

Amendment to HB 661-FN

1 Amend RSA 126-A:6-a, III as inserted by section 2 of the bill by replacing it with the following:

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

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

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

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

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

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

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

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

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

24 (1) A special needs trust.

25 (2) A pooled special needs trust.

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

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

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

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2 Amend the bill by replacing all after section 6 with the following:

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4 7 Fiscal Committee Approval. The department of health and human services may request
5 additional general funds from the fiscal committee of the general court to implement section 3 of this
6 act, relative to establishing ABLE accounts for children in the department's custody for whom it
7 serves as representative payee. The governor is authorized to draw a warrant for sums approved out
8 of any funds in the treasury not otherwise appropriated.

9 8 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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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 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 establishment of ABLE accounts for dependent children for whom the department is 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.