

The child must be living in the home of a relative specified by law (see 468 NAC 2-006.02) or a legally appointed guardian or conservator unless removed from the home by judicial determination (see Title 479). For medical assistance, see 468 NAC 4-000.

Emancipated Minor: A child age 18 or younger who is considered an adult because s/he has:

1. Married; ~~or~~
2. Moved away from the parent(s)' home and is not receiving support from the parent(s) and it is in the child's best interests to be considered emancipated; or
3. A minor who is considered emancipated pursuant to the provisions of Neb. Rev. Stat. §71-6902.02.

Enumeration at Birth: The process of obtaining an SSN for a newborn by allowing the hospital to provide the Social Security Administration with the necessary information.

Equity: The fair market value of property minus the total amount owed on it.

Fair Market Value: The price an item of a particular make, model, size, material, or condition will sell for on the open market in the geographic area involved.

Final Termination of Assignment: The ending of an assignment of child/spousal support so that no additional funds will be transmitted to the Department by a court. A final termination is filed when an ADC case is closed, and no debt remains due to the State.

Fugitive Felon: A person who has been charged with a felony or who has fled from the jurisdiction of the court where the crime was committed.

Grant Case: A case receiving an ADC payment or eligible to receive payment but not receiving it because of the minimum payment.

Household: Individuals living together. There may be more than one public assistance unit within a household.

CHAPTER 2-000 ELIGIBILITY REQUIREMENTS: For families who are subject to Employment First requirements, ADC cash assistance is a time-limited program. The following elements of eligibility must be met:

1. Application (see 468 NAC 2-001);
 2. U.S. citizenship or alien status (see 468 NAC 2-002 ff.);
 3. Nebraska residence (see 468 NAC 2-003 ff.);
 4. Social Security number (see 468 NAC 2-004 ff.);
 5. Cause of unemployment (see 468 NAC 2-005 ff.);
 6. Relative responsibility (see 468 NAC 2-006 ff.);
 7. Age requirement for a dependent child (see 468 NAC 2-007 ff.);
 8. Resources (see 468 NAC 2-008 ff.);
 9. Income (see 468 NAC 2-009 ff.);
 10. Cooperation with the Child Support Enforcement Office (see 468 NAC 2-019 ff.);
 11. Cooperation in developing and completing a Self-Sufficiency Contract (see 468 NAC 2-010);
 12. Cooperation with Employment First requirements (see 468 NAC 2-020 ff.);
 13. Cooperation in obtaining third party medical payments (see 468 NAC 2-021); and
 14. Other related requirements (see 468 NAC 2-022 ff.).
- {Effective 6/28/11}

2-001 Application: An individual wishing to apply for assistance must complete and submit an application. A relative or other person acting on behalf of the client may complete the application (see 468 NAC 2-006.02).

Households must have an interview at initial application and at least once every 12 months following initial application. The agency will conduct a face-to-face interview if requested by the client, or determined necessary by the agency using the prudent person principle (see 468 NAC 1-008). If a client, for good reason, is unable to conduct a face-to-face interview in the DHHS office, then the worker and the client must identify a mutually acceptable time and place, such as a hospital, senior or community center, or the client's home.

For medical benefits only, an application may be signed by and an interview held with a relative or another individual acting on the client's behalf.

{Effective }

2-002 Citizenship and Alien Status: In order to be eligible for public assistance, an individual's status must be documented as one of the following using acceptable documents, as defined by federal regulations and listed in 468-000-301:

1. A citizen of the United States;
Note: A child born in the United States is a U.S. citizen. A newborn who was determined to be eligible for Medicaid in the month of birth meets citizenship and identity requirements without further verification; this includes newborns whose birth expenses were paid through Emergency Medicaid Assistance for Aliens.
2. An alien lawfully admitted for permanent residence (LPR), but only after having resided in the United States for at least five calendar years from his/her date of entry or who has worked or can be credited with 40 qualifying quarters of work. (see 468-000-314). For medical assistance for an emergency medical condition, see 468 NAC 4-001.01B2a(4) and 477 NAC 2-002.04A4. For sponsored LPRs, see 468 NAC 2-018.04;
3. A refugee admitted to the U.S. under Section 207 of the Immigration and Nationality Act (INA);

