

CHAPTER 287
HB 661-FN - FINAL VERSION

11Mar2026... 0821h
04/16/2026 1425s
05/14/2026 1854s
4Jun2026... 2061CofC
4Jun2026... 2171EBA

2026 SESSION

25-0373
05/09

HOUSE BILL **661-FN**

AN ACT relative to the department of health and human services management of social security payments, supplemental security income payments, and veterans benefits for children in foster care.

SPONSORS: Rep. Wallner, Merr. 19; Rep. Mooney, Hills. 12; Rep. DeSimone, Rock. 18; Rep. Rice, Hills. 38; Sen. Rosenwald, Dist 13; Sen. Long, Dist 20; Sen. Rochefort, Dist 1

COMMITTEE: Children and Family Law

AMENDED ANALYSIS

This bill:

- I. Establishes requirements for the management of federal benefits received by dependent children in the custody of the department of health and human services.
- II. Provides for the appointment of a representative payee, which may be the department if no other suitable candidate is available.
- III. Directs the department to adopt procedures regarding the establishment of ABLE accounts for dependent children for whom the department is the representative payee and authorizes the department to request additional funds from the fiscal committee for this purpose.
- IV. Establishes a phase-in schedule for the percentage of benefits conserved on behalf of the child beginning July 1, 2028.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [in brackets and struck through.]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to the department of health and human services management of social security payments, supplemental security income payments, and veterans benefits for children in foster care.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 287:1 New Section; Dependent Children; Federal Benefits. Amend RSA 126-A by inserting after
2 section 6 the following new section:

3 126-A:6-a Dependent Children; Eligibility For and Appointment of Representative Payee to Manage
4 Federal Benefits.

5 I. For all children in the care of the department, the department shall determine whether each
6 child is receiving benefits administered by the Social Security Administration or the Veterans
7 Administration within 60 days after the child enters the department's care. If the department determines
8 that a child is not receiving benefits but may be eligible for federal benefits, the department shall apply for
9 the benefits on behalf of the child.

10 II. If a child is already receiving benefits before entering the department's care with an appointed
11 representative payee in place, the department shall not seek to change the payee appointment unless the
12 current payee has been deemed unsuitable or other circumstances warranting a payee change are met in
13 accordance with the federal regulations for naming a successor payee. If there is no payee or if the
14 department applies for benefits on behalf of the child, the department shall identify, in consultation with
15 the child and the child's representative, a representative payee in accordance with 20 C.F.R. sections
16 404.2021 and 416.621 and encourage the identified individual to apply to the Social Security
17 Administration to be appointed as the child's representative payee. The department shall apply to
18 become the representative payee only if no other suitable candidate is available.

19 287:2 New Paragraphs; Use and Management of Federal Benefits. Amend RSA 126-A:6-a by
20 inserting after paragraph II the following new paragraphs:

21 III. If the department is determined by the court to serve as the representative payee:

22 (a) The department shall not use the child's federal benefits, other benefits, savings, or
23 assets to pay for or reimburse the department or this state for any of the costs of the child's care in
24 accordance with the phase-in schedule under subparagraph (b).

25 (b) In addition to any amount required to be set aside by the department under federal law
26 and the division for children, youth and families policy, the department shall conserve the following
27 amounts on behalf of the child:

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1 (1) Beginning July 1, 2028, the department shall conserve 25 percent of the child's
2 federal benefits.

3 (2) Beginning July 1, 2030, the department shall conserve 50 percent of the child's
4 federal benefits.

5 (3) Beginning July 1, 2032, the department shall conserve 75 percent of the child's
6 federal benefits.

7 (4) Beginning July 1, 2034, the department shall conserve 100 percent of the child's
8 federal benefits.

9 (c) The department may use the child's federal benefits for the child's unmet needs beyond
10 what the department is obligated or required to pay.

11 (d) The department shall establish an appropriate account to use and conserve the child's
12 benefits in the child's best interest for current unmet needs and future needs in a manner consistent with
13 federal and state asset and resource limits. The account may include any of the following:

14 (1) A special needs trust.

15 (2) A pooled special needs trust.

16 (3) An Achieving a Better Life Experience (ABLE) savings account, established pursuant
17 to RSA 195-K and section 529A of the Internal Revenue Code.

18 (4) Any other trust account determined not to interfere with social security or asset
19 limitations for any other benefit program.

20 (e) The department shall provide an annual accounting as to the use, application, or
21 conservation of the child's federal benefits to the child, the child's representative, and the child's parents
22 or guardians.

23 IV. The department shall notify the child, the child's parents, unless parental rights have been
24 terminated, the child's guardian, the child's current placement, the child's court appointed special
25 advocate or guardian ad litem, and the child's attorney of any application or decision related to a child's
26 federal benefits. In providing notice of any denial of benefits, the department shall explain that there is a
27 right to appeal, the process for filing an appeal, and the names and contact information of organizations
28 that might be available to provide pro bono or reduced fee legal assistance.

29 V. The department shall annually review cases of children in the department's care to determine
30 whether a child may have become eligible for benefits after the department's initial assessment.

31 VI. Notwithstanding any other law, on termination of the department's responsibility for the child,
32 the department shall release any moneys remaining to the child's credit pursuant to the requirements of
33 the funding source or, in the absence of any requirements, shall release the remaining moneys to:

34 (a) The child, if the child is at least 18 years of age or is emancipated; or

35 (b) The person who is responsible for the child if the child is a minor and not emancipated.

36 VII. For purposes of this section, a "child in the care of the department" means the department
37 has custody or guardianship over the child or the child is in a court-ordered placement or other out-of-
38 home placement under the supervision of the department.

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1 287:3 ABLE Accounts. The department of health and human services shall develop and complete
2 the processes and procedures for establishing ABLE accounts for children in its custody for whom it
3 serves as representative payee no later than June 30, 2027. The department may utilize federal Title IV-E
4 funds it secures pursuant to the 2025, 141:310 for this purpose.

5 287:4 Policies and Procedures Regarding Federal Benefits for Dependent Children. The department
6 of health and human services shall develop the necessary policies and procedures, establish process
7 workflows, and conduct necessary staff training to facilitate implementation of this act on or before June
8 30, 2028. To assist in completing the tasks required to begin implementation of these requirements, the
9 department may hire a consultant with knowledge of other states' efforts to develop necessary policies
10 and procedures to manage federal benefits for children in state custody.

11 287:5 Executive Order. In accordance with the federal executive order entitled "Fostering the Future
12 for American Children and Families" dated November 13, 2025, the department of health and human
13 services shall seek all available federal resources to fund the provisions of this act.

14 287:6 Applicability. RSA 126-A:6-a, as inserted by section 1 of this act and amended by section 2 of
15 this act, shall apply only to children in the care of the department of health and human services on or after
16 July 1, 2027.

17 287:7 Fiscal Committee Approval. The department of health and human services may request
18 additional general funds from the fiscal committee of the general court to implement section 3 of this act,
19 relative to establishing ABLE accounts for children in the department's custody for whom it serves as
20 representative payee. The governor is authorized to draw a warrant for sums approved out of any funds
21 in the treasury not otherwise appropriated.

22 287:8 Effective Date.

23 I. Section 1 of this act shall take effect July 1, 2027.

24 II. Section 2 of this act shall take effect July 1, 2028.

25 III. The remainder of this act shall take effect upon its passage.

Approved: July 10, 2026

Effective Date:

I. Section 1 effective July 1, 2027

II. Section 2 effective July 1, 2028

III. Remainder effective July 10, 2026

