

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 677

Introduced by Linehan, 39.

Read first time January 20, 2021

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to social services; to amend sections 68-1206
- 2 and 68-1724, Revised Statutes Cumulative Supplement, 2020; to change
- 3 provisions relating to eligibility for transitional child care
- 4 assistance; to harmonize provisions; and to repeal the original
- 5 sections.
- 6 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) The Department of Health and Human Services shall
4 administer the program of social services in this state. The department
5 may contract with other social agencies for the purchase of social
6 services at rates not to exceed those prevailing in the state or the cost
7 at which the department could provide those services. The statutory
8 maximum payments for the separate program of aid to dependent children
9 shall apply only to public assistance grants and shall not apply to
10 payments for social services. As part of the provision of social services
11 authorized by section 68-1202, the department shall participate in the
12 federal child care assistance program under 42 U.S.C. 618, as such
13 section existed on January 1, 2013, and provide child care assistance to
14 families with incomes up to one hundred twenty-five percent of the
15 federal poverty level for FY2013-14 and one hundred thirty percent of the
16 federal poverty level for FY2014-15 and each fiscal year thereafter.

17 (2) As part of the provision of social services authorized by this
18 section and section 68-1202, the department shall participate in the
19 federal Child Care Subsidy program. A child care provider seeking to
20 participate in the federal Child Care Subsidy program shall comply with
21 the criminal history record information check requirements of the Child
22 Care Licensing Act. In determining ongoing eligibility for this program,
23 ten percent of a household's gross earned income shall be disregarded
24 after twelve continuous months on the program and at each subsequent
25 redetermination. In determining ongoing eligibility, if a family's income
26 exceeds one hundred thirty percent of the federal poverty level, the
27 family shall receive transitional child care assistance through the
28 remainder of the family's eligibility period or until the family's income
29 exceeds eighty-five percent of the state median income for a family of
30 the same size as reported by the United States Bureau of the Census,
31 whichever occurs first. When the family's eligibility period ends, the

1 family shall continue to be eligible for transitional child care
2 assistance if the family's income is below two hundred ~~one hundred~~
3 ~~eighty-five~~ percent of the federal poverty level. The family shall
4 receive transitional child care assistance through the remainder of the
5 transitional eligibility period or until the family's income exceeds
6 eighty-five percent of the state median income for a family of the same
7 size as reported by the United States Bureau of the Census, whichever
8 occurs first. The amount of such child care assistance shall be based on
9 a cost-shared plan between the recipient family and the state and shall
10 be based on a sliding-scale methodology. A recipient family may be
11 required to contribute a percentage of such family's gross income for
12 child care that is no more than the cost-sharing rates in the
13 transitional child care assistance program as of January 1, 2015, for
14 those no longer eligible for cash assistance as provided in section
15 68-1724. Initial program eligibility standards shall not be impacted by
16 the provisions of this subsection.

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

31 Sec. 2. Section 68-1724, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

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

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

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

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

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

28 The department shall develop policy guidelines to allow for cash
29 assistance to persons who have received the maximum cash assistance
30 provided by this section and who face extreme hardship without additional
31 assistance. For purposes of this section, extreme hardship means a

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

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

7 (a) Adults in recipient families shall mean individuals at least
8 nineteen years of age living with and related to a child eighteen years
9 of age or younger and shall include parents, siblings, uncles, aunts,
10 cousins, or grandparents, whether the relationship is biological,
11 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 the minor
14 children regularly attend school. Education is a valuable personal
15 resource. The cash assistance provided to the recipient family may be
16 reduced when the parent or parents have failed to take reasonable action
17 to encourage the minor children of the recipient family ages sixteen and
18 under to regularly attend school. No reduction of assistance shall be
19 such as may result in extreme hardship. It is the intent of the
20 Legislature that a process be developed to insure communication between
21 the case manager, the parent or parents, and the school to address issues
22 relating to school attendance;

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

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

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

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

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