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DEPT. OF HEALTH AND HUMAN SERVICES

**2024 Nebraska State Plan for Temporary Assistance for Needy Families**

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### **Temporary Assistance for Needy Families (TANF)**

States that include TANF in the Combined State Plan must outline how the State will meet the requirements of section 402 of the Social Security Act including how it will:

(OMB Control Number: 0970-0145)

a. *Conduct a program designed to serve all political subdivisions in the State (not necessarily in a uniform manner) that provides assistance to needy families with (or expecting) children and provides parents with job preparation, work, and support services to enable them to leave the program, specifically cash assistance, and become self-sufficient (section 402(a)(1)(A)(i) of the Social Security Act)*

- Nebraska will continue to serve families who are Nebraska residents and:
- Are composed of either one or two parents; or
- Specified relatives, conservator, or guardian; and
- Who are expecting their first child to be born within the next 90 days; or
- Who care for children under the age of 18; or
- Up to age 19 if still in secondary school or participating in Employment First after dropping out of school; and,
- Whose family's income and resources meet the current means test. Nebraska will operate a statewide program which provides temporary financial assistance for needy families with minor children and a mandatory work program known as the Employment First Program.

### **Eligibility for TANF**

Nebraska's TANF cash assistance program is called Aid to Dependent Children (ADC). Eligibility is limited to needy families with dependent children or parent(s) with an unborn child in the final trimester. A needy family is defined as a family consisting of children who are living in the home of a relative, guardian, or conservator unless removed from that home by judicial determination and whose income and resources are below the standards which are applied on a statewide basis.

Usually, the child shares the same household with the parent, relative, guardian, or conservator. However, a home is considered to exist as long as the parent or relative exercise responsibility for the care and control of the child, even though circumstances may require the temporary absence of from the customary family setting. Allowable absences include:

- A child receiving medical care or education which requires the child to live away from the home.
- A child out of the home for a visit not to exceed three months.
- Emergency situations that deprive the child of a parent, relative, guardian, or conservator's care (may not continue beyond three months except in case of extended hospitalization).

If the child is living with a relative, the relative must be a father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, second cousin, nephew, or niece. These relatives may be half blood,

related by adoption, or from a preceding generation. A child may also live with the spouse of any persons previously named even after death or divorce has terminated the marriage. The child may also live with a court appointed guardian or conservator.

The needs of the parent(s), needy caretaker relative, guardian or conservator may be included in the ADC financial payment. To be eligible they shall:

- Assign support rights to DHHS;
- Cooperate with the Child Support Enforcement Unit;
- Live with the child in a place of residence they maintain;
- Be in need, as determined by assistance requirements and standards;
- Cooperate in developing and completing a Self-Sufficiency Contract; and,
- Not be eligible for the Aid to the Aged, Blind and Disabled (AABD) program.

If there is more than one child in the household of a non-relative, all children for whom assistance is requested must be included in a single grant unit and budgeted accordingly. Deprivation of parental support or care is not an eligibility requirement. Unmarried parents living together as a family shall be considered a family unit when paternity for the child(ren) has been acknowledged or established. When unmarried parents are living as a family, and one parent is ineligible, the ineligible parent and their child(ren) are not included in the ADC unit. If otherwise financially eligible, the other parent, and any children not shared with the ineligible parent, may continue to receive ADC cash assistance. Eligibility for ADC cash assistance must be redetermined every six months. A family will be eligible for financial assistance and services if:

- The family's countable income is under the standards in effect on July 1, 2013, adjusted biennially using the Consumer Price Index (CPI) for the previous two years; and,
- Countable resources do not exceed \$4,000 for a single individual and \$6,000 for two or more.

Any person convicted in federal or state court of having fraudulently misrepresented their residence in order to obtain assistance in two or more states is ineligible for ADC cash assistance for ten years from the date of conviction.

An individual is ineligible for ADC cash assistance during any period in which the individual is:

- Fleeing to avoid prosecution or custody or confinement after conviction for a crime or attempt to commit a crime that is a felony under the law of the place from which the individual is fleeing; or
- Violating a condition of federal or state probation or parole.

An individual who commits any offense after August 22, 1996, which is classified as a felony and which has as an element the possession, use, or distribution of a controlled substance and is convicted under federal or state law after August 22, 1996, is permanently ineligible to be included in the ADC cash assistance unit.

As a condition of eligibility for ADC cash assistance, a client determined to be a work-eligible individual and subject to Employment First participation must complete their Employment First Self-Sufficiency Contract before the family can be determined eligible to receive ADC cash assistance. If a client does not cooperate in developing and completing an Employment First Self-Sufficiency Contract, the family is ineligible for ADC cash assistance.

## Benefits

Effective September 1, 2015 the maximum amount of ADC cash assistance provided will be fifty-five percent (55%) of the ADC Standard of Need based on the number of eligible members in the unit. ADC cash assistance eligibility is determined in two steps; the first step is determining initial eligibility during the application process. If the unit is found eligible during step one, the second step is determining the unit's grant amount or ongoing grant eligibility. Once a unit is found eligible during step one, they are not again subjected to step one unless a financially responsible adult is being added to the unit.

1. Determining eligibility during the initial application process, or when adding a financially responsible individual to an existing ADC unit, consists of the following steps:
  - a. Calculate total gross earned income;
  - b. Subtract 20 percent of total gross earned income;
  - c. Subtract childcare expense paid out-of-pocket;
  - d. The result after step C is the net (countable) earned income.
  - e. Compare the result of step D to the appropriate standard of need;
  - f. If the result of step D is less than the appropriate standard of need, proceed to #2. If the result of step D is greater than or equal to the standard of need, proceed to step G.



A family whose income exceeds 185 percent of the Federal Poverty Level may receive Child Care until the family's income exceeds 85 percent of the State Median Income during the eligibility period or 200 percent of the Federal Poverty Level at redetermination.

### **Employment First**

**ORIENTATION ASSESSMENT/SELF-SUFFICIENCY CONTRACT.** The orientation is done as an introduction to the Employment First program and the comprehensive assets assessment. The orientation highlights the responsibilities the client will be expected to fulfill if they becomes eligible for ADC cash assistance. The orientation also provides the client with detailed information regarding all Employment First requirements, program expectations, participation options, services, and time limits. An assessment will be completed with each participant. The purpose of the assessment is to gather and organize information about the participant's skills, aptitudes, strengths, interests, goals, prior work experience, family circumstances, and employability. The assessment is an ongoing process. Reassessment occurs when a participant's circumstances change when they are not able to continue forward movement in the activities included in their Self-Sufficiency Contract, or at any time the case manager or the participant determines it is necessary.

Based on the results of the assessment, an individualized Self-Sufficiency Contract, which incorporates a detailed Service Plan, will be developed. The Contract will stress urgent action toward economic independence. It will outline and define both DHHS' responsibilities and the family's responsibilities. The Service Plan will be used as a flexible tool. If the participant is not achieving progress in their Contract, it will be evaluated and changed accordingly.

### **Supportive Services**

Supportive Services will be provided to the extent determined necessary to permit the individual to participate in any Employment First approved work activity, including the administrative process of orientation, assessment, self-sufficiency planning, and Self-Sufficiency Contract development, if no other source is available. Case management and necessary supportive services may be provided for the duration of the client's participation in all Employment First approved work activities and, if needed, after the loss of eligibility for ADC cash assistance due to earned income, and if the individual was either cooperating with or participating in Employment First at the time.

1. Extended Employment First Supportive Services can be provided for up to three months for all approved work activities included in the participant's Self-Sufficiency Contract; and
2. Transitional Employment First Supportive Services can be provided for up to six months if the Supportive Services are determined as necessary and critical for maintaining or retaining the participant's employment.
- 3.

