 recipient families with children subject to the following:

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

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

1 (c) When no longer eligible to receive cash assistance,
2 assistance shall be available to reimburse work-related child care
3 expenses even if the recipient family has not achieved economic
4 self-sufficiency. The amount of such assistance shall be based on a
5 cost-shared plan between the recipient family and the state which
6 shall provide assistance up to one hundred eighty-five percent
7 of the federal poverty level for up to twenty-four months. A
8 recipient family may be required to contribute up to twenty percent
9 of such family's gross income for child care. It is the intent
10 of the Legislature that transitional health care coverage be made
11 available on a sliding-scale basis to individuals and families
12 with incomes up to one hundred eighty-five percent of the federal
13 poverty level if other health care coverage is not available; and

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

21 The ~~department~~ Department of Health and Human Services
22 shall develop policy guidelines to allow for cash assistance to
23 persons who have received the maximum cash assistance provided
24 by this section and who face extreme hardship without additional
25 assistance. For purposes of this section, extreme hardship means a

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

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

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

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

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

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

1 cash assistance under this section;

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

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

22 (g) Applicants and recipients who test positive pursuant
23 to the screening provided in section 4 of this act shall be
24 ineligible for cash assistance as provided in such section and the
25 rules and regulations of the department.

1 Sec. 4. The Department of Health and Human Services shall
2 develop a program to screen any applicant for or recipient of cash
3 assistance under the Welfare Reform Act for the use of a controlled
4 substance not prescribed for him or her by a licensed health care
5 provider if the department has reasonable cause to believe such
6 applicant or recipient is using such a controlled substance. If the
7 applicant or recipient tests positive pursuant to such screening
8 program, the department shall conduct an administrative hearing to
9 review the case. If, after such hearing, the department determines
10 that the positive result was accurate, it shall declare the
11 applicant or recipient ineligible for such cash assistance benefits
12 for a period of one year from the date of such determination. The
13 ruling of the department may be appealed, and the appeal shall be
14 in accordance with the Administrative Procedure Act.

15 The department shall refer an applicant or a recipient
16 declared ineligible for cash assistance benefits under this section
17 to the Division of Behavioral Health of the department for referral
18 to a substance abuse treatment program.

19 Sec. 5. Original sections 68-1708, 68-1723, and 68-1724,
20 Reissue Revised Statutes of Nebraska, are repealed.