



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
First Regular Session

House: HHS DPA 9-0-0-0 | 3<sup>rd</sup> Read 31-28-1-0  
Senate: HHS DP 7-0-0-0 | 3<sup>rd</sup> Read 30-0-0-0

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**HB 2559: DCS; federal benefits; dependent children.**  
**Sponsor: Representative Montenegro, LD 29**  
**Transmitted to the Governor**

**Overview**

Directs the Arizona Department of Child Safety (DCS) to determine eligibility for benefits administered by the Social Security Administration (SSA) or the U.S. Department of Veterans Affairs (VA) for all children in their care and apply for those federal benefits on the children's behalf if they're deemed eligible.

**History**

The primary purpose of DCS is to protect children. To achieve this, DCS will do and focus equally on: 1) investigating reports of abuse and neglect; 2) assessing, promoting and supporting the safety of a child in a safe and stable family or other appropriate placement in response to allegations of abuse and neglect; 3) cooperating with law enforcement regarding reports that include allegations of criminal conduct; and 4) coordinating services to achieve and maintain permanency for the child, strengthen the family and provide prevention, intervention and treatment services without compromising the child's safety ([A.R.S. § 8-451](#)).

[SSA](#) is responsible for administering the nation's primary income support programs for older adults and individuals with disabilities: Social Security and Supplemental Security Income. Each program has different rules that determine how funds can be accessed, used or managed.

The [VA](#) offers a variety of benefits to veterans of the U.S. Armed forces and to certain members of their families. These benefits include financial assistance, health care, education and housing. Certain criteria must be met to be eligible for benefits administered by the VA.

**Provisions**

1. Removes certain authorities from the DCS Director, which includes using the monies to defray the cost of care and services expended by DCS for the benefit, welfare and best interests of the child and investing those monies that the Director determines are not necessary for immediate use. (Sec. 1)
2. Instructs DCS to determine for all children under its care whether each child is receiving or is eligible for SSA or VA benefits within 60 days after entering DCS's care. (Sec. 2)
3. Requires DCS to apply for SSA or VA benefits on the child's behalf if DCS determines they are eligible or may be eligible for those federal benefits. (Sec. 2)
4. Directs DCS, if a child is already receiving benefits before entering their care or apply for benefits on behalf of the child, to identify, in consultation with the child and the child's attorney, a representative payee in accordance with federal regulations and apply to become the representative payee only if no other suitable candidate is available. (Sec. 2)
5. Specifies that if DCS is appointed to serve as the representative payee it:

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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- a) may not use the child's federal benefits, other benefits, savings or assets to pay or reimburse themselves or the state for any costs of the child's care;
  - b) may use the child's federal benefits for the child's unmet needs beyond what the agency is obligated, required or agrees to pay;
  - c) must establish an appropriate account to use and conserve the child's benefits in their best interest for current unmet and future needs in a manner consistent with federal and state asset and resource limits;
  - d) must provide an annual accounting as to the use, application or conservation of the child's federal benefits to the child, child's attorney and their parents or guardians in addition to the reporting and accounting requirements for custodial trustees; and
  - e) must periodically review if someone other than themselves is available to apply and assume the role of representative payee and could better serve in that role in the child's best interest. (Sec. 2)
6. Specifies that the established appropriate accounts may include a pooled or special needs trust, an Achieving a Better Life Experience (ABLE) account and any other trust account determined not to interfere with social security or asset limitations for any other benefit program. (Sec. 2)
  7. Requires DCS to notify the child, their parents, unless parental rights have been terminated, the child's guardian, the child's current placement and their attorney of any application, decision or appeal related to the child federal benefits. (Sec. 2)
  8. Instructs DCS when providing notice of any denial of benefits to consult with the child's attorney and appeal the denial if it is in the child's best interest. (Sec. 2)
  9. Directs DCS to annually review cases of children in their care to determine whether a child may have become eligible for benefits after their initial assessment. (Sec. 2)
  10. Stipulates that on termination of DCS's responsibility for the child, DCS must release any monies remaining to the child's credit pursuant to the requirements of the funding source or, in the absence of any requirements must release the remaining monies to:
    - a) the child, if they are at least 18 years old or emancipated; or
    - b) the person responsible for the child if they are minor and not emancipated. (Sec. 2)
  11. Makes technical and conforming changes. (Sec 1)