4. An asylee under Section 208 of INA;
5. An alien whose deportation is withheld under Section 243(h) of INA;
6. An alien from Cuba or Haiti who was admitted under Section 501(e) of the Refugee Education Assistance Act of 1980;
7. A refugee who entered the U.S. before April 1, 1980, and was granted conditional entry;
- ~~8. An alien who is paroled into the U.S. under Section 212(d)(5) of INA for a period of at least one year;~~
- ~~9.~~ 8. An Amerasian immigrant under Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as amended; or
- ~~10.~~ 9. An alien who has been battered or subjected to extreme cruelty in the U.S. by a spouse or a parent or by a member of the spouse or parent's family who is residing in the same household as the alien, but only after having resided in the United States for at least five calendar years from his/her date of entry or who has worked or can be credited with 40 qualifying quarters of work. The child or children of a battered alien meeting these requirements are also eligible.

Any individual born in the United States is considered a U.S. citizen. This includes children whose parents are not U.S. citizens, such as undocumented alien parents, parents with student visas, or parents with lawful temporary residence status. A pregnant woman who is an ineligible alien may receive payment for her unborn if all other eligibility requirements are met in the final trimester.

Receipt of SSI, SSDI, or Medicare is sufficient proof of citizenship or lawfully admitted alien status.

Individuals who declare to be U.S. citizens and meet all other eligibility requirements must be given a reasonable opportunity to present satisfactory documentation of citizenship or nationality. Benefits must not be denied, delayed, reduced, or terminated pending receipt of the requested citizenship verification. Reasonable opportunity is defined as ten days from the date documentation was requested. The Department may authorize one additional ten-day extension for verification if the necessary information has been requested by the client. If the Department has requested verification, such as an out-of-state birth certificate, benefits will not be denied or terminated while awaiting receipt. Once an individual has declared s/he is a U.S. citizen or national and has provided all other information to determine eligibility, benefits must be provided.

If the client is not cooperating in providing documentation, the client must be closed.

{Effective 6/28/11}

2-002.01 Verification of Alien Status: When a parent/individual states that one or more of the children for whom assistance is being requested is an alien, the worker must require the client to present verification for each alien child.

2-002.02 Repatriation Program: The Repatriation Program provides temporary assistance, care, and treatment for up to 90 days for U.S. citizens or dependents of U.S. citizens who have returned from foreign countries. To qualify for repatriation assistance, the individual must be returned from a foreign country because s/he is destitute or ill (including mentally ill) or because of war, threat of war, or a similar crisis. A request must be made by the State Department to the U.S. Department of Health and Human Services to receive the individual in the United States and to provide the necessary care, treatment, and assistance.

2-007.02A1 Minor Parent Living with Specified Relative, Guardian, or Conservator: Regulations in 468 NAC 2-007.01A apply to a minor parent living with a specified relative, guardian, or conservator with the following exceptions.

A minor parent who is living with a specified relative, guardian, or conservator is considered emancipated unless the minor parent is receiving support from his/her parent(s), guardian or conservator.

Note: See 468 NAC 2-006.02 for a list of specified relatives.

2-007.01A1a Department Ward Living with Specified Relative, Guardian, or Conservator: If a Department ward is living with a specified relative, guardian, or conservator who is receiving ADC, the specified relative has the choice of receiving ADC or foster care for the ward (see 468-000-322).

2-007.02B Minor's Parent(s) Not Receiving Categorical Assistance

2-007.02B1 Living in Parent(s)' Home: If a minor is living in his/her parent(s)' home and they are not receiving categorical assistance, the minor may apply for assistance for himself/herself and his/her child. Since the minor's parents (grandparents) are considered responsible for the minor, income of the grandparents over 300 percent of the Federal Poverty Level must be deemed to the minor parent and the child. Income of anyone else in the household (i.e., aunts, uncles, brothers and sisters of the minor) is not counted.

