

REFERENCE TITLE: DCS; federal benefits; dependent children.

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2559

Introduced by
Representative Montenegro

AN ACT

AMENDING TITLE 8, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 8-468; RELATING TO CHILD WELFARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 8, chapter 4, article 1, Arizona Revised Statutes,
3 is amended by adding section 8-468, to read:

4 8-468. Federal benefits; dependent children; application;
5 prohibition; accounting; notice

6 A. FOR ALL CHILDREN IN THE CARE OF THE DEPARTMENT OF CHILD SAFETY,
7 THE DEPARTMENT OF CHILD SAFETY SHALL DETERMINE WHETHER EACH CHILD IS
8 ELIGIBLE FOR BENEFITS ADMINISTERED BY THE SOCIAL SECURITY ADMINISTRATION
9 OR THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS. IF THE DEPARTMENT OF
10 CHILD SAFETY DETERMINES THAT A CHILD IS ELIGIBLE FOR FEDERAL BENEFITS, THE
11 DEPARTMENT OF CHILD SAFETY SHALL APPLY FOR THE BENEFITS ON BEHALF OF THE
12 CHILD.

13 B. THE DEPARTMENT OF CHILD SAFETY SHALL DETERMINE THE BEST
14 REPRESENTATIVE PAYEE FOR RECEIVING THE CHILD'S FEDERAL BENEFITS. IF THE
15 DEPARTMENT OF CHILD SAFETY IS SERVING AS THE REPRESENTATIVE PAYEE, THE
16 DEPARTMENT:

17 1. MAY NOT USE THE CHILD'S FEDERAL BENEFITS TO PAY FOR OR TO
18 REIMBURSE THE DEPARTMENT OF CHILD SAFETY OR THIS STATE FOR ANY OF THE
19 COSTS OF THE CHILD'S CARE.

20 2. MAY USE THE CHILD'S FEDERAL BENEFITS FOR THE CHILD'S UNMET NEEDS
21 BEYOND WHAT THE DEPARTMENT OF CHILD SAFETY IS OBLIGATED OR REQUIRED TO
22 PAY.

23 3. SHALL ESTABLISH AN APPROPRIATE SPECIAL NEEDS TRUST FOR EACH
24 CHILD WHO IS RECEIVING FEDERAL BENEFITS OR NAME THE CHILD A BENEFICIARY OF
25 A POOLED SPECIAL NEEDS TRUST AND CONSERVE THE CHILD'S UNSPENT BENEFITS IN
26 A MANNER THAT IS CONSISTENT WITH FEDERAL AND STATE REQUIREMENTS FOR
27 SPECIAL NEEDS TRUSTS AND THAT APPROPRIATELY AVOIDS ANY FEDERAL ASSET OR
28 RESOURCE LIMITS.

29 4. IN ADDITION TO THE REQUIREMENTS OF SECTION 14-9115, SHALL
30 PROVIDE AN ANNUAL ACCOUNTING OF THE CHILD'S FEDERAL BENEFITS TO THE CHILD,
31 THE CHILD'S ATTORNEY AND THE CHILD'S PARENTS OR GUARDIANS. THE ACCOUNTING
32 SHALL DESCRIBE HOW AND IN WHAT AMOUNT THE CHILD'S FEDERAL BENEFITS HAVE
33 BEEN SPENT AND CONSERVED.

34 C. ON APPLICATION BY THE DEPARTMENT OF CHILD SAFETY FOR BENEFITS
35 ADMINISTERED BY THE SOCIAL SECURITY ADMINISTRATION OR THE UNITED STATES
36 DEPARTMENT OF VETERANS AFFAIRS ON BEHALF OF A CHILD PURSUANT TO SUBSECTION
37 A OF THIS SECTION, THE DEPARTMENT OF CHILD SAFETY SHALL NOTIFY THE CHILD,
38 THE CHILD'S PARENTS, THE CHILD'S GUARDIAN AND THE CHILD'S ATTORNEY OF THE
39 APPLICATION.