HOUSE BILL 890

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Irvin Harrison

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

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1   receive all benefits available to them. The elements of the

2   program shall include:

3   (1)   provisions for screening all children in

4   the custody of the department for eligibility for social

5   security supplemental security income or social security

6   survivor's benefits.   Each child shall be screened within six

7   months of entering the department's custody; provided that each

8   child in the custody of the department on July 1, 2003 shall be

9   screened no later than December 31, 2003;

10   (2)   provisions for applying for supplemental

11 security income or survivor's benefits for each child

12 determined by the screening process to be, more likely than

13 not, eligible for benefits;

14   (3)   a process to ensure that the department

15 shall request reconsideration and timely appeal adverse

16 decisions where appropriate;

17   (4)   children's maintenance accounts.   The

18 department shall establish a no-cost, interest-bearing account

19 for each child in the department's custody who receives social

20 security benefits.   Interest earned shall be credited to the

21 account.   The department shall keep an itemized current account

22 of all income and expense items for each child's maintenance

23 account;

24   (5)   procedures for disbursing money from the

25 accounts.   The department shall use social security benefits

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1   only:

2   (a)   for the use and benefit of the

3   child;

4   (b)   for purposes determined to be in the

5   child's best interest; and

6   (c)   in accordance with an assessment of

7   the child's individual needs; provided that each child

8   beneficiary shall receive a personal allowance of at least

9   thirty dollars ($30.00) each month for the child's personal

10   use; and

11   (6)   individual transition savings accounts.

12   The department shall establish an individual commercial savings

13   account for each social security beneficiary no later than

14   ninety days prior to the child's release from department

15   custody.   The account shall be referred to as an "individual

16   transition savings account".   The department shall deposit the

17   balance of each beneficiary child's maintenance account into

18   the child's individual transition savings account when the

19   child is released from department custody and shall transfer

20   its interest in the individual transition savings account to

21   the child beneficiary or to the beneficiary's legal guardian

22   within thirty days of the child's release from custody.

23   C.   The children, youth and families advisory

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

25   security assistance program and report its findings and

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1 recommendations to the secretary of children, youth and

2 families.

3   D.   No later than December 31, 2003, the children,

4 youth and families department shall promulgate such rules as

5 are necessary to implement the provisions of this section.

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