Supportive Services include the following:

**Clothing.** The purchase of clothing necessary for the individual to effectively participate in any of their approved component activities, including employment, may be approved.

1. **Expenses for Education and Training.** The participant must apply for student financial aid before Job Skills Training, Vocational Training, or Post-Secondary Education can be approved and included in the Self-Sufficiency Contract unless the program is not eligible for student financial aid or the participant has other financial resources available to pay for the cost of training.
  - a. **Certification Programs.** Expenses related to training programs not covered by student financial aid can be considered if there is no other source of payment.
  - b. **Adult Education Programs.** The registration fee for all approved adult education programs may be authorized.
2. **Employment Expenses.** Expenses necessary and required for employment, such as uniforms, special clothing, or tools, may be authorized. There must be verification from the employer indicating the items required are required for employment. Transportation expenses may be provided until the participant receives their first full paycheck from their job. Expenses related to the start-up or development of a business are not allowed.
3. **Medical Services.** Employment-related medical services not covered by Medicaid may be authorized if they are necessary for the client to participate in Employment First activities or accept employment. The participant must have cooperated to establish Medicaid eligibility. Medical services are authorized at Medicaid rates.
4. **Relocation.** Expenses related to relocation may be authorized if necessary for the participant to accept employment or participate in an education or training activity. In order to have such expenses authorized it must not be feasible for the participant to commute on a daily basis.

5. **Transportation.** DHHS may authorize payment for transportation to enable a participant to participate in any Employment First component. Bus tokens or tickets, commercial transportation, gasoline vouchers, car repairs, and relocation assistance are some examples of transportation services that can be provided. Public transportation must be used when available.
6. **Vehicle Repairs.** Allowable repairs are those that are necessary for the vehicle to be in safe and reliable operating condition. Cosmetic repairs cannot be authorized. Repairs cannot be authorized if the cost of all repairs during a 12 month period exceeds the value of the vehicle.
  - a. **Vehicle Purchase.** The purchase of an automobile is allowed for participants who have gained permanent employment for 30 or more hours per week and no other transportation is available. There must be verification that the employment is a permanent position and the participant will be working 30 or more hours per week. There must also be documentation that the participant has a valid driver's license. The purchase price is limited to \$5,000.
  - b. **Vehicle loan payment.** Vehicle payments can be authorized one time in a 12 month period if the participant has a notice of repossession and the payment will resolve the emergency.
  - c. **Commercial Transportation.** Commercial transportation can only be authorized for up to four weeks in a 12 month period.
  - d. **Fuel and Oil.** Fuel can be provided for transportation to and from the individual's home and the approved activity site. This includes transporting children to and from their childcare provider or school if childcare transportation by the childcare provider or school is not available. There must be documentation that the participant has a valid driver's license, and current insurance and registration for the vehicle being used. An unlicensed participant may receive a gas voucher if they are going to use it as a contribution to a carpool or to someone else who is providing them transportation for Employment First purposes. Fuel should not be authorized for participants engaged in AmeriCorps or Federal work study because stipends from these programs are intended to cover transportation expenses.
  - e. **Vehicle Registration.** Up to \$500 of the cost of registering a participant's vehicle is allowed if the vehicle is required for participation. The cost of specialty license plates must not be authorized. There must be documentation that the participant has a valid driver's license and insurance.
  - f. **Insurance.** Payment of vehicle insurance is limited to a one-time three month premium for basic liability coverage. Full coverage is allowed if the vehicle has a lien on it and the lender requires full coverage. The participant must be the owner of the vehicle.
  - g. **Driver's License.** The cost of reinstating a driver's license is allowed unless the loss was due to driving while intoxicated or under the influence of drugs.
  - h. **Exempt Public Transportation.** Exempt Public Transportation must be utilized prior to all other Transportation if available and appropriate for the participant's circumstances.

### **Safety and in-home services**

DHHS will use TANF funds to support an array of services to assist needy families with children so that children can be cared for in their own homes by DHHS, Division of Children and Family Services (CFS) staff. The services provided meet the first and fourth statutory purposes of TANF (as specified at §260.20(a) and (d) of this chapter).

The eligibility criteria will be needs-based as indicated by the family's program eligibility status for Aid to Dependent Children (ADC), Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income (SSI), or Medicaid. Medicaid eligibility will be based on parent income and not state ward status of an identified child.

The target population is identified through the assessment of maltreatment reports of abuse or neglect by CFS staff. The target population is families whose child or children (ages 0 through 18) are involved in a proceeding in the juvenile court system and placed in the custody of DHHS (court involved) or whose families are in need of support services to safely care for their children in their own home (non-court involved).

Nebraska uses Structured Decision Making (SDM) for the assessment of reports of maltreatment. SDM is a set of evidence-based assessment tools utilized to provide structure for gathering information at critical case management decision points. SDM increases the consistency and validity of decisions related to child safety, targeting resources to families at high risk of future

maltreatment, supporting decisions for using out-of-home care, and determining case closure. SDM also can be used to aggregate assessment and decision data to inform agency monitoring, planning, and budgeting. The goals of the model are to reduce subsequent harm to children, including re-referral, repeat maltreatment (in-home and out-of-home), and to reduce the time to permanency for children served by CFS.

The array of services include:

1. In-Home Safety Service is a rapid response, home-based intervention service delivered by trained professionals to manage identified safety threats in order to safely maintain the child in the family home. Trained professionals shall intervene if safety of the child(ren) is compromised. Trained professionals shall provide training, modeling, and coaching to the parent or caretaker when necessary to facilitate the child remaining safely placed in the family home.
2. Intensive Family Preservation (IFP) Service is defined as intensive crisis intervention, therapeutic intervention, and life skills education for the target population identified below provided in the home or at a location identified in the service referral. This service is designed to strengthen the family system, improve family functioning, increase access to community resources, and assist in accessing informal and formal supports to preserve the family unit. This service is designed to create sustainable change in the family unit by focusing on interventions that build on family strengths in order to eliminate safety threats and/or reduce the risk of child maltreatment. This service must be delivered in the family home or their community, available 24 hours a day, seven days a week, including holidays and weekends. This service must include multiple face-to-face direct contacts and indirect contacts (e.g., telephone calls, e-mail) with the family each week.
3. Family Support Service is defined as the provision of face-to-face assistance, coaching, teaching, role modeling, and the supervision of visits when applicable by a trained professional in the family home or community based setting. Family Support Service promotes family well-being and enhances the protective factors, i.e., knowledge of parenting and child development, resilience, social connections, concrete supports, and social and emotional competence.
4. Agency Supported Respite Care is defined as the temporary care and supervision of youth referred by DHHS that is provided in a licensed foster home during an urgent or pre-planned situation. The Contractor shall communicate all known information about the child to the respite care family. The Contractor will also provide input to planning processes i.e. Family Team Meetings, Independent Living Plans and preparation of Case Plans and Court Reports when requested by DHHS. The Contractor will provide any information requested by DHHS necessary to complete reports required by any applicable Federal or State law and regulation. The Contractor shall be in compliance with all DHHS policy and regulation, to include regulation and licensure established by the Division of Public Health. The Contractor shall be responsible for transporting children in respite care to their home school, activities, and services that are located within a 25-mile radius from the foster care home. Activities and services are expected to include visits with the child's family members, behavioral health appointments, medical appointments, and extra-curricular activities
5. Drug Testing and Lab Confirmation Service is defined as a point of collection test by a trained employee in which specimens such as urine, saliva, and breath are used to determine a positive or negative drug test result. Collection of a urine specimen will be conducted through line of sight observation of the client by a trained employee of the same gender. Drug testing includes the collection of a sweat specimen obtained through the use of a patch. A refusal by the client is defined as the client choosing not to provide a specimen to the Contractor at a designated time and place. All refusals must be reported to the DHHS case manager or supervisor by the end of the next business day, unless otherwise noted in the service referral. A no show by the client is defined as the client not being present to provide a specimen to the Contractor at the designated time and place. All no shows must be reported to the DHHS case manager or supervisor by the end of the next business day, unless otherwise noted in the service referral. Laboratory test confirmation is defined as screening the collected specimen by a laboratory to detect the presence of a specific drug(s) or substance(s) and the concentration of the drug(s) or substance(s) as identified and requested in the Service Referral. Laboratory test confirmation includes the written verification of the results. The Contractor's drug testing protocol and policy shall be consistent with the Substance Abuse and Mental Health Services Administration (SAMHSA). The Contractor's drug testing protocol, policy, and rates shall be submitted to each Service Area Contract Liaison where the service will be provided.
6. Family Peer Support services are time-limited and designed for the caregiver of a youth with a severe emotional disturbance or substance use disorder and who has experienced behavioral/emotional challenges in the home, school, and/or community. Services utilize a parent peer coaching model to facilitate system navigation, accessing community resources and other benefits, engaging with formal and informal supports to ensure that the elements of the family plan for the youth and family are planned for, and progress towards goals and objectives occur. Services are designed to increase capacity and skills to prevent/stabilize crisis within the family, caregiver, or prevent out of home placement of the youth.

