

AMENDMENTS TO LB485

Introduced by DeBoer, 10.

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. Section 68-1206, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 68-1206 (1) The Department of Health and Human Services shall
6 administer the program of social services in this state. The department
7 may contract with other social agencies for the purchase of social
8 services at rates not to exceed those prevailing in the state or the cost
9 at which the department could provide those services. The statutory
10 maximum payments for the separate program of aid to dependent children
11 shall apply only to public assistance grants and shall not apply to
12 payments for social services.

13 (2)(a) As part of the provision of social services authorized by
14 section 68-1202, the department shall participate in the federal child
15 care assistance program under 42 U.S.C. 9857 et seq. 618, as such
16 sections section existed on January 1, 2021 2013, and provide child care
17 assistance to families with incomes up to (i) one hundred eighty-five
18 twenty-five percent of the federal poverty level prior to October 1,
19 2023, or (ii) for FY2013-14 and one hundred thirty percent of the federal
20 poverty level on and after October 1, 2023 for FY2014-15 and each fiscal
21 year thereafter.

22 (b) (2) As part of the provision of social services authorized by
23 this section and section 68-1202, the department shall participate in the
24 federal Child Care Subsidy program. A child care provider seeking to
25 participate in the federal Child Care Subsidy program shall comply with
26 the criminal history record information check requirements of the Child
27 Care Licensing Act. In determining ongoing eligibility for this program,

1 ten percent of a household's gross earned income shall be disregarded
2 after twelve continuous months on the program and at each subsequent
3 redetermination. In determining ongoing eligibility, if a family's income
4 exceeds one hundred eighty-five percent of the federal poverty level
5 prior to October 1, 2023, or one hundred thirty percent of the federal
6 poverty level on and after October 1, 2023, the family shall receive
7 transitional child care assistance through the remainder of the family's
8 eligibility period or until the family's income exceeds eighty-five
9 percent of the state median income for a family of the same size as
10 reported by the United States Bureau of the Census, whichever occurs
11 first. When the family's eligibility period ends, the family shall
12 continue to be eligible for transitional child care assistance if the
13 family's income is below two hundred percent of the federal poverty level
14 prior to October 1, 2023, or one hundred eighty-five percent of the
15 federal poverty level on and after October 1, 2023. The family shall
16 receive transitional child care assistance through the remainder of the
17 transitional eligibility period or until the family's income exceeds
18 eighty-five percent of the state median income for a family of the same
19 size as reported by the United States Bureau of the Census, whichever
20 occurs first. The amount of such child care assistance shall be based on
21 a cost-shared plan between the recipient family and the state and shall
22 be based on a sliding-scale methodology. A recipient family may be
23 required to contribute a percentage of such family's gross income for
24 child care that is no more than the cost-sharing rates in the
25 transitional child care assistance program as of January 1, 2015, for
26 those no longer eligible for cash assistance as provided in section
27 68-1724. ~~Initial program eligibility standards shall not be impacted by~~
28 ~~the provisions of this subsection.~~

29 (c) For the period beginning July 1, 2021, through September 30,
30 2023, funds provided to the State of Nebraska pursuant to the Child Care
31 and Development Block Grant Act of 1990, 42 U.S.C. 9857 et seq., as such

1 act and sections existed on March 24, 2021, shall be used to pay the
2 costs to the state resulting from the income eligibility changes made in
3 subdivisions (2)(a) and (b) of this section by this legislative bill. If
4 the available amount of such funds is insufficient to pay such costs,
5 then funds provided to the state for the Temporary Assistance for Needy
6 Families program established in 42 U.S.C. 601 et seq. may also be used.
7 No General Funds shall be used to pay the costs to the state resulting
8 from the income eligibility changes made in subdivisions (2)(a) and (b)
9 of this section by this legislative bill for the period beginning July 1,
10 2021, through September 30, 2023.

11 (d) The Department of Health and Human Services shall collaborate
12 with a private nonprofit organization with expertise in early childhood
13 care and education for an independent evaluation of the income
14 eligibility changes made in subdivisions (2)(a) and (b) of this section
15 by this legislative bill, if private funding is made available for such
16 purpose. The evaluation shall be completed by December 15, 2023, and
17 shall be submitted electronically to the department and to the Health and
18 Human Services Committee of the Legislature.

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

1 October 1 of every year and shall be revised annually by the department.

2 Sec. 2. Section 68-1724, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

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

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

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

12 (c) When no longer eligible to receive cash assistance, assistance
13 shall be available to reimburse work-related child care expenses even if
14 the recipient family has not achieved economic self-sufficiency. The
15 amount of such assistance shall be based on a cost-shared plan between
16 the recipient family and the state which shall provide assistance up to
17 two hundred percent of the federal poverty level prior to October 1,
18 2023, or one hundred eighty-five percent of the federal poverty level on
19 and after October 1, 2023. A recipient family may be required to
20 contribute up to twenty percent of such family's gross income for child
21 care. It is the intent of the Legislature that transitional health care
22 coverage be made available on a sliding-scale basis to individuals and
23 families with incomes up to one hundred eighty-five percent of the
24 federal poverty level if other health care coverage is not available; and
25 (d) The self-sufficiency contract shall be revised and cash
26 assistance extended when there is no job available for adult members of
27 the recipient family. It is the intent of the Legislature that available
28 job shall mean a job which results in an income of at least equal to the
29 amount of cash assistance that would have been available if receiving
30 assistance minus unearned income available to the recipient family.

31 The department shall develop policy guidelines to allow for cash

1 assistance to persons who have received the maximum cash assistance
2 provided by this section and who face extreme hardship without additional
3 assistance. For purposes of this section, extreme hardship means a
4 recipient family does not have adequate cash resources to meet the costs
5 of the basic needs of food, clothing, and housing without continuing
6 assistance or the child or children are at risk of losing care by and
7 residence with their parent or parents.

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

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

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

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

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

29 (e) For minor parents, the assistance payment shall be based on the
30 minor parent's income. If the minor parent lives with at least one
31 parent, the family's income shall be considered in determining

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

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

16 Sec. 3. This act becomes operative on July 1, 2021.

17 Sec. 4. Original sections 68-1206 and 68-1724, Revised Statutes
18 Cumulative Supplement, 2020, are repealed.

19 Sec. 5. Since an emergency exists, this act takes effect when
20 passed and approved according to law.