

AMENDMENTS TO LB1173
(Amendments to E&R amendments, ER117)

Introduced by Hunt, 8.

1 1. Insert the following new section:

2 Sec. 8. Section 43-907, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 43-907 (1) Unless a guardian shall have been appointed by a court
5 of competent jurisdiction, the Department of Health and Human Services
6 shall take custody of and exercise general control over assets owned by
7 children under the charge of the department. Children owning assets shall
8 at all times pay for personal items. Assets over and above a maximum of
9 one thousand dollars and current income shall be available for
10 reimbursement to the state for the cost of care. Assets may be deposited
11 in a checking account, invested in United States bonds, or deposited in a
12 savings account insured by the United States Government. All income
13 received from the investment or deposit of assets shall be credited to
14 the individual child whose assets were invested or deposited. The
15 department shall make and maintain detailed records showing all receipts,
16 investments, and expenditures of assets owned by children under the
17 charge of the department.

18 (2) When the Department of Health and Human Services serves as
19 representative payee or in any fiduciary capacity for a child beneficiary
20 of social security benefits, the department shall provide:

21 (a) Immediate notice to the child beneficiary, in an age-appropriate
22 manner, and the child's guardian ad litem, of (i) the department's
23 receipt of the child's first payment of social security benefits,
24 including the amount received, and (ii) where the payment was deposited;

25 (b) Notice and accounting to the juvenile court on a biannual basis
26 beginning January 1, 2023, regarding the department's receipt, use, and

1 conservation of the child's social security benefits in accordance with
2 this section including:

3 (i) The dates and amounts of social security benefits received on
4 behalf of the child since any prior notification;

5 (ii) An accounting of the child's assets and resources relating to
6 the receipt of social security benefits, including all earnings, assets,
7 and other resources, programs, or accounts maintained on behalf of the
8 child receiving such social security benefits; and

9 (iii) Records of any communication with the Social Security
10 Administration regarding the child beneficiary's receipt of social
11 security benefits since any prior notification; and

12 (c) All accounting records regarding the department's receipt, use,
13 and conservation of the child's social security benefits, including an
14 accounting of all existing earnings, assets, and other resources,
15 programs, or accounts maintained on behalf of the child receiving such
16 social security benefits, to the child beneficiary, the child's guardian
17 ad litem or attorney, or the child's parent upon:

18 (i) Request from the child beneficiary, the child's guardian ad
19 litem or attorney, or the child's parent; and

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

22 (3) On or before October 1, 2023, the Department of Health and Human
23 Services shall adopt and promulgate rules and regulations to carry out
24 subsection (2) of this section consistent with federal requirements
25 regarding representative payees for social security beneficiaries.

26 2. Correct the operative date and repealer sections so that the
27 section added by this amendment becomes operative three calendar months
28 after the adjournment of this legislative session.

29 3. Renumber the remaining sections accordingly.