

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 310**

Introduced by Conrad, 46.

Read first time January 11, 2023

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to public assistance; to amend section 43-512,
- 2 Reissue Revised Statutes of Nebraska; to change the maximum payment
- 3 level for monthly assistance; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-512, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 43-512 (1) Any dependent child as defined in section 43-504 or any  
4 relative or eligible caretaker of such a dependent child may file with  
5 the Department of Health and Human Services a written application for  
6 financial assistance for such child on forms furnished by the department.

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

15 (3) The department shall make a finding as to whether the  
16 application referred to in subsection (1) of this section should be  
17 allowed or denied. If the department finds that the application should be  
18 allowed, the department shall further find the amount of monthly  
19 assistance which should be paid with reference to such dependent child.  
20 Except as may be otherwise provided, payments shall be made by unit size  
21 and shall be consistent with subdivisions (1)(p), (1)(q), (1)(t), and (1)  
22 (u) of section 68-1713. Beginning on September 10, 2023 ~~August 30, 2015~~,  
23 the maximum payment level for monthly assistance shall be eighty-five  
24 ~~fifty-five~~ percent of the standard of need described in section 43-513.

25 No payments shall be made for amounts totaling less than ten dollars  
26 per month except in the recovery of overpayments.

27 (4) The amount which shall be paid as assistance with respect to a  
28 dependent child shall be based in each case upon the conditions disclosed  
29 by the investigation made by the department. An appeal shall lie from the  
30 finding made in each case to the chief executive officer of the  
31 department or his or her designated representative. Such appeal may be

1 taken by any taxpayer or by any relative of such child. Proceedings for  
2 and upon appeal shall be conducted in the same manner as provided for in  
3 section 68-1016.

4 (5)(a) For the purpose of preventing dependency, the department  
5 shall adopt and promulgate rules and regulations providing for services  
6 to former and potential recipients of aid to dependent children and  
7 medical assistance benefits. The department shall adopt and promulgate  
8 rules and regulations establishing programs and cooperating with programs  
9 of work incentive, work experience, job training, and education. The  
10 provisions of this section with regard to determination of need, amount  
11 of payment, maximum payment, and method of payment shall not be  
12 applicable to families or children included in such programs. Income and  
13 assets described in section 68-1201 shall not be included in  
14 determination of need under this section.

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

24 (i) An ongoing transitional payment that is intended to meet the  
25 family's ongoing basic needs which may include food, clothing, shelter,  
26 utilities, household goods, personal care items, and general incidental  
27 expenses during the five months following the time the family becomes  
28 ineligible for assistance under the aid to dependent children program, if  
29 the family's earned income is at or below one hundred eighty-five percent  
30 of the federal poverty level at the time the family becomes ineligible  
31 for the aid to dependent children program. Payments shall be made in five

1 monthly payments, each equal to one-fifth of the aid to dependent  
2 children payment standard for the family's size at the time the family  
3 becomes ineligible for the aid to dependent children program. If during  
4 the five-month period, (A) the family's earnings exceed one hundred  
5 eighty-five percent of the federal poverty level, (B) the family members  
6 are no longer working, (C) the family ceases to be Nebraska residents,  
7 (D) there is no longer a minor child in the family's household, or (E)  
8 the family again becomes eligible for the aid to dependent children  
9 program, the family shall become ineligible for any remaining  
10 transitional benefits under this subdivision;

11 (ii) Child care as provided in subdivision (1)(c) of section  
12 68-1724; and

13 (iii) Except as may be provided in accordance with subsection (2) of  
14 section 68-1713 and subdivision (1)(c) of section 68-1724, medical  
15 assistance for up to twelve months after the month the recipient becomes  
16 employed and is no longer eligible for aid to dependent children.

17 (6) For purposes of sections 43-512 to 43-512.18:

18 (a) Authorized attorney shall mean an attorney, employed by the  
19 county subject to the approval of the county board, employed by the  
20 department, or appointed by the court, who is authorized to investigate  
21 and prosecute child, spousal, and medical support cases. An authorized  
22 attorney shall represent the state as provided in section 43-512.03;

23 (b) Child support shall be defined as provided in section 43-1705;

24 (c) Medical support shall include all expenses associated with the  
25 birth of a child, cash medical support as defined in section 42-369,  
26 health care coverage as defined in section 44-3,144, and medical and  
27 hospital insurance coverage or membership in a health maintenance  
28 organization or preferred provider organization;

29 (d) Spousal support shall be defined as provided in section 43-1715;

30 (e) State Disbursement Unit shall be defined as provided in section  
31 43-3341; and

1 (f) Support shall be defined as provided in section 43-3313.

2 Sec. 2. Original section 43-512, Reissue Revised Statutes of  
3 Nebraska, is repealed.