



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

FACT SHEET FOR H.B. 2559

DCS; federal benefits; dependent children.

Purpose

Requires the Department of Child Safety (DCS), for all children in DCS care, to determine whether each child is eligible for federal Social Security Administration (SSA) or U.S. Department of Veterans Affairs (U.S. VA) benefits and apply for the benefits if the child is eligible.

Background

DCS's primary purpose is to protect children. Required DCS duties necessary to achieve that purpose include: 1) investigating reports of abuse and neglect; 2) assessing, promoting and supporting the safety of a child in a safe and stable family; 3) working cooperatively with law enforcement regarding reports that include criminal conduct allegations; and 4) without compromising child safety, coordinating services to achieve and maintain permanency on behalf of the child, strengthen the family and provide child-safety prevention, intervention and treatment services ([A.R.S. § 8-451](#)).

To be eligible for SSA benefits, a child must have a parent who is retired or has a disability and is entitled to Social Security benefits or have a parent who died after having worked long enough in a job where the parent paid Social Security taxes. An unmarried child can get benefits if the child is: 1) younger than age 18; 2) between ages 18 and 19 and a full-time student at an elementary or secondary school; and 3) age 18 or older with a disability that began before age 22. Under certain circumstances, the SSA can also pay benefits to a stepchild, grandchild, step grandchild or adopted child ([SSA](#)).

For the U.S. VA, children can qualify for the Survivors' and Dependents' Educational Assistance Program. If they are the child of a veteran or service member, the child can get benefits if they are between the ages of 18 and 26, except in certain cases. The child may be married or unmarried ([U.S. VA](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires DCS, for all children in DCS care, to determine whether each child is receiving or eligible for SSA or U.S. VA benefits within 60 days after the child enters DCS's care.
2. Requires DCS to apply for benefits on behalf of a child if it is determined that a child is eligible or may be eligible for federal benefits.
3. Requires DCS, if a child is already receiving benefits before entering DCS's care or if DCS applies for benefits on behalf of the child, to identify, in consultation with the child and the child's attorney, a representative payee and apply to become the representative payee itself only if no other suitable candidate is available.

FACT SHEET

H.B. 2559

Page 2

4. States that, if DCS is appointed to serve as the representative payee, DCS:
 - a) may not use the child's federal benefits, other benefits, savings or assets to pay for or to reimburse DCS or Arizona for any of the child's care costs;
 - b) may use the child's federal benefits for the child's unmet needs beyond what DCS is obligated, required or agrees to pay;
 - c) must, in addition to the reporting and accounting by custodial trustee requirements, provide an annual accounting of the child's federal benefits to the child, the child's attorney and the child's parents or guardians;
 - d) must establish an appropriate account to use and conserve the child's benefits in the child's best interest for current unmet needs and future needs in a manner consistent with federal and state asset and resource limits; and
 - e) periodically review if someone other than DCS is available to apply to assume the role of representative payee and could better serve in that role in the child's best interests.
5. Allows a child's benefits account to include:
 - a) a special needs trust;
 - b) a pooled special needs trust;
 - c) an Achieving a Better Life Experience Account; or
 - d) any other trust account determined not to interfere with SSA or asset limitations for any other benefit program.
6. Requires DCS to notify the child, the child's parents, unless parental rights have been terminated, the child's guardian, the child's current placement and the child's attorney of any application, decision or appeal related to a child's federal benefits.
7. Requires DCS, in 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 interests.
8. Requires DCS to annually review cases of children in DCS's care to determine whether a child may have become eligible for benefits after DCS's initial assessment.
9. Requires DCS, on termination of its responsibility for the child, to release any monies remaining to the child's credit in accordance with the requirements of the funding source or, in the absence of any requirements, to release the remaining monies to:
 - a) the child, if the child is at least 18 years of age or is emancipated; or
 - b) the person who is responsible for the child if the child is an emancipated minor.
10. Becomes effective on the general effective date.

House Action

HHS	2/13/23	DPA	9-0-0-0
3 rd Read	2/28/23		31-28-1

Prepared by Senate Research
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MM/MC/slp