

AMENDMENTS TO LB932

Introduced by Health and Human Services.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 43-907, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

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

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

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

26           (b) Notice and accounting to the juvenile court on a biannual basis  
27 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 Sec. 2. Original section 43-907, Reissue Revised Statutes of  
27 Nebraska, is repealed.