\*Please note, a Federal Court has ruled it is unconstitutional to mandate drug test for Public Welfare individuals.

- b. *Require a parent or caretaker receiving assistance to engage in work (defined by the State) once the State determines the parent or caretaker is ready to engage in work, or once he or she has received 24 months of assistance, whichever is earlier, consistent with the childcare exception at 407(e)(2) (section 402(a)(1)(A)(ii) of the Social Security Act)*

**EMPLOYMENT FIRST PARTICIPATION** Nebraska has adopted the federal definition of work-eligible individuals. All individuals who are defined as work-eligible, including parents and needy care-takers, are required to participate in the Employment First program.

Once a family applies for ADC cash assistance, all work-eligible individuals are referred to the Employment First program at the time of the intake interview. The work-eligible individual is required to complete an Employment First Self-Sufficiency Contract within eight days of the referral and immediately engage in approved work activities unless they otherwise qualify for an exemption from Employment First.

Dependent children aged 15 or younger (including an emancipated minor) and dependent children aged 16, 17, or 18 who are full-time students regularly attending an elementary or secondary school, or a dependent child aged 16 or 17 who is a full-time student and regularly attending college, are not required to participate in the Employment First program.

### **Definition of Work Eligible Individuals**

Nebraska excludes from the definition of Work Eligible Individuals:

1. A minor parent who is not a head-of-household;
2. A non-recipient parent of children receiving TANF/Maintenance of Effort (MOE) who is ineligible to receive assistance due to immigration status;
3. An individual receiving assistance under an approved Tribal TANF program;
4. A non-recipient parent of children receiving TANF/MOE who is not receiving TANF benefits due to receipt of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI); and
5. A parent needed in the home to care for a disabled family member who is not attending school full-time.\*

\*Nebraska Policy states: "The need for such care must be supported by a signed statement from a licensed medical professional."

### **Disability of the family member**

The disability of the family member being cared for should be evaluated periodically, depending on the diagnosis and prognosis for recovery in order to determine if the parent is still needed in the home to provide care. The case manager must review the exempt status:

1. At the time of redetermination of eligibility for ADC;
2. When the case manager becomes aware of a change which may affect exempt status; or
3. Within 30 calendar days of a request by the client or another case manager to reconsider "mandatory status."

### **Solely state-funded program for specified exemptions**

Nebraska has implemented a solely-state funded program for families receiving ADC cash assistance where the adult or minor parent qualifies for one of the specified exemptions. To allow for more flexibility in serving these families, this program is not funded with federal TANF funds. Cash assistance provided to these families will be funded with state dollars only. The state general funds used for cash assistance for this program will not count toward Nebraska's TANF maintenance-of-effort requirement and therefore are not subject to any federal TANF requirements. This program was created effective October 1, 2006. This solely state-funded program allows Nebraska to exempt from the work participation requirements and federal time limits those families where the adult or minor parent is incapacitated with a medically determinable physical, mental or emotional impairment or who has significant barriers to participation in approved work activities. Nebraska will provide the services necessary to help these individuals overcome and/or remove the barriers preventing them from effectively engaging in approved work activities and attaining the maximum level of economic independence possible for their families through work.

The following individuals are exempt from participating in Employment First and are exempt from the state and federal time limit for the length of time they qualify for the exemption:

1. A person who meets incapacity requirements as follows:
  - a. The individual has an illness or injury serious enough to temporarily prevent entry into employment or participating in another Employment First component activity for up to three months; or
  - b. The individual is incapacitated with a medically determinable physical or mental impairment which, by itself or in conjunction with age, prevents the individual from engaging in employment or participating in another



Employment First component activity and which is expected to exist for a continuous period exceeding three months.

2. A person aged 65 or older.
3. A parent who is needed in the home on a continuous basis to provide care for a disabled family member living in the home who does not attend school on a full-time basis and no other appropriate member of the household is available to provide the needed care.
4. A victim of domestic violence and where participation in Employment First approved work activities would make it more difficult for the individual to escape violence, or unfairly penalize the individual, or would put the individual at risk of further domestic violence.
5. A single custodial parent who is unable to participate because they cannot obtain childcare for their child aged five or younger due to one or more of the following reasons:
  - a. Unavailability of appropriate childcare within a reasonable distance from the client's home or work site;
  - b. Unavailability or unsuitability of informal childcare by a relative or under other arrangements; or
  - c. Unavailability of appropriate and affordable formal childcare arrangements.

Two-parent families are allowed the same exemptions as are single-parent families but will remain in the solely state-funded program for two-parent families. If both parents in a two-parent family qualify for an exemption, the family will be exempt from the state time limit for the length of time both parents qualify for an exemption.

- c. *Ensure that parents and caretakers receiving assistance engage in work in accordance with section 407 (section 402(a)(1)(A)(iii) of the Social Security Act). Consistent with the required strategic elements discussed in section II (a)(2) herein, provide a specific analysis of how the State's workforce development activities are addressing employment and training services for parents or caretakers receiving assistance*

Nebraska's approved work activities are:

Core activities:

1. Unsubsidized Employment;
2. Subsidized Private or Public Sector Employment;
3. Work Experience;
4. On-the-Job Training;
5. Job Search/Job Readiness;
6. Community Service;
7. Vocational Training;
8. Providing Child Care Services to an Individual Who is Participating in a Community Service Program; and,
9. Post-Secondary Education.

Non-Core Activities:

1. Job Skills Training Directly Related to Employment;
2. Education Directly Related to Employment; and,
3. Satisfactory Attendance at Secondary School or in a Course of Study Leading to a Certificate of General Equivalence.

### **Sanctions**

Non-cooperation with the program requirements will result in the following sanctions:

1. ADC cash assistance will be reduced by \$50 for each dependent child who fails to attend school if the student's parent has not taken reasonable steps to encourage the child to remain in school.
2. Non-cooperation with Child Support Enforcement will result in a 25 percent reduction in the ADC cash payment and the removal of the sanctioned individual's needs from the medical unit.
3. Refusal to apply for potential income will result in the suspension or closure of the ADC case.
4. Failure of a needy caretaker relative, guardian, or conservator to participate in the Employment First program results in the removal of the individual's needs from the ADC unit. The sanction will last until the failure to participate ceases.

