

LEGISLATIVE BILL 7

Approved by the Governor, November 7, 1981,

Introduced by Marvel, 33, for the Governor

AN ACT to amend sections 43-504 and 43-504.01, Reissue Revised Statutes of Nebraska, 1943, relating to assistance to certain children; to redefine terms; to change benefit requirements as prescribed; to prescribe work registration requirements; to impose a fee for collection services as prescribed; to provide for termination of a section; to provide for severability; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 43-504, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-504. (1) The term dependent child shall mean a child under the age of eighteen years, or under the age of ~~twenty-one years if he is a student regularly attending a school, college or university, or regularly attending a course of vocational or technical training designed to fit him for gainful employment~~ nineteen if he or she is a full-time student in a secondary school, or in the equivalent level of vocational or technical training, and if, before he or she attains age nineteen, he or she may reasonably be expected to complete the program of such secondary school or such training, who has been deprived of parental support or care by reason of the death, continued absence from the home, physical or mental incapacity of a parent, or partial or total unemployment of the supporting parent, and who is living with his or her father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his, her, or their own home, or who has been removed from the home of such relative as a result of judicial determination to the effect that continuation therein would be contrary to the welfare of such child with placement of such child in a foster family home or childcare institution as a result of such determination when the state, any court having jurisdiction of such child, or the county welfare agency is responsible for the care and placement of such child and one of the following conditions exists: (a) Such child received aid from the state in or for the month in which court

proceedings leading to such determination were initiated; (b) such child would have received assistance in or for such month if application had been made therefor; or (c) such child had been living with such a relative specified above at any time within six months prior to the month in which such proceedings were initiated and would have received such aid in or for the month that such proceedings were initiated if in such month the child had been living with, and removed from the home of, such a relative and application had been made therefor. ~~Every child between the ages of eighteen and twenty-one who would be eligible for aid to dependent children payments except for age shall nevertheless be eligible for medical assistance benefits.~~

~~(2) Only for the purpose of awarding aid to dependent children payments, the term dependent child shall include unborn children. As soon as it is medically determined that pregnancy exists, application may be made for initial eligibility or an increase in an existing unit budget.~~

(2) In awarding aid to dependent children payments, the term dependent child shall include unborn children. As soon as it is medically determined that pregnancy exists, application may be made for initial eligibility or for an increase in an existing unit budget. Payments which do not meet applicable criteria established by federal law for pregnant women and unborn children shall be made from state funds. Only for the purpose of meeting federal requirements, a pregnant woman may be eligible but only (a) if it has been medically verified that the child is expected to be born in the month such payments are made or expected to be born within the three-month period following such month of payment, and (b) if such child had been born and was living with her in the month of payment, she would be eligible for aid to families with dependent children. As soon as it is medically determined that pregnancy exists, a pregnant woman who meets the other requirements for aid to dependent children shall be eligible for medical assistance.

(3) A physically handicapped or crippled child shall mean a child who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury or disease, is or may be expected to be totally or partially incapacitated for education or for remunerative occupation.

Sec. 2. That section 43-504.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-504.01. As a condition of eligibility for aid for children included in section 43-504, (2), the partially or totally unemployed parent shall register with the Division of Employment, Department of Labor, nearest his or her residence and reregister at such intervals as such division requires, unless considered exempt under rules and regulations adopted and promulgated by the Director of Public Welfare; and any totally or partially unemployed parent who refuses without good cause to accept employment in which he or she is able to engage which will increase his or her ability to maintain himself or herself and his or her family shall be deemed by such refusal to have rendered his or her children ineligible for further aid until he or she has complied with the provisions of this section.

The requirements of this section shall also apply to any dependent child unless he or she is under age sixteen or attending, full-time, an elementary, secondary, or vocational school.

For purposes of this section, participation in a strike shall not constitute good cause to leave or to refuse to seek or accept employment. Aid to families with dependent children shall not be payable to a family for any month in which any eligible caretaker relative specified in section 43-504 with whom the child is living is, on the last day of such month, participating in a strike, and no individual's needs shall be included in determining the amount of aid payable for any month to a family if, on the last day of such month, such individual is participating in a strike. An individual shall not be deemed to be participating in a strike if it is shown to the satisfaction of the Director of Public Welfare that (1) he or she is not taking part in, financing, or directly interested in the labor dispute which led to the strike, and (2) he or she does not belong to a grade or class of workers of which, immediately before the commencement of the strike, there were members employed at the premises at which the strike occurs, any of whom are participating, financing, or directly interested in the dispute.

Sec. 3. A collection service fee shall be imposed on an individual who owes delinquent child support in an amount equal to ten per cent of the delinquent amount owed. No part of the amount collected shall be considered to be a fee collected except such amounts collected which exceed the actual amount of the delinquent support owed. The clerk of the district court shall record the amount of such fees. Any fees so collected for aid to dependent children recipients or actions filed pursuant to section 43-512.02 shall be

transmitted to the Department of Public Welfare. All collection of fees in other cases shall be placed in the general fund of the appropriate county.

Sec. 4. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

Sec. 5. That original sections 43-504 and 43-504.01, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 6. Section 3 of this act is repealed effective March 1, 1982.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.