

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 12-53—sSB 293

Select Committee on Children

Human Services Committee

AN ACT CONCERNING PERMANENCY AND TRANSITION PLANS

SUMMARY: This act requires the Department of Children and Families (DCF) to document a child's eligibility for Social Security benefits, including Supplemental Security Income (SSI), survivor, and disabled adult child benefits, in the permanency plan for each child in its care and custody. The act also establishes additional permanency plan requirements.

The act requires DCF to (1) complete and submit an SSI application for each eligible child in its care and custody and (2) maintain and respond to any correspondence regarding the application and benefits. It also requires DCF to determine if a 17-year-old Social Security recipient will need a representative payee when he or she ages out of DCF care, and plan accordingly.

EFFECTIVE DATE: October 1, 2012

PERMANENCY PLAN REQUIREMENTS

The act requires any DCF permanency plan document and hearing that addresses a plan to include:

1. for a child age five or younger, the steps DCF has taken to make the necessary referrals for early intervention, preschool, or special education services being provided or scheduled in accordance with the law;
2. for a child age 16 or older, the steps DCF has taken to help the child learn independent living skills and complete a secondary education or vocation program; and
3. for a child age 16 or 17, (a) the steps DCF has taken to develop a personalized transition plan, including options for housing, health insurance, education, local opportunities for mentors and continuing support services, workforce support, and employment services; (b) a review of the child's current benefits, including Social Security; and (c) the steps DCF will take to ensure the child is screened for eligible benefits.

REPRESENTATIVE PAYEE

For any 17-year-old Social Security recipient in DCF custody, DCF must determine if the child will require a representative payee to assist in managing the child's Social Security benefits when the child ages out of DCF care and custody. If a representative payee is needed, DCF must identify one who must comply with responsibilities set forth in federal law. If a representative payee is not needed,

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DCF must provide the child with assistance including education on maintaining (a) Social Security eligibility and (b) a bank account for electronically depositing Social Security payments.

BACKGROUND

Representative Payee Responsibilities

Under federal law, a representative payee is responsible for:

1. using the benefits received on the beneficiary's behalf only in a manner that would be in the beneficiary's best interest;
2. keeping the beneficiary's benefits separate from the payee's own funds and showing the beneficiary's ownership of these benefits unless the payee is a spouse or parent living with the beneficiary or state or local government agency for whom the Social Security Administration (SSA) has granted an exception to this requirement;
3. treating any interest earned on the benefits as the beneficiary's property;
4. notifying SSA of any event or change in the beneficiary's circumstances that affects the amount of benefits the beneficiary receives, the beneficiary's right to receive benefits, or how the beneficiary receives them;
5. submitting to SSA, upon the beneficiary's request, a written report accounting for the benefits received on the beneficiary's behalf, and making all supporting records available for review if SSA requests; and
6. notifying SSA of any change in his or her circumstances that affect performance of his or her payee responsibilities (20 CFR § 404.2035).

OLR Tracking: KGD:KS:JL:ro