

# One Hundred Ninth Legislature - First Session - 2025

## Introducer's Statement of Intent

### LB275

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**Chairperson: Senator Brian Hardin**

**Committee: Health and Human Services**

**Date of Hearing: March 12, 2025**

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

DHHS is currently intercepting the Social Security benefits belonging to children in foster care and using those funds to offset the costs of the youths' care. These youth are eligible for Social Security benefits as a result of a disability or a deceased parent. In LB 1173 (2022), the legislature passed requirements that the Department maintain accounting records and notify the child, their guardian ad litem, and the juvenile courts about the Department's receipt, use, and conservation of the child's Social Security benefits. LB 275 would build upon that progress and bring Nebraska in line with federal law to provide further accountability, transparency, and conservation of a portion of the funds in a trust account for the youth's own use when they exit state care. In summary, it would:

- Strengthen Department communication with youth and their guardian ad litem about Social Security eligibility screening, its application to serve as the child's representative payee, any benefit determinations, and their right to appeal or request a different representative payee;
- Require the Department to hold the youth's benefit funds in a trust account separate from the Department's funds, and provide that the youth may request access to the funds for personal use or that funds be used or conserved in a specified manner;
- Improve access to more detailed accounting information about the funds for the youth, courts, guardians, and youths' attorneys;
- Require that funds are used in the child's best interest, only when other funding is not available, and are conserved for the child's reasonably foreseeable future needs;
- Require the Department to conserve a minimum amount of funds, beginning at 40% when the child is age 14, increasing at a sliding scale percentage as the child grows older; and
- Ensure the child is informed about the process to receive and manage their Social Security benefits as they prepare to exit state care.

**Principal Introducer:** \_\_\_\_\_

**Senator Megan Hunt**