In determining the eligibility of the unit, the income of the grandparent(s), the minor, and the child is considered.

Exception: AABD benefits are not deemed.

2-007.02C Minor Not Living ~~W~~with Parent(s): If the parent(s) has been contributing to the support of the minor, the worker may require written verification from the parent(s) of his/her plans to continue or not continue to support (see 468 NAC 2-009.04B). Income of the parent(s) is not deemed.

2-007.02D Minor Living in Parent(s)' Home: If a minor is living in his/her parent(s)' home, s/he is considered emancipated if s/he has married. If the minor has married, s/he may be a separate unit with his/her child. If the marriage is annulled, the minor is not considered emancipated.

A minor is also considered emancipated pursuant to the provisions of Neb. Rev. Stat. §71-6902.02.

{Effective }

3-007 Budget Computation

3-007.01 Budgeting Process: ADC budgeting measures the household's income for maintenance against the appropriate need and payment standards. The standard of need and payment standard are based on the number of eligible individuals in the unit.

3-007.02 Budget of an ADC/MA Unit and Other Clients in a Household (Living as a Family Unit): When an ADC unit shares a household with individuals who are receiving assistance from another categorical program, the cases are budgeted separately. The worker must show the income of each client or ADC unit on its own budget.

3-007.03 Budget of an ADC/MA Unit Living with an AABD/MA or SDP/MA Parent: See 468-000-303.

3-007.04 ADC Budget with Child/Spousal Support

3-007.04A Initial and Continuing Eligibility: Any child/spousal support, including arrears, (see definitions in 468 NAC 1-004) paid to the Nebraska Child Support Payment Center or paid directly to the client by the noncustodial parent before the approval date is considered in determining eligibility. The total amount of child/spousal support receiving by the client is considered. The worker must use in the budget the actual amount of support received and retained by the client.

To determine initial eligibility, the worker considers the total anticipated monthly child/spousal support.

~~For continuing eligibility, the worker considers only the actual dollar amount of child, spousal, and cash medical support paid directly to the client by the noncustodial parent or paid to the Nebraska Child Support Payment Center and forwarded to the client before the approval date or unassigned child, spousal, and cash medical support for those ADC cases opened on or after October 1, 2009. See 468 NAC 2-015.01 and 2-015.02 for eligibility and budgeting regulations. See 468 NAC 2-015.01 for regulations on projecting income. Spousal support that is not linked to child support is not assigned.~~

~~Child support (for months where the family did not receive an ADC grant) which is distributed to the custodial parent is counted as unearned income on the ADC budget. To determine the amount which is reflected on the ADC budget, the worker must use a three-month average of the amount distributed.~~

~~Cash medical support ordered as part of a support order is assigned for Medicaid-only cases as well as ADC grant cases.~~

For ongoing eligibility of an active ADC grant case, the worker considers the actual dollar amount of child, spousal, and cash support paid directly to the client by the noncustodial parent or paid to the Nebraska Child Support Payment Center and assigned to the Department. See 468 NAC 2-015.01 and 2-015.02 for eligibility and budgeting regulations. See 468 NAC 2-015.01 for regulations on projecting income. Spousal support that is not linked to child support is not assigned.

If the average monthly child, spousal, or cash medical support collection exceeds the family's ADC payment, the ADC grant is to be closed. (See 468 NAC 4-001.01A, #3 for Medicaid eligibility.)

{Effective }

(5-18-2012)
MANUAL LETTER #

NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

ADC
468 NAC 3-007.04A1

3-007.04A1 Overpayment Due to Child Support: If the client receives child/spousal support before the approval date but it has not been budgeted, there is a IV-A overpayment. If the client receives child/spousal support after the approval date, the support is not counted in the budget because it is assigned. Child support that is received and retained by the client after approval of the case constitutes a IV-D overpayment.

{Effective 5/8/05}