

Amendment to HB 661-FN

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 New Section; Dependent Children; Federal Benefits. Amend RSA 126-A by inserting after
4 section 6 the following new section:

5 126-A:6-a Dependent Children; Eligibility For and Appointment of Representative Payee to
6 Manage Federal Benefits.

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

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

22 2 New Paragraphs; Use and Management of Federal Benefits. Amend RSA 126-A:6-a by
23 inserting after paragraph II the following new paragraphs:

24 III. If the department is determined by the court to serve as the representative payee, the
25 department:

26 (a) Shall not use the child's federal benefits, other benefits, savings, or assets to pay for
27 or to reimburse the department or this state for any of the costs of the child's care.

28 (b) May use the child's federal benefits for the child's unmet needs beyond what the
29 department is obligated or required to pay.

30 (c) Shall establish an appropriate account to use and conserve the child's benefits in the
31 child's best interest for current unmet needs and future needs in a manner consistent with federal
32 and state asset and resource limits. The account may include any of the following:

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1 (1) A special needs trust.

2 (2) A pooled special needs trust.

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

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

7 (d) Shall provide an annual accounting as to the use, application, or conservation of the
8 child's federal benefits to the child, the child's representative, and the child's parents or guardians.

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

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

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

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

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

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

29 3 ABLE Accounts. The department of health and human services shall develop and complete
30 the processes and procedures for establishing ABLE accounts for children in its custody for whom it
31 serves as representative payee no later than June 30, 2027. The department may utilize federal
32 Title IV-E funds it secures pursuant to the 2025, 141:310 for this purpose.

33 4 Policies and Procedures Regarding Federal Benefits for Dependent Children. The department
34 of health and human services shall develop the necessary policies and procedures, establish process
35 workflows, and conduct necessary staff training to facilitate implementation of this act on or before
36 June 30, 2028. To assist in completing the tasks required to begin implementation of these

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1 requirements, the department may hire a consultant with knowledge of other states' efforts to
2 develop necessary policies and procedures to manage federal benefits for children in state custody.

3 5 Executive Order. In accordance with the federal executive order entitled "Fostering the
4 Future for American Children and Families" dated November 13, 2025, the department of health
5 and human services shall seek all available federal resources to fund the provisions of this act.

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

9 7 Effective Date.

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

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

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

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2026-0821h

AMENDED ANALYSIS

This bill establishes requirements for the management of federal benefits received by dependent children in the custody of the department of health and human services. This bill provides for appointment of a representative payee, which may be the department if no other suitable candidate is available. This bill also directs the department to adopt procedures regarding establishment of ABLE accounts for dependent children for whom the department is representative payee.