

CHAPTER 6-000 EMERGENCY ASSISTANCE (EA) TO NEEDY FAMILIES WITH CHILDREN

6-001 Legal Basis: The Emergency Assistance to Needy Families with Children Program (EA) is authorized by Section 68-128, Nebraska Revised Statutes.

EA must be provided in accordance with the following regulations. Assistance may be authorized only once per household in any 12 month period.

6-002 Purpose: The purpose of Emergency Assistance is to provide money 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 well-being 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.

6-003 Definitions: For use within EA, the following definition of terms will apply unless the context in which the term is used denotes otherwise:

Applicant: Person on whose behalf application is being made.

Catastrophic Illness: An illness in which inpatient hospitalization is required, excluding childbirth, optional surgery, diagnostic work-ups, and services not included in Medicaid coverage.

Destitution: Lack of the necessities of life including but not limited to food, shelter, and medical care resulting from an emergency situation.

Emergency: A sudden and urgent situation requiring immediate action.

Financially Responsible Adult: The following are considered financially responsible adults:

1. A spouse; or
2. The parent or stepparent of a child age 18 or younger.

Gross Monthly Income: The earned and unearned income determined to be available to an applicant. Earned income includes gross (before taxes, FICA, or other potential withholdings from earnings) wages, tips, salary, self-employment income, etc. Unearned income includes but is not limited to -

1. Retirement, Survivors, and Disability Insurance (RSDI);
2. Railroad Retirement;
3. Supplemental Security Income (SSI);
4. Aid to Dependent Children (ADC);
5. Assistance to the Aged, Blind, or Disabled;
6. Veteran's or military service benefits;
7. Unemployment Compensation or disability insurance benefits;
8. Disability benefits paid by the employer;
9. Child or spousal support; and
10. Contributions.

Household: Person or persons who will be eligible to receive EA services under the same application. A household must include at least one child who is a U.S. citizen or qualified alien.

Specified Relative: A relative with whom a child who is a U.S. citizen or qualified alien 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, 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 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.

6-004 Application Processing

6-004.01 Application: An application for EA may be made by the client; his/her parent, guardian or conservator; a relative, caretaker, or another interested party.

6-004.02 Approval/Authorization: Approval/authorization of the EA application and related services will be done in accordance with procedures at 468-000-334. Services related to an approved EA application must be authorized as soon as possible.

6-005 Worker Responsibilities: The worker must:

1. Ensure completion of an EA application;
2. Determine eligibility for EA services;
3. Authorize necessary services;
4. Explore and assist the applicant/individual in obtaining any other sources of aid available to alleviate the applicant's destitution or other crisis situation, including assisting the applicant in setting up payment plans with creditors;
5. Assist the applicant in developing a plan to alleviate and avoid a recurrence of the emergency situation;
6. Inform the applicant of his/her right to appeal to the Director of the Nebraska Department of Health and Human Services for the purpose of having the Director review any action or inaction;
7. Take all reasonable steps to act as promptly as possible on the application; and
8. Complete the notice of finding when eligibility has been determined.

6-006 Client Responsibilities: The client shall -

1. Cooperate with the worker in exploring all other sources of available aid, including setting up payment plans with creditors;
2. Accept any aid available to alleviate the emergency situation; and
3. Develop, with the worker, a plan to alleviate and prevent a recurrence of the emergency situation.

6-007 Client Rights: The client has the right to -

1. Apply. Anyone who wishes to request and/or apply for EA must be given the opportunity to do so;
2. Reasonably prompt action on his/her application for EA;
3. Appeal any action or inaction with regard to an application, the amount of the benefit, or failure to act with reasonable promptness;
4. Adequate notice of any action affecting his/her EA case;
5. Have his/her information treated confidentially;
6. Have his/her civil rights upheld. No person may be subjected to discrimination on the grounds of his/her race, color, national origin, sex, age, handicap, religion, or political belief;
7. Have the program requirements and benefits fully explained;
8. Be represented and/or assisted in the application process by the person(s) of his/her choice; and
9. Referral to other social or private agencies.

6-008 Scope: The program has the following guidelines.

1. A case that is eligible under one of the ongoing programs may qualify for EA. For example, an emergency need may arise while an applicant is awaiting determination of eligibility for another program or while receiving other assistance.
2. This program includes migrant workers and transients statewide if they are otherwise eligible. There is no durational residence requirement.
3. If the Medically Handicapped Children's Program (MHCP), an insurance company, or other third party liability (TPL) is involved, approval for assistance may be made before the receipt of a decision by the third party.
4. If the availability of TPL cannot be resolved prior to payment being made using EA funds, the local office shall notify the third party of the Department's rights of subrogation according to 468 NAC 6-010.
5. EA must not be used to supplement foster care.
6. EA is intended to be the program of last resort when no other sources of assistance are available.

6-008.01 Time Period For Services: Payment can be made for services to meet needs which arose up to 60 days before and which extend 60 days beyond the application date.

To be included, the prior and subsequent needs must be directly related to the emergency need for which the application was made and must be such that, if they are met, the current emergency will be resolved. The maximum period for which payment for services can be authorized under an application for EA is 12 months. Payment of services should be authorized as soon as possible in order to alleviate the emergency.

6-008.02 EA Benefits: Payment may be made for the following items if applicable eligibility requirements are met.

