

LEGISLATIVE BILL 425

Approved by the Governor May 5, 1977

Introduced by Schmit, 23

AN ACT to amend sections 43-512.01 and 43-512.03, Revised Statutes Supplement, 1976, and section 43-512, Revised Statutes Supplement, 1976, as amended by section 1, Legislative Bill 179, Eighty-fifth Legislature, First Session, 1977, relating to assistance for children; to revise procedures regarding investigations of applications for assistance; to confer certain powers and duties on county attorneys, as prescribed; and to repeal the original sections.

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

Section 1. That section 43-512, Revised Statutes Supplement, 1976, as amended by section 1, Legislative Bill 179, Eighty-fifth Legislature, First Session, 1977, be amended to read as follows:

43-512. (1) Any dependent child, as defined in section 43-504, or any relative of such dependent child may file with the local county board of public welfare a written application for financial assistance for such child on forms furnished by the Department of Public Welfare.

(2) The county board of public welfare, through its agents and employees, shall thereupon make such investigation as it deems necessary or as may be required by the Director of Public Welfare and county attorney. If the investigation or the application for financial assistance discloses that such child has a parent or stepparent who is able to contribute to the support of such child and has failed to do so, a copy of the finding of such investigation and a copy of the application shall immediately be filed with the county attorney.

(3) The county board of public welfare shall make a finding as to whether the application referred to in subsection (1) of this section shall be allowed or denied. If it is found that said application should be allowed, the board shall further find the amount of monthly assistance which should be paid with reference to such dependent child. Except as may be otherwise provided, payments shall be made by state warrant, and the amount of payments shall not exceed two hundred fifty dollars per month where there is but one dependent child

in any home, and an additional sixty dollars per month on behalf of each child over the number of one.

(4) The amount which shall be paid as assistance with respect to a dependent child shall be based in each case upon the conditions disclosed by the investigation made by the county board of public welfare. An appeal shall lie from the finding made in each case to the Director of Public Welfare. Such appeal may be taken by any taxpayer or by any relative of such child. Proceedings for and upon appeal shall be conducted in the same manner as provided for in section 68-1016.

(5) For the purpose of preventing dependency, the Director of Public Welfare is authorized to promulgate rules and regulations providing for services to former and potential recipients of aid to dependent children and medical assistance benefits. The director is further authorized to promulgate rules and regulations establishing programs and cooperating with programs of work incentive, work experience, job training and education. The provisions of this section with regard to determination of need, amount of payment, maximum payment, and method of payment shall not be applicable to families or children included in such programs.

Sec. 2. That section 43-512.01, Revised Statutes Supplement, 1976, be amended to read as follows:

43-512.01. It shall be the duty of the county attorney, when a copy of the finding of investigation or the application for financial assistance has been filed with him as provided in section 43-512, to immediately file complaint against the father or stepfather of the dependent child under section 28-449 or file a civil petition under the provisions of section 43-512.03 whenever the recovery of child support appears to be practicable.

Sec. 3. That section 43-512.03, Revised Statutes Supplement, 1976, be amended to read as follows:

43-512.03. The county attorney shall:

(1) On request by the Department of Public Welfare or the county division of public welfare, or when the investigation or application filed under section 43-512 justifies, file a petition against an absent parent in the district court praying for an order for child support in aid to dependent children cases when there is no existing child support order and, on request by the child caretaker, file a petition against an absent parent in the district court praying for an order for

child support on behalf of children who are not recipients of aid to dependent children. After notice and hearing, the court shall adjudicate child support liability of the absent parent and enter an order accordingly;

(2) Enforce child support orders by citing the defendant for contempt or filing a criminal complaint; and

(3) Establish paternity and collect child support on behalf of children born out of wedlock.

Sec. 4. That original sections 43-512.01 and 43-512.03, Revised Statutes Supplement, 1976, and section 43-512, Revised Statutes Supplement, 1976, as amended by section 1, Legislative Bill 179, Eighty-fifth Legislature, First Session, 1977, are repealed.