

ASSEMBLY, No. 4543

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JUNE 13, 2024

Sponsored by:

Assemblywoman SHAMA A. HAIDER

District 37 (Bergen)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex and Hudson)

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

SYNOPSIS

Prohibits DCF from using federal benefits, received by a child in out of home placement, to reimburse State for the cost of the child's maintenance.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/13/2024)

1 AN ACT concerning federal benefits for a child in out of home
2 placement and supplementing P.L.1991, c.290 (C.9:6B-1 et seq.).
3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:
6

7 1. a. In any case of a child in the custody of the division, the
8 department is prohibited from utilizing any portion of the child's
9 property or benefits, including federal Social Security benefits, to
10 offset the State's costs for the child's maintenance.

11 b. If the department has been appointed as the representative
12 payee for the federal benefits of a child in the custody of the
13 division, the department may utilize such benefits of a child in the
14 custody of the division for the child's unmet needs beyond the
15 amount that the State is obligated, required, or agrees to pay, after
16 notifying the child, the child's parent(s) or legal guardian, counsel,
17 and the Family Part of the Chancery Division of the Superior Court.

18 c. If the department has been appointed as the representative
19 payee for the federal benefits of a child in the custody of the
20 division, the department shall establish an account at a federally
21 insured financial institution into which the child's federal benefit
22 will be deposited for conservation or use in the child's best
23 interests, consistent with federal and State asset and resource limits,
24 as applicable.

25 d. For any child in the custody of the division, the department
26 shall determine whether the child is receiving or is eligible to
27 receive federal benefits. If the department determines that a child is
28 eligible or may be eligible for federal benefits, the department shall
29 apply for the benefits on behalf of the child with notice to the child,
30 the child's parent(s) or legal guardian, counsel, and the Family Part
31 of the Chancery Division of the Superior