

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 221

Introduced by Janssen, 15.

Read first time January 10, 2011

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Welfare Reform Act; to amend sections
2 68-1708, 68-1723, and 68-1724, Reissue Revised Statutes
3 of Nebraska; to provide for drug-screening of applicants
4 for and recipients of cash assistance benefits; to
5 harmonize provisions; and to repeal the original
6 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. If
10 the recipients are not actively engaged in these activities, no cash
11 assistance shall be paid.

12 (2) Recipient families with at least one adult with the
13 capacity to work, as determined by the comprehensive assets
14 assessment, shall participate in the self-sufficiency contract as a
15 condition of receiving cash assistance. If any such adult fails to
16 cooperate in carrying out the terms of the contract, the family shall
17 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 engage
20 in an individually determined number of part-time hours in activities
21 such as family nurturing, preemployment skills, or education.

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

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

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

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

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

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

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

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

16 68-1724 (1) Cash assistance shall be provided for a
17 period or periods of time not to exceed a total of sixty months for
18 recipient families with children subject to the following:

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

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

24 (c) When no longer eligible to receive cash assistance,
25 assistance shall be available to reimburse work-related child care

1 expenses even if the recipient family has not achieved economic self-
2 sufficiency. The amount of such assistance shall be based on a cost-
3 shared plan between the recipient family and the state which shall
4 provide assistance up to one hundred eighty-five percent of the
5 federal poverty level for up to twenty-four months. A recipient
6 family may be required to contribute up to twenty percent of such
7 family's gross income for child care. It is the intent of the
8 Legislature that transitional health care coverage be made available
9 on a sliding-scale basis to individuals and families with incomes up
10 to one hundred eighty-five percent of the federal poverty level if
11 other health care coverage is not available; and

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

19 The ~~department~~ Department of Health and Human Services
20 shall develop policy guidelines to allow for cash assistance to
21 persons who have received the maximum cash assistance provided by
22 this section and who face extreme hardship without additional
23 assistance. For purposes of this section, extreme hardship means a
24 recipient family does not have adequate cash resources to meet the
25 costs of the basic needs of food, clothing, and housing without

1 continuing assistance or the child or children are at risk of losing
2 care by and residence with their parent or parents.

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

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

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

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

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

25 (e) For minor parents, the assistance payment shall be

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

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

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

23 Sec. 4. The Department of Health and Human Services shall
24 develop a program to screen any applicant for or recipient of cash
25 assistance under the Welfare Reform Act for the use of a controlled

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

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

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