5. Failure of a dependent child aged 16, 17, or 18 to attend school without participating in any other Employment First approved work activity results in removal of the child's needs from the ADC unit. The sanction will last until the failure to participate ceases.
6. If the parent(s) fails to participate in the Employment First program, the result is the loss of ADC cash assistance for the entire family. The length of this sanction is:
  - a. The first sanction will last one month or until the failure to cooperate ceases, whichever is longer.
  - b. The second sanction will last three months or until the failure to cooperate ceases, whichever is longer.
  - c. The third and subsequent sanctions will last 12 months or until the failure to cooperate ceases, whichever is longer.

### **Documentation**

1. Identifying work-eligible individuals - In the process of gathering data for the ACF-199 we first determine the adult's status in the TANF case. Work-eligible individuals are:
  - a. An adult recipient of cash assistance from TANF or SSP-MOE funds.
  - b. A minor parent recipient who is head-of-household
  - c. Non Recipient parents with a reason of:
    - i. Child Support Sanction;
    - ii. Convicted Drug Felon;
    - iii. Third Party Medical Sanction;
    - iv. Intentional Program Violation Sanction;
    - v. Fleeing Felon;
    - vi. SSN Sanction; or,
    - vii. Misrepresenting Residency Sanction

Through data entry requirements in DHHS's automated eligibility system (N-FOCUS); the categories of work-eligible individuals are identified in N-FOCUS as "Financially Responsible" within the TANF case. Compiling the data for the ACF-199 submission includes reading each case for the relationship between the adult(s) and children in the TANF case. When there are two adults, each with a parental relationship to the children, it is identified as a two-parent family with corresponding work participation requirements. If there is only one identified adult, or minor parent head-of-household, with a parent relationship to the children in the case, it will be included in the overall work participation data.

Nebraska has developed tools for use by case managers and workers to track and verify the actual hours of participation by work-eligible individuals. These tools will be required for use on a statewide basis and are included as an attachment to this plan. N-FOCUS only allows staff to enter participation hours for federally defined activities, thereby assuring DHHS does not report non-countable activities.

Additionally, DHHS has established a team of Economic Assistance Program Accuracy Specialists as part of the Research, Planning and Evaluation team that has responsibility for reading a select number of cash assistance cases each month to ensure benefits are accurately determined. Furthermore, the TANF Policy Unit has four (4) designated staff who conduct reviews of the Employment First related TANF cases each month. These reviews monitor the actual case accuracy for assessments, service plans, supportive services, and participation verification and documentation for each individual.

The designated TANF Program Accuracy Specialists review an average of 360 cases each month to ensure compliance with TANF Work Verification Procedures and Requirements. Online management reports, based on these reviews, are available to identify program areas where staff need to be provided with additional information. Conducting a random sample of approximately 4,334 TANF cases provides results in which DHHS can be 99 percent confident that the results are within 2 percent of what would be found if all the state's 6,632 cases were reviewed.

A designated TANF Program Specialist completes a second-level review on 20 percent of selected TANF Program Accuracy Specialist's portion of the 360 monthly case reviews.

DHHS continues to monitor case activity from the ACF-199 report. When areas of inaccuracy are identified, contact is made with DHHS staff. The expectation is the identified cases will be corrected, and the DHHS staff will develop a greater understanding of the program and system processes.

Each month a management report is generated from N-FOCUS listing Employment First cases where the individual is exempt from participation, and the exemption exceeds the maximum number of months allowed by policy. These reports show cases by Service Area, Office, Supervisor, and Worker and are to be reviewed by case management staff. Staff ensures accuracy of the work activity information by reviewing the monthly Case Activity Report and submitting report findings to DHHS.

These reports are to be reviewed by Employment First Case Management Supervisors with the expectation that staff will follow through with processes necessary to ensure accuracy of the work activity information. As supervisors review the monthly Case Activity Reports, any miscalculation that resulted in incorrect entry will be reflected in the reports.

The State of Nebraska will maintain all pertinent findings produced through these internal control processes and will be made available for use by ACF and other auditors in their review of Nebraska's work participation verification system.

Each month the Employment First Case Manager calculates the verified hours of participation and enters that amount in the automated eligibility system. These hours are then read during the ACF-199 process and transmitted as Work Participation. The previously described case review processes compare the data in the Employment First case file with the data input into N-FOCUS to verify accuracy of the data. In addition, each month, following the run of data for the ACF-199 report, a listing of cases submitted is generated. This list shows the Work Activity, the number of hours submitted, and the participation status for each adult or minor parent head of household. This report is reviewed on a monthly basis by a policy staff, and any inaccurate entry of data is noted at that time.

The monthly Work Participation report from the ACF-199 data is based on the complete caseload.

### **Emergency Assistance to Needy Families with Children (EA)**

Nebraska's Emergency Assistance program provides financial assistance and/or services to or on behalf of a needy child(ren) and any other members of the household to meet needs that have been caused by an emergency situation when the needs cannot be met because of destitution. The program provides a means to deal with financial situations that are threatening the health or wellbeing of an eligible child and family. Emergency Assistance benefits must be used to help return the family to a stable environment that they will be able to maintain. The Emergency Assistance program is funded with federal funds only. Emergency Assistance may be provided to a needy child and any other member of the household in which the child is living only if:

1. The child is age 18 or younger (a pregnant woman with no other children may be eligible);
2. The child is currently living with one or both parents, or is temporarily absent from their home and within six months before the month in which assistance is required, was living with a specified relative\* or a legally appointed guardian or conservator\*\* in a place of residence maintained as their own home;
3. The household is without income and resources immediately accessible to meet the needs that are caused by the emergency situation;
4. The child meets requirements of citizenship or eligible alien status\*\*\*;
5. The household meets relevant income eligibility requirements. The family's gross monthly income must not exceed 185 percent of Nebraska's ADC Standard of Need for the family size; and,
6. The destitution or need did not arise because the child (if age 16 or older and not in school) or the relative responsible for support and care refused without good cause to accept employment or training for employment or quit a job without good cause. However, if the child or family member refused without good cause to accept employment or training for employment or quit a job without good cause, but the emergency was not caused by this action, the family is still eligible for EA.

\* A specified relative is defined as a relative with whom a child must be living or have been living within six months prior to the month in which EA is requested. A specified relative includes a child's father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, second cousin, nephew or niece are specified relatives. These relatives may be half-blood relation, related by adoption, or from a preceding generation as denoted by prefixes of grand, great, great-great, or great-great-great. A child may also live with the spouse of any persons previously named even after the marriage has been terminated by death or divorce.

\*\* Under Nebraska law, a guardian has the same powers, rights and duties that a parent has respecting his or her minor child, and a conservator has all powers which he or she could exercise if not under a disability (Nebraska Revised Statutes §§30-2628 and 30-2637).

\*\*\*Nebraska verifies citizenship/alien status for all applicable members, but if an individual does not provide verification or does not have an eligible status, they are not eligible for Emergency Assistance. If there are no children who meet this

requirement, there is no eligibility for Emergency Assistance. If at least one child meets the criteria, a payment would be considered on behalf of that child only.

### **Supportive Services and Work Supports for Child Welfare Families**

Supportive services and work supports may be approved to assist families with safely caring for their children in their own homes. Families must need support in order to work or participate in activities such as job search, community service, education, or training. Services provided will meet the TANF Purpose One: "to provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;" and TANF Purpose Two: "to end dependence of needy parents on government benefits by promoting job preparation, work and marriage by supporting parents job and career advancement activities." Families must be at or below 200 percent of the Federal Poverty Level (FPL) to qualify for the program. The funding method is federal dollars only.

