

LEGISLATIVE BILL 536

Passed over the Governor's veto April 9, 1990.

Introduced by Wehrbein, 2

AN ACT relating to public assistance; to amend section 43-512, Revised Statutes Supplement, 1989; to authorize an additional aid to dependent children payment as prescribed; and to repeal the original section.

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

Section 1. That section 43-512, Revised Statutes Supplement, 1989, be amended to read as follows:

43-512. (1) Any dependent child, as defined in section 43-504, or any relative of such dependent child may file with the Department of Social Services a written application for financial assistance for such child on forms furnished by the department.

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

(3) The department shall make a finding as to whether the application referred to in subsection (1) of this section ~~shall~~ should be allowed or denied. If ~~it is found the department finds~~ that the application should be allowed, the department shall further find the amount of monthly assistance which should be paid with reference to such dependent child. Except as may be otherwise provided, payments shall be made by state warrant, and the amount of payments shall not exceed three hundred dollars per month when there is but one dependent child and one eligible caretaker relative in any home, plus an additional seventy-five dollars per month on behalf of each additional eligible person. No payments shall be made for amounts totaling less than ten dollars per month; except in the recovery of overpayments.

(4) The amount which shall be paid as assistance with respect to a dependent child shall be based in each case upon the conditions disclosed by the investigation made by the department. An appeal shall lie from the finding made in each case to the Director of Social Services. Such appeal may be taken by any taxpayer or by any relative of such child. Proceedings for and upon appeal shall be conducted in the same manner as provided for in section 68-1016.

(5)(a) For the purpose of preventing dependency, the Director of Social Services is ~~authorized to~~ director shall adopt and promulgate rules and regulations providing for services to former and potential recipients of aid to dependent children and medical assistance benefits. The director is ~~further authorized to~~ shall adopt and promulgate rules and regulations establishing programs and cooperating with programs of work incentive, work experience, job training, and education. The provisions of this section with regard to determination of need, amount of payment, maximum payment, and method of payment shall not be applicable to families or children included in such programs.

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

(i) An additional aid to dependent children payment in the amount of one-half of the previous month's aid to dependent children grant;

(ii) Child care for up to twelve months following the month in which the recipient begins employment if such child care services are needed to assist in employment retention, subject to a sliding fee schedule if one is adopted by the department; and

~~(iii)~~ (iii) Medical assistance for up to twelve months after the month the recipient becomes employed and is no longer eligible for aid to dependent children.

(6) For purposes of sections 43-512 to 43-512.10, unless the context otherwise requires:

(a) Authorized attorney shall mean an attorney employed by the county subject to the approval of the county board, employed by the ~~Department of Social Services~~ department, or appointed by the court, who is authorized to investigate and prosecute child and spousal support cases; and

(b) Spousal support shall be defined as provided in section 42-347.

Sec. 2. That original section 43-512, Revised Statutes Supplement, 1989, is repealed.