

AMENDMENTS TO LB275

Introduced by Hunt, 8.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Section 1.** Section 43-907, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 43-907 (1) Unless a guardian shall have been appointed by a court of
6 competent jurisdiction, the Department of Health and Human Services shall
7 take custody of and exercise general control over assets owned by
8 children under the charge of the department.

9 (2) Except as provided in subsections (3) through (7) of this
10 section:

11 (a) Children owning assets shall at all times pay for personal
12 items; -

13 (b) Assets over and above a maximum of one thousand dollars and
14 current income shall be available for reimbursement to the state for the
15 cost of care; -

16 (c) Assets may be deposited in a checking account, invested in
17 United States bonds, or deposited in a savings account insured by the
18 United States Government; -

19 (d) All income received from the investment or deposit of assets
20 shall be credited to the individual child whose assets ~~are~~ were invested
21 or deposited; and -

22 (e) The department shall make and maintain detailed records showing
23 all receipts, investments, and expenditures of assets owned by children
24 under the charge of the department.

25 (3)(a) The department shall screen each child under its charge for
26 social security benefit eligibility within sixty days after the date the
27 child enters its charge.

1 (b)(i) If the department determines that a child may be eligible for
2 social security benefits, it shall submit an application for such
3 benefits on behalf of the child and, if necessary and in the child's best
4 interest, appeal a denied application.

5 (ii) The department shall provide written notice to the child, using
6 age-appropriate language, the child's guardian ad litem, and the child's
7 parents, of all benefit eligibility determinations from the Social
8 Security Administration, including benefit approval, denial, and appeal
9 outcomes, within ten calendar days after the date the department is
10 notified of such eligibility determination.

11 (iii) If the child is approved to receive social security benefits,
12 within ten calendar days after the date the department is notified of the
13 approval, the department shall provide written notice to the child, using
14 age-appropriate language, the child's guardian ad litem, and the child's
15 parents, that adults known to the child may apply to be the child's
16 representative payee for the purposes of receiving social security
17 benefit payments.

18 (iv) If the department is appointed to serve as the child's
19 representative payee, within ten calendar days after the date the
20 department is notified of such appointment, the department shall provide
21 written notice to the child, using age-appropriate language, the child's
22 guardian ad litem, and the child's parents, of such appointment, the
23 child's and the child's parents' rights to appeal the appointment, and
24 the deadline for such appeals.

25 (4) ~~(2)~~ When the Department of Health and Human Services serves as
26 representative payee for a child beneficiary of social security benefits,
27 the department shall provide:

28 (a) ~~Written notice~~ Notice to the child beneficiary, ~~using in an~~ age-
29 appropriate ~~language manner, and~~ the child's guardian ad litem, ~~and the~~
30 child's parents that the department is acting as the child's
31 representative payee for the purposes of receiving social security

1 benefit payments benefits, within thirty days after receiving the first
2 social security benefit payment on behalf of the child beneficiary. The
3 notice shall include the following information: ÷

4 (i) The department received the social security benefit payment and
5 the amount received;

6 (ii) The department has created a trust account to hold such benefit
7 payments;

8 (iii) Such benefit payments shall be used and conserved in
9 accordance with federal law and this section, and any unspent or
10 conserved funds shall be sent to the child beneficiary when the child
11 beneficiary leaves the department's charge;

12 (iv) The child beneficiary may request access to such benefit
13 payments for personal use through the department and the process for
14 submitting such a request;

15 (v) A child beneficiary fourteen years of age or older may request
16 through the juvenile court that such benefit payments be used or
17 conserved in a specified manner; and

18 (vi) The child beneficiary, the child's guardian ad litem, the
19 child's attorney, or the child's parents may request all accounting
20 records the department maintains relating to the child beneficiary's
21 social security benefit payments and the process for submitting such a
22 request;

23 (b) Written notice ~~Notice~~ to the juvenile court, at each every
24 review hearing for ~~regarding~~ the child beneficiary ~~after January 1, 2023,~~
25 regarding the department's receipt and conservation of the child's social
26 security benefits, which ~~that~~ shall include:

27 (i) The total amount of social security benefit payment funds the
28 department has received on behalf of the child beneficiary as of the date
29 of the review hearing; and

30 (ii) The total amount of social security benefit payment funds
31 received on behalf of the child beneficiary that are currently conserved

1 or unspent as of the date of the review hearing; and

2 (iii) The total amount of social security benefit payment funds
3 spent on behalf of the child beneficiary as of the date of the review
4 hearing, including itemized expenditures since the previous review
5 hearing; and

6 (c) All accounting records regarding the department's receipt, use,
7 and conservation of the child's social security benefit payments
8 benefits, to the child beneficiary, the child's guardian ad litem or
9 attorney, or the child's parent upon:

10 (i) Request by from the child beneficiary, the child's guardian ad
11 litem or attorney, or the child's parent; and

12 (ii) Termination of the department's role as the child beneficiary's
13 representative payee.