### **Nebraska Supplemental Nutrition Assistance Program (SNAP) Next Step**

The SNAP Employment and Training (SNAP Next Step) Program helps SNAP participants gain skills, training, or work experience to increase their ability to obtain regular employment that leads to economic self-sufficiency. Additionally, the Employment and Training program offers a way to allow SNAP recipients to meet SNAP work requirements. Services provided will meet the TANF Purpose Two: "to end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage by supporting parents job and career advancement activities." Eligible participants must be families with dependents under age 19 with a SNAP recipient enrolled in the Employment and Training program. Services are considered non-assistance by the agency. The funding method is federal dollars only.

### **The Nebraska Healthy Marriages and Responsible Fatherhood Initiative**

The Nebraska Healthy Marriage and Responsible Fatherhood Initiative's goals are:

1. Strengthen positive father-child engagement;
2. Improve healthy relationships (including a couple and co-parenting);
3. Improve healthy marriages; and,
4. Improve employment and economic mobility opportunities for non-custodial fathers.

The Nebraska Healthy Marriages and Responsible Fatherhood Initiative include the following activities:

1. Improving the father's economic stability through job-readiness training;
2. Financial counseling and planning;
3. Relationship building after incarceration; and
4. Skill-based parenting education.

Participation in this program meets TANF purpose four, encouraging the formation and maintenance of two-parent families.

#### **Core Services Provided that Meet TANF Purpose Four:**

1. Activities that promote or sustain marriages:
  - a. Fathers' relationship skills will be addressed through co-parenting curricula, "Children in Between and Getting' Ahead;" and,
  - b. Couples counseling upon request.
2. Activities to promote and foster responsible parenting, stability, and support for children:
  - a. Fathers will attend the "Nurturing Father's Program," an evidence-based program. The 13-week course develops attitudes and skills for male nurturance.
  - b. Legal Aid's Health, Education & Law Project (HELP) will provide an on-site visit to the HMRF provider site to assist fathers with legal issues to focus on family stability. Legal Aid will assist fathers in establishing child visitation rights, credit and collections surrounding child support, and evictions.
3. Activities to foster economic stability for the two-parent family:
  - a. Fathers will receive job and career services based on their needs in alignment with their Individual Service Plans.

#### **TANF Allowable costs:**

1. Case management, counseling, curriculum materials, and other training materials; and,
2. Costs for on-site attorney weekly visits to the HMRF include legal assistance for eviction, credit and collections, establishing child visitation rights, and other father-related issues.

*Take such reasonable steps as the State deems necessary to restrict the use and disclosure of information about individuals and families receiving assistance under the program attributable to funds provided by the Federal Government (section 402(a)(1)(A)(iv) of the Social Security Act)*

All information regarding individuals and families will remain confidential and available only for the purposes of the effective administration of the program and to other federal or state agencies as appropriate. All employees are trained in the need to maintain the confidentiality of information. All DHHS staff must complete Health Insurance Portability and Accountability Act (HIPAA) and Social Security Administration (SSA) confidentiality training, and all contractors must agree to and sign HIPAA Business Associates Agreements and SSA Access agreements.

Access to DHHS's computer system, N-FOCUS, is defined by a security role that is attached to a person's identification (ID), and access to information is defined and limited by job responsibilities. A personal logon ID cannot be issued until the individual completes a state developed orientation course. The orientation includes a review of data privacy and ethics as they pertain to client information.

All DHHS staff, contractors, temporary workers, and business partners are aware of the Information Technology (IT) Policies, Procedures, and Safeguards implemented by DHHS and understand their roles and responsibilities in ensuring DHHS IT resources are secure and protected. There are two sections to the Security Awareness Training. The first section, "Information Technology Computer User Security Awareness," must be completed by any individual who uses a DHHS computer. The second section, "Internal Revenue Service (IRS) Federal Tax Information Appropriate Use and Disclosure," must be completed by every DHHS staff person who accesses IRS Federal Tax Information in the N-FOCUS data system.

*d. Establish goals and take action to prevent and reduce out-of-wedlock pregnancies, with special emphasis on teenage pregnancies (section 402(a)(1)(A)(v) of the Social Security Act)*

## **Out of Wedlock Births**

### Nebraska reproductive health

Nebraska Family Council is the Federal Grantee administering the statewide Title X Family Planning Program. Title X delegate clinics provide reproductive health education and comprehensive medical services that are an integral part of prevention and good health. Nebraska Family Planning Council:

1. Promotes responsible behavior, families' well-being, and healthy babies.
2. Reduces mother and infant death, unintended pregnancies, child abuse, and sexually transmitted diseases.
3. Allows timing of pregnancies when couples are in the best position to care for new children.

Eleven delegate clinics provide services to people, both female and male, regardless of income, marital status, age, national origin, or residence.

Services at delegate sites are confidential and provided in a setting that preserves and protects the privacy and rights of each person. Medical services include:

Physical exams:

1. Cervical cancer screening;
2. Breast cancer screening;
3. STD testing and treatment;
4. High blood pressure screening;
5. Anemia screening;
6. Pregnancy testing;
7. Contraceptive methods; and,
8. Referrals and links to community resources.

Education services include:

1. Reproductive and preventative health;
2. Self-breast and testicular exams;
3. Contraceptive methods;
4. Sexually Transmitted Disease (STD)/ Human immunodeficiency virus (HIV) risks; and,
5. Infertility information.

Nebraska Reproductive Health manages a part of the Title V Maternal Child and Adolescent Health (MCH) block grant specific to Adolescent Reproductive Health. Reproductive Health also manages state funds made available to public health clinics for colposcopy training and equipment. Colposcopy is used to detect abnormal cells, cancer, and human papilloma virus (HPV).

The purpose of the Maternal and Child Health (MCH) Block Grant Adolescent Reproductive Health sub-awards is to engage adolescents to increase their utilization of reproductive health services.

The primary goals of increased utilization are to:

1. Increase adolescents' ability to make informed decisions about their reproductive health;
2. Decrease STD/ Sexually Transmitted Infection (STI) rates and;
3. Decrease the number of unintended pregnancies.

### **Jobs of America's Graduates (JAG)**

Nebraska DHHS has an interagency agreement with the Nebraska Department of Labor (NDOL) to fund the Jobs for America's Graduates (JAG) program. This program is dedicated to supporting young people who face significant challenges to assist them in staying in school through graduation, pursue post-secondary education, and secure quality entry-level jobs leading to career advancement opportunities. Services provided will meet the TANF Purpose Three: "to prevent and reduce the incidence of out-of-wedlock pregnancies" by providing intervention and improved life prospects for students who show evidence of failing, dropping out, or engaging in negative behaviors that can lead to dependency, out-of-wedlock births, imprisonment, and/or other undesirable outcomes which may lead to the detriment and impoverishment of youth. Eligible young people for the Nebraska JAG program must have barriers, as defined by the JAG program that makes them more at risk in graduating from high school, pursuing post-secondary education, and/or a successful addition to the labor force. Services are considered non-assistance by the agency. TANF funding method is federal dollars only.

### **Nebraska-Maternal, Infant, Early Childhood Home Visiting Program (N-MIECHV)**

The Nebraska-Maternal, Infant, Early Childhood Home Visiting Program (N-MIECHV) supports pregnant or parenting families of children from birth to age five who may struggle with significant life stressors, such as poverty, exposure to violence or substance abuse, teen parenting, or military families with one or both parents in service. Services provided will meet TANF Purpose Three: "to prevent and reduce the incidence of out-of-wedlock pregnancies" and establish annual numerical goals for preventing and reducing the incidence of these pregnancies. Families must be at or below 250 percent of the Federal Poverty Level (FPL) to qualify for the program. The funding method is federal dollars only.

