AN ACT

RELATING TO CHILDREN; PROVIDING FOR A SOCIAL SECURITY ASSISTANCE PROGRAM FOR CHILDREN IN THE CUSTODY OF THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1.   CHILDREN, YOUTH AND FAMILIES DEPARTMENT-- SOCIAL SECURITY ASSISTANCE PROGRAM.--

A.   The legislature finds that assisting youth in securing social security benefits is a cost-effective method to improve the lives of hundreds of children in state custody and improve their chances of returning to a safe and stable home.

B.   The children, youth and families department shall establish and maintain a social security assistance program to ensure that all children residing in state custody who are eligible for social security benefits apply for and

.153548.1

underscored material = new
[bracketed material] = delete

1 receive all benefits available to them. The department shall:

2 (1) screen all children in the custody of the

3 department for eligibility for social security supplemental

4 security income and social security survivor's benefits. Each

5 child shall be screened within six months of entering the

6 department's custody; provided that each child in the custody

7 of the department on July 1, 2005 shall be screened no later

8 than December 31, 2005;

9 (2) apply for supplemental security income and

10 survivor's benefits for each child determined by the screening

11 process to be, more likely than not, eligible for benefits

12 unless the department makes a determination, after an

13 individual inquiry, that seeking an application would not

14 benefit the child; and

15 (3) request reconsideration and timely appeal

16 of adverse decisions when appropriate.

17 C. The children, youth and families department

18 shall apply to be appointed representative payee on behalf of a

19 child beneficiary in its custody when no other appropriate

20 party is available to serve in that capacity. In its capacity

21 as representative payee, the department shall:

22 (1) establish children's maintenance accounts.

23 The department shall establish a no-cost, interest-bearing

24 account for each child in the department's custody for whom the

25 department serves as representative payee. Interest earned

.153548.1

1   shall be credited to the account. The department shall keep an

2   itemized current account of all income and expense items for

3   each child's maintenance account; and

4   (2)   establish procedures for disbursing money

5   from the accounts, including disbursing the net balance to the

6   beneficiary upon release from care.   The department shall use

7   social security benefits only:

8   (a)   for the use and benefit of the

9   child;

10   (b)   for purposes determined to be in the

11   child's best interest;

12   (c)   in accordance with a written

13   assessment of the child's individual needs; provided that each

14   child beneficiary shall receive a personal allowance of at

15   least thirty dollars ($30.00) each month for the child's

16   personal use; and

17   (d)   for the purpose of assisting a child

18   making the transition from the custody of the department to

19   self-sufficient living, by conserving the social security

20   benefits of the child beneficiary in lieu of reimbursing the

21   department for foster care maintenance beginning ninety days

22   prior to the eighteenth birthday of a child in the custody of

23   the department.

24   D.   The children, youth and families advisory

25   committee shall, on a regular basis, evaluate the social

.153548.1

1 security assistance program and report its findings and

2 recommendations to the secretary of children, youth and

3 families.

4   - 4 -

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

.153548.1