6-008.02A Shelter: Payment may be made for a mortgage payment, rent, and/or a rental deposit if the worker verifies that payment will alleviate the emergency situation. If the applicant has received an eviction notice (or if an eviction notice is planned or threatened), payment may be made only if it will forestall the eviction. Shelter payment may also be made if the applicant was forced to move with no other shelter arrangements.

6-008.02B Utility Bills: If the applicant has received a shut-off notice, the worker may authorize payment for electricity, gas, and/or water. Payment may also be made for delivery of bulk fuel. EA may be used for payment of heating and cooling bills only if the applicant is not eligible for the Nebraska Low Income Home Energy Assistance Program (see Title 476). The applicant and worker shall develop a plan to avoid a recurrence of the shut-off or depletion of fuel.

Payment may be made if the utilities are in a name other than the applicant's if the worker can establish that -

1. The applicant is the sole beneficiary of the service; and
2. The utilities are not included in the rent payment.

6-008.02C Home Furnishings: Payment may be made for the purchase or repair of only those home furnishings that are essential for health and safety.

6-008.02D Emergency Non-Food Items: Emergency non-food items such as toilet paper and cleaning supplies may be purchased.

6-008.02E Emergency Food: If food stamps cannot be used to meet the emergency, the worker may authorize the purchase of food up to the amount of food stamps a family of that size would receive. If the family has already received its total food stamps and an emergency occurs, the worker may supplement the food stamp allotment.

6-008.02F Emergency Clothing: Emergency clothing may be purchased if it is essential for health and safety.

6-008.02G Moving Costs: Moving costs may be paid if it is necessary for the applicant to move to lower cost housing or from substandard to adequate housing, or to accept a bona fide job offer. The moving cost must be by the least expensive means available consistent with the applicant's age and physical condition. EA must not be used if the applicant is moving from one job to another. The worker shall give prior approval to the moving plan.

6-008.02H Transportation: Transportation may be provided:

1. For a family traveling through the state when an Emergency occurs;
2. To obtain emergency medical treatment; or
3. For a parent to visit a hospitalized child who is included in the family unit.

6-008.02J Emergency Special Diets: Payment may be made for emergency special diets for members of families receiving Aid to Dependent Children. The case record must contain a copy of the diet and a written statement by a physician that the diet is necessary. EA funds may be used only if the diet is more expensive than a normal diet.

6-008.02K Medical Payments: Medical payments may be made to alleviate current needs of a family who are in a crisis situation because of a catastrophic illness. The illness must require hospitalization (see 468 NAC 6-003). Any member of the family may have the illness. Medical services related to the illness (such as physician's fees and ambulance charges) are included. Funeral expenses are not covered.

Before authorizing EA, the worker must determine that the family is not eligible for Medicaid.

6-008.02L Emergency Telephone Installation: Payment may be made for emergency telephone installation when a phone is necessary because of medical needs.

6-009 General Eligibility Requirements: EA 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 (an eligible pregnant woman in her third trimester with no other children may be eligible);
2. The child is currently living with one or both parents, or, 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 (see 468 NAC 6-003 for the definition of a specified relative);
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 (see 468 NAC 2-002);
5. The household meets relevant income eligibility requirements, as set forth in 468 NAC 6-009.01;
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. This includes situations in which the adult in the family has been sanctioned for failure to participate in the Employment First Program.

Note: EA is not limited to families eligible for or receiving ADC.

6-009.01 Income Eligibility Requirements: The family's gross monthly income must not exceed 185 percent of the ADC standard of need for the family size (see chart at 468-000-207).

The client's statement of available income is accepted without further verification unless a prudent person would question the information.

6-010 General EA Payment Provisions: Payment for all approved EA is made by payment directly to the provider or to the designated member of the family when appropriate. Payment may be made for all or a portion of the bills related to the family's crisis.

If insurance or third party liability is involved, every effort must be made to resolve issues of liability before EA payment is made. If it is impossible to resolve liability issues within 60 days from the EA application date, EA payment may be made but the insurance company must be notified of the Department's right of subrogation.

With the exception of catastrophic illness payments, total payments for the benefit period of 12 months of EA must not exceed one month's ADC payment maximum for the applicant's family size (see 468-000-207).

All payments for medical care must be made at rates no higher than those paid by the Nebraska Medicaid Program.

6-011 Case Records: A separate case record or identifiable documents/documentation within the case record must be maintained for each EA case. The record must contain all the prescribed forms and documentation.

Case records on EA cases are required to be maintained for four years and are subject to state and federal audit.

6-012 Appeal Process: Every applicant for or recipient of EA has a right to appeal to the Director of the Nebraska Department of Health and Human Services for a hearing on any action or inaction of any Department employee or official in regard to the EA Program. The appeal must be filed in writing within 90 days of the action or inaction. It is the responsibility of both the local office and the Central Office to inform the client of his/her right to appeal to the Director for the purpose of having the Director review any action or inaction.

6-012.01 Expedited Appeal: All EA hearings must be handled quickly. The following time limits govern an expedited appeal:

1. The appeal must be conducted within -
 - a. Ten days of receipt of a Notice of Appeal from the Omaha or Lincoln Offices; or
 - b. Twenty days of receipt of a Notice of Appeal from all other local offices; and
2. A determination must be made on the appeal within seven days of the hearing date.