### **The Nebraska Crisis Pregnancy Program**

The Nebraska Crisis Pregnancy program will initiate new and expanded services to support pregnant women, parents, and other relatives caring for children twelve (12) months old or younger. The program will be offered statewide by utilizing a statewide network of local service providers.

Crisis pregnancy support services will include the following:

1. Activities that promote healthy relationships for two parents and co-parenting families; and,
2. Services related to parenting and life skills.

The Nebraska Crisis Pregnancy program will provide services to support pregnant women and two-parent families under TANF purpose four, encouraging the formation and maintenance of two-parent families that will support needy and non-needy pregnant women and families.

Core Services Provided that Meet TANF Purpose Four:

1. Activities that strengthen families and promote healthy relationships and education for two and co-parenting families:
  - a. "Boot camps for New Dads": This is a course offered by the program that equips men of different economic levels and ages to engage with their infants and support the mother confidently; and,
  - b. "Mothers and Babies" is an evidence-based prevention course for pregnant mothers and new parents to help manage stress and prevent postpartum depression. Lessons covered include fostering relationships with the father or partner and promoting healthy communication and social support.
2. Parenting education classes for parents to enhance their parenting skills. "Nurturing Parent" is an evidence-based parent class for pregnant women, mothers, and fathers. The course covers nurturing skills, pro-social behavior, how to create a safe home environment, and prenatal care.
3. Mentoring with parents includes education and counseling to support and maintain families. Topics covered include prenatal care and development, co-parenting, healthy relationships, budgeting for a family, maternity leave, childbirth, newborn care, postpartum depression, sleep strategy, car seat training, home babyproofing, child vaccinations, and daycare.

TANF Allowable Costs:

1. Case management; and,
2. Curriculum materials and other training materials.
- 3.

**Abstinence Education**

Title V Sexual Risk Avoidance Education Grant Program (SRAE)

Nebraska's Title V SRAE program seeks to address the influences, views, and challenges facing our State's youth population through a broad life course framework by implementing medically accurate and evidence-based programming. SRAE-supported programming provides youth opportunities to build connections with caring adults that enhance critical knowledge and skills about STD prevention, sexual risk avoidance, values clarification, communication, and healthy relationships and behaviors in the context of their lives. Program sites are dispersed throughout the state with focus on areas with higher than statewide teen birth and/or STD/STI rates, or where disparities in teen birth rates and/or STD/STI rates are documented.

Personal Responsibility Education Grant Program (PREP)

The overarching goal statement for Nebraska's PREP is for Nebraska youth to be empowered to live safe, healthy, and successful lives through relationships with caring and supportive adults guiding them to development healthy behaviors, healthy relationships and life skills. PREP programming applies a Positive Youth Development framework in educational settings to build knowledge and skills around goal setting, values, communication skills, sexual health, birth control, STD/STI's, and healthy relationships and behaviors in the context of their lives. Program sites are dispersed throughout the state with focus on areas with higher than statewide teen birth and/or STD/STI rates, or where disparities in teen birth rates and/or STD/STI rates are documented.

- e. *Conduct a program designed to reach State and local law enforcement officials, the education system, and relevant counseling services, that provides education and training on the problem of statutory rape so that teenage pregnancy prevention programs may be expanded to include men (section 402(a)(1)(A)(vi) of the Social Security Act)*

**State Rape Education Program**

Nebraska Revised Statutes 28–317 to 321, Crimes and Punishments, does not distinguish between genders. The State Rape Education Program serves all genders equally without distinction. The educational services provided are the same for both genders statewide. The program receives grant from the Center of Disease Control (CDC) which must be spent on rape prevention.

The Nebraska Law Enforcement Training Center, the Nebraska State Patrol, and the Omaha Police Department are the three entities responsible for providing training to Nebraska's law enforcement officials on the problem of statutory rape. In addition, DHHS contracts with the Nebraska Domestic Violence Sexual Assault Coalition to provide training and technical assistance to local rape crisis centers as well as local police departments upon request regarding statutory rape.

The Lindsay Ann Burke Act (Nebraska Revised State Statute 79-2,141) requires each school district to provide dating violence training to staff deemed appropriate by a school district's administration. The dating violence training shall include, but not be limited to, basic awareness of dating violence, warning signs of dating violence, and the school district's dating violence policy. The Nebraska Department of Education provides resources to schools to be utilized in their training including information on statutory rape.

- f. *Implement policies and procedures as necessary to prevent access to assistance provided under the State program funded under this part through any electronic fund transaction in an automated teller machine or point-of-sale device located in a place described in section 408(a)(12), including a plan to ensure that recipients of the assistance have adequate access to their cash assistance (section 402(a)(1)(A)(vii) of the Social Security Act)*

Nebraska uses the U.S. Bank ReliaCard for TANF benefits. The ReliaCard Visa is a prepaid debit card, offered to DHHS grant recipients, clients and individual service providers who wish to receive their benefits electronically. This No-Cost or Low-Cost payment method is a great alternative to paper checks and direct deposit because it is fast, secure, convenient and easy.

1. Fast & Efficient – Individuals do not have to wait for the mail to arrive and have no risk of lost or stolen checks; their money is automatically deposited to their card account.
2. Safe & Secure – There is no need to carry large amounts of cash. Cardholders can get cash from many retailers, over one million Visa/Plus branded Automated Teller Machines (ATMs) and any bank or credit union accepting Visa.
3. Convenient – Over 20 million merchants nationwide and more internationally, accept the ReliaCard. It can be used to make purchases everywhere Visa debit cards are accepted, including grocery stores, gas stations and restaurants.
4. Easy – No existing bank account, credit approval or minimum balance is required.

### **TANF EBT restrictions P. L. 112–96 (Middle Class Tax Relief and Job Creation Act of 2012)**

Nebraska has reached agreement with U. S. Bank, the vendor for our electronic benefit card to restrict access to automated teller machines or point-of-sale devices in casinos, gaming establishments, liquor stores, and retail establishments which provide adult-oriented entertainment. The restrictions will be placed based on vendor codes for these establishments and thus recipients of assistance will be able to access their benefits at any teller machine or point-of-sale device at other locations. Nebraska recipients of TANF assistance are not charged fees for use of their electronic benefit cards at any device.

- g. Ensure that recipients of assistance provided under the State program funded under this part have the ability to use or withdraw assistance with minimal fees or charges, including an opportunity to access assistance with no fee or charges, and are provided information on applicable fees and surcharges that apply to electronic fund transactions involving the assistance, and that such information is made publicly available (section 402(a)(1)(A)(viii) of the Social Security Act)*

The ReliaCard Visa (Electronic Benefit Transfer card) is a No-Cost or Low-Cost payment method for DHHS TANF cash grant recipients and individual service providers. It is fast, secure, convenient, and efficient and most services are free. The TANF cash payment recipient receives a Fee Schedule listing the fees and surcharges when their ReliaCard is sent to them. The following services are free with the Nebraska ReliaCard: Online Customer Service Live Customer Service Representative; Automated Interactive Voice Response; Standard Card Replacement; Account Maintenance; Teller Cash Withdrawal; ATM Withdrawals at U.S. Bank or MoneyPass® ATM; 1st ATM use per month for non-U.S. Bank; or non-MoneyPass ATM Optional service to receive e-mail, text alert or mobile phone alert to notify account holder of deposit, address change, funds added, low balance and/or zero/negative balance. The following services have fees for the Nebraska ReliaCard: \$1.00 Fee for Out-of-Network Withdrawal; \$1.00 fee for International ATM Withdrawal; \$2.00 Fee for Card to Bank Transfer; \$15.00 Fee for Card Replacement Expedited; \$1.00 Fee for Inactivity after 365 days.