14 (5) When the department serves as representative payee for a child
15 beneficiary of social security benefit payments, it shall:

16 (a) Manage, use, and conserve the social security benefit payments
17 consistent with federal law and this section, for the use and benefit of
18 the child beneficiary, and in the child beneficiary's best interest. This
19 includes conserving social security benefit payments for the child
20 beneficiary's reasonably foreseeable and if appropriate, expressed,
21 future needs;

22 (b) Hold all social security benefit payments received on behalf of
23 a child beneficiary separate and apart from the department's funds, and
24 except as provided in subdivision (5)(c) of this section, in a trust
25 account established and maintained for the child beneficiary;

26 (c) Manage such benefit payments in a manner that avoids exceeding
27 the federal social security asset and resource limits, including holding
28 benefit payments in the established trust account and in accounts and
29 programs not counted toward such limits, so as to conserve funds without
30 exceeding such limits. Such accounts and programs include, but are not
31 limited to, (i) a plan for achieving self-support as described in section

1 68-1007, (ii) an achieving a better life experience account as described
2 in sections 77-1401 to 77-1409, (iii) an individual development account
3 as described in 45 C.F.R. 263.20, (iv) a special needs trust as defined
4 in section 30-4513, and (v) a dedicated account for social security back
5 payments;

6 (d) Conserve a minimum amount of social security benefit payments
7 received on behalf of a child beneficiary, which shall not be used to
8 reimburse the state for the cost of care, in the following percentages:
9 (i) For child beneficiaries fourteen years of age or older, no less than
10 twenty percent; (ii) for child beneficiaries sixteen years of age or
11 older, no less than thirty percent; (iii) for child beneficiaries
12 seventeen years of age or older, no less than forty percent; and (iv) for
13 child beneficiaries eighteen years of age or older, fifty percent; and

14 (e) Reimburse such funds with subsequent social security benefit
15 payments and such payments shall not be available to reimburse the
16 department for the child beneficiary's care if, pursuant to a request by
17 the child beneficiary, funds from social security payments are disbursed
18 from an established trust account or any other account or program
19 maintained by the department for the child beneficiary.

20 (6) If the department serves as representative payee for a child
21 beneficiary of social security benefits fourteen years of age or older,
22 such child beneficiary shall:

23 (a) Be consulted by the department no less than every six months
24 regarding the child beneficiary's current and reasonably foreseeable
25 future needs so that the child beneficiary's social security benefit
26 payments are spent and conserved in a manner that supports the child
27 beneficiary's needs and best interests;

28 (b) Have the right to request through the juvenile court, that the
29 child beneficiary's social security benefit payments be used or conserved
30 for current or reasonably foreseeable future needs in a manner that is
31 different from the department's use and conservation of such payments.

1 Such request shall be granted if it is determined to be in the best
2 interest of the child beneficiary;

3 (c) Be informed in writing, at least six months prior to exiting the
4 department's charge, of the process for continuing to receive social
5 security benefit payments, the applicable federal asset and resource
6 limits, and the process for using and conserving benefit payments to
7 comply with such limits, including funds in accounts and programs that do
8 not count toward such limits; and

9 (d) At least six months prior to exiting the department's charge,
10 have an application submitted on behalf of the child beneficiary, or
11 receive assistance in submitting an application, for renewed or new
12 social security benefits for which the child beneficiary may be eligible
13 if necessary for the child beneficiary to continue receiving benefits.

14 (7) When a child beneficiary exits the department's charge, the
15 department shall provide written notice to such child beneficiary using
16 age-appropriate language, and if applicable, the child's parents or
17 guardians, that:

18 (a) The child beneficiary has the right to receive unspent or
19 conserved social security benefit payments, the amount of unspent or
20 conserved benefits the child beneficiary is expected to receive, that
21 such payments will be disbursed from the Social Security Administration,
22 and contact information for the Social Security Administration; and

23 (b) The department is no longer acting as the child beneficiary's
24 representative payee and if the child beneficiary is younger than
25 eighteen years of age, an adult known to the child may apply to be a
26 representative payee through the Social Security Administration to ensure
27 continued receipt of the child's social security benefit payments.

28 (8) On or before October 1, 2026, the department shall create a
29 publicly available form for child beneficiaries under the department's
30 charge to request access to social security benefit payments for personal
31 use.

1 ~~(9) (3)~~ On or before October 1, ~~2026~~ 2023, the Department of Health
2 and Human Services shall adopt and promulgate rules and regulations to
3 carry out subsections (2) through (8) ~~subsection (2)~~ of this section
4 consistent with federal requirements regarding representative payees for
5 social security beneficiaries.

6 (10) The department shall seek to maximize federal Title IV-E
7 funding prior to utilizing General Funds for costs associated with
8 implementation of this section.

9 **Sec. 2.** Original section 43-907, Revised Statutes Cumulative
10 Supplement, 2024, is repealed.