- h. Indicate whether it intends to treat families moving from another State differently from other families under the program, and if so how (section 402(a)(1)(B)(i) of the Social Security Act)*

Nebraska will continue to serve families moving to Nebraska under the same program regulations as are applied to other Nebraska families.

- i. Indicate whether it intends to provide assistance to non-citizens, and if so include an overview of the assistance (section 402(a)(1)(B)(ii) of the Social Security Act)*

Nebraska will continue to serve qualified aliens as defined in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), as amended, under the same program regulations as are applied to other Nebraska families.

- j. Set forth objective criteria for the delivery of benefits and the determination of eligibility and for fair and equitable treatment, including an explanation of how it will provide opportunities for recipients who have been adversely affected to be heard in a State administrative or appeal process (section 402(a)(1)(B)(iii) of the Social Security Act)*

### **APPEALS/MEDIATION**

Every applicant for or recipient of assistance or services provided through DHHS has the right to appeal to the Director of DHHS for a fair hearing on any action or inaction with regard to the assistance or services. The request for a fair hearing must be filed in writing within 90 days following the date the notice of adverse action is mailed. If an applicant wishes to appeal due to inaction, they must request a fair hearing within 90 days of the date the application was signed. Requests for a fair hearing filed within ten days following the date the notice of adverse action is mailed will stay the adverse action until a fair hearing decision is rendered, unless otherwise requested by the client.

Employment First participants have the right to independent mediation if the participant is unhappy with a case manager's action or inaction; or when DHHS has determined that the participant has not complied with the terms of the Self-Sufficiency Contract; or the participant contends that DHHS has not fulfilled its terms of the Self-Sufficiency Contract. The request for mediation must be requested within 90 days following the date the notice of adverse action is mailed. Requests for mediation requested within ten days following the date the notice of adverse action is mailed will stay the adverse action until a decision is reached through mediation. If the individual is unhappy with a case manager's action or inaction, the individual has 30 days from the date of the case manager's action or inaction or the date the individual became aware of the case manager's action or inaction to request mediation.

- k. Indicate whether the State intends to assist individuals to train for, seek, and maintain employment (Section 402(a)(1)(B)(v) of the Social Security Act)—*

- l. Providing direct care in a long-term care facility (as such terms are defined under section 1397j of this title); or*



2. *In other occupations related to elder care, high-demand occupations, or occupations expected to experience labor shortages as, determined appropriate by the State for which the State identifies an unmet need for service personnel, and, if so, shall include an overview of such assistance.*

### **Elder care**

Nebraska assists Employment First participants to train for, seek, and maintain employment providing direct care in long-term care facilities, and in other occupations related to elder care determined appropriate by the state for which the state identifies an unmet need for service personnel.

To help communities address the growing need for personnel in the eldercare and healthcare fields, where possible, the Employment First program will partner with community organizations, schools and businesses in developing and funding community responsive customized training for certified nursing assistants (CNA) and certified medication aides (CMA). Nebraska promotes and funds CNA and CMA training, for which state and federal financial aid is not available. Job skills training and vocational training in eldercare and healthcare occupations are approved work activities under the Employment First program.

- l. *Provide for all MOE-funded services the following information: the name of the program benefit or service, and the financial eligibility criteria that families must meet in order to receive that benefit or service. In addition, for TANF MOE-funded services (co-mingled or segregated MOE) describe the program benefit provided to eligible families (SSP services do not have to include a description but the Department of Health and Human Services encourages it) (§263.2(b)(3) & §263.2(c) preamble pages 17826-7)*

### **Separate state program for specified exemptions**

Nebraska has implemented a separate state program for single-parent families receiving ADC cash assistance where the adult or minor parent qualifies for one of the specified exemptions. ADC cash assistance provided to these families will be funded with state dollars only. The state general funds used to support this separate state program will apply towards Nebraska's Maintenance-of-Effort requirement. This program was created effective October 1, 2006.

The following individuals are exempt from participating in Employment First and are exempt from the state and federal time limit for the length of time they qualify for the exemption:

1. A pregnant woman beginning the first of the month before the month of the mother's due date.
2. A parent or needy caretaker relative, guardian or conservator of a child under the age of 12 weeks. This exemption can be extended if a written statement from the attending physician states that the parent requires additional post-partum recovery time, or special medical conditions of the child require the presence of at least one parent or needy caretaker relative, guardian, or conservator.

Nebraska will continue to report on all TANF families and separate state funded families in the quarterly TANF data report (ACF-199) as required.

### **Separate state program for post-secondary education**

Nebraska has implemented a separate state program for single-parent families where the adult or minor parent is participating in an approved post-secondary education component activity. ADC cash assistance provided to these families will be funded with state dollars only. The state general funds used to support this separate state program will apply towards Nebraska's Maintenance-of-Effort requirement. This separate state program took effect November 1, 2004.

Nebraska's Section 1115 waivers allowed the state to count post-secondary education as an approved work activity. With the loss of the Section 1115 waivers, Nebraska's post-secondary education component activity became inconsistent with approved federal work activities. Post-secondary education is specified as an allowable activity under the Nebraska Welfare Reform Act. By creating this separate state program Nebraska will be able to continue post-secondary education as an allowable work activity. Nebraska will continue to report on all TANF families and separate state funded families in the quarterly TANF data report (ACF-199) as required.

### **Nebraska's maintenance-of-effort qualifying expenditures**

To receive full federal TANF funding, Nebraska must have qualifying state expenditures to meet at least 75% of the 1995 level of expenditures. Effective October 1, 2007, Nebraska's TANF Maintenance-of-Effort (MOE) requirement is \$28,375,365 at the 75% level and \$30,267,056 at the 80% level.

The following are the qualifying state expenditures for Nebraska's TANF Maintenance-of-Effort requirement beginning Federal Fiscal Year (FFY) 2006, with the exception of Nebraska's Earned Income Tax Credit which began qualifying as a TANF Maintenance-of-Effort expenditure for FFY 2007:

1. **Cash Assistance.** Nebraska's Aid to Dependent Children (ADC) program provides cash assistance to low-income families with minor children to help to meet their basic needs. This program is funded with both TANF federal funds and state general funds. Eligibility is based on the same criteria for TANF cash assistance.
2. **Employment Assistance.** Nebraska's Employment First program provides education, training, employment preparation activities, and supportive services along with other activities and services to recipients of ADC cash assistance. The Employment First program is designed to move families, who are receiving ADC cash assistance, quickly into employment so that they may become economically independent. In order to promote job advancement and job retention, supportive services may be provided after the loss of eligibility for ADC cash assistance due to earned income:
  - a. **Extended supportive services:** Supportive services determined necessary to participate in all approved Employment First activities included in a participant's Self-Sufficiency Contract may be provided for up to three months, if needed, after the loss of eligibility for ADC cash assistance due to earned income.
  - b. **Transitional supportive services:** Supportive services determined necessary and critical for job retention may be provided for up to six months, if needed, after the loss of eligibility for ADC cash assistance due to earned income.
3. **Administrative Expenses.** Nebraska expends funds to administer Nebraska's assistance programs. These administrative costs support staff and necessary overhead. These qualifying state expenditures are developed through our Cost Allocation Plan.
4. **Information Systems Expenses.** Nebraska expends funds to provide information systems to provide needed information to staff regarding eligibility, client activities, cash payments and services for families receiving assistance. These qualifying state expenditures are developed through our Cost Allocation Plan.
5. **Child Care Assistance.** Nebraska's Child Care Subsidy program subsidizes childcare costs for eligible families. Child Care Subsidy may be available at no cost to families receiving ADC cash assistance or whose gross earned and unearned income is at or below 100 percent of the Federal Poverty Level. Families whose incomes are above the current income standard for the full subsidy may be eligible for a partial subsidy if their gross earned and unearned income is at or below 130 percent of the Federal Poverty Level at initial eligibility or 185 percent of the Federal Poverty Level at redetermination. Families must also show a need for receiving a childcare subsidy, such as, but not limited to, job search, employment, education, training, incapacitated parent, and need to obtain medical care.
6. **Tribal TANF Programs.** Nebraska provides a fair and equitable share of state Maintenance-of-Effort funds to Nebraska Tribes in support of their federally approved Tribal TANF programs. DHHS specifies that the state Maintenance-of-Effort funds provided to the Tribes be used for Tribal cash payments to eligible families. Eligibility is defined in their Tribal Family Assistance Plan (TFAP). DHHS requires the reporting of the use of these funds and the number of families served with these funds.
7. **Nebraska Earned Income Tax Credit (EITC).** Most states levy state income taxes, but the tax burden on low-income families varies significantly depending on where they live. A growing number of states offset this burden with state earned income tax credits and/or state child and dependent care tax credits. These credits are typically based on provisions in the federal income tax code, but states make all decisions regarding eligibility and benefit levels. This tax credit is now refundable, which means it will first be used to lower or eliminate any state income tax the individual might owe, and if the credit is larger than what the individual owes in state tax, the amount will be refunded. Nebraska is counting only the refundable portion of the Nebraska EITC as a qualifying state expenditure for Nebraska's TANF Maintenance-of-Effort requirement. See requirements below for Nebraska EITC.
  - a. The income eligibility criteria rules are the same as the federal EITC (2022); The income limit for one-parent family with two qualifying children is \$49,399/year (2022). The benefit level refundable credit is 10% of federal EITC (2022);
  - b. The maximum benefit for a family with two qualifying children is \$660/year (2022).
8. **Nebraska Child and Dependent Care Tax Credit.** The Child and Dependent Care Tax Credit is a tax benefit that helps families pay for the childcare they need in order to work or look for work. The credit is also available to families that must pay for the care of a spouse or an adult dependent who is incapable of caring for himself or herself. Nebraska is counting only the refundable portion of the Nebraska Child and Dependent Care Tax Credit as a qualifying state

expenditure for Nebraska’s TANF Maintenance-of-Effort requirement. See requirements below for Nebraska’s Child and Dependent Care Tax Credit:

- a. The income eligibility criteria for the Child and Dependent Care Tax Credit are the same as for federal credit (2022). The is no income limit for a family with two or more qualifying children, but there is a phase-out schedule if a family's income is over \$438,000. Eligible childcare expenses follow the same rules as federal credit (2022);
  - b. Eligible childcare expenses follow the same rules as federal credit (2022);
  - c. The benefit level for refundable credit is based on 25–100 percent of the federal credit, depending on income (2022). The maximum benefit for a family with two qualifying children is \$6,000/year (2022).
9. Lifespan Respite Subsidy Program for Children. DHHS, Office of Home and Community-Based Services offers respite service to caregivers who need a temporary break from care giving so they can come back refreshed and ready to provide good care again. Respite service pays someone to come into the home, take care of a child with disabilities or special needs, and give the primary caregiver a temporary break. This would include adult children caring for siblings with disabilities or special needs and parents of children with disabilities or special needs. This program pays for respite services (someone to come into the home to care for a child with a disability or special needs to give the primary caregiver a temporary break). It is for people who are not receiving the service from another government program. Caregivers who need a temporary break from providing care to persons of any age with special needs. Examples of special needs are developmental and physical limitations, emotional or behavioral disorders, chronic illness, Alzheimer’s disease and related health concerns, or persons at risk of abuse and neglect. The Lifespan Respite Subsidy Program serves clients whose monthly, adjusted gross income is at or below 312 percent of the Federal Poverty Guidelines. If eligible, the program will provide a payment for respite services up to \$125 per client per recipient per month except for recipients DHHS has approved for exceptional circumstances funding, including crisis respite.

**TANF Certifications**

States that include TANF in the Combined State Plan must provide a certification by the chief executive officer of that State, that during the fiscal year, the State will:

<i>The State Plan must include</i>	<b>Include</b>
<i>1. Operate a child support enforcement program under the State Plan approved under part D. (section 402(a)(2) of the Social Security Act);</i>	Yes
<i>2. Operate a foster care and adoption assistance program under the State Plan approved under part E, and that the State will take such actions as are necessary to ensure that children receiving assistance under such part are eligible for medical assistance under the State Plan under title XIX. (section 402(a)(3) of the Social Security Act);</i>	Yes
<i>3. Specify which State agency or agencies will administer and supervise the program referred to in paragraph (1) for the fiscal year, which shall include assurances that local governments and private sector organizations (section 402(a)(4) of the Social Security Act)—</i>	Yes
<i>3. (A) have been consulted regarding the plan and design of welfare services in the State so that services are provided in a manner appropriate to local populations; and</i>	Yes
<i>3. (B) have had at least 45 days to submit comments on the plan and the design of such services;</i>	Yes
<i>4. Provide each member of an Indian tribe, who is domiciled in the State and is not eligible for assistance under a tribal family assistance plan approved under section 412, with equitable access to assistance under the State program funded under this part attributable to funds provided by the Federal Government. (section 402(a)(5) of the Social Security Act);</i>	Yes
<i>5. Establish and enforce standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks, and the use of political patronage. (section 402(a)(6) of the Social Security Act);</i>	Yes
<i>6. (optional) Establish and Enforcing standards and procedures to (section 402(a)(7) of the Social Security Act).—</i>	N/A
<i>6.i. screen and identify individuals receiving assistance under this part with a history of domestic violence while maintaining the confidentiality of such individuals;</i>	Yes
<i>6.ii. refer such individuals to counseling and supportive services; and</i>	Yes
<i>6.iii. waive, pursuant to a determination of good cause, other program requirements such as time limits (for so long as necessary) for individuals receiving assistance, residency requirements, child support cooperation requirements, and family cap provisions, in cases where compliance with such requirements would make it more difficult for individuals receiving assistance under this part to escape domestic violence or unfairly penalize such individuals who are or have been victimized by such violence, or individuals who are at risk of further domestic violence.</i>	Yes

<i>The State Plan must include</i>	<b>Include</b>
<i>7.The State will provide information to victims of sexual harassment or survivors of domestic violence, sexual assault, or stalking (section 402(a) of the Social Security Act)—</i>	
<i>7.i. ensure the applicants and potential applicants for assistance under the State program funded under this part are notified of assistance made available by the State to victims of sexual harassment and survivors of domestic violence, sexual assault, or stalking;</i>	Yes
<i>7.ii. ensure that case workers and other agency personnel responsible for administering the State program funded under this part are trained in—</i>	Yes
<i>7.ii. (A) the nature and dynamics of sexual harassment and domestic violence, sexual assault, and stalking; and</i>	Yes
<i>7.ii. (B) state standards and procedures relating to the prevention of, and assistance for, individuals who are victims of sexual harassment, or survivors of domestic violence, sexual assault, or stalking; and</i>	Yes
<i>7.ii. (C) methods of ascertaining and ensuring confidentiality of personal information and documentation related to applicants for assistance and their children who provided notice about their experiences of sexual harassment, domestic violence, sexual assault, or stalking.</i>	Yes
<i>7.iii. ensure that, if a State has elected to establish and enforce standards and procedures regarding the screening for, identification of, domestic violence, sexual assault, or stalking pursuant to #6.</i>	Yes
<i>7.iii. (A) the State program under this part provides information about the options under this part to current and potential beneficiaries, and</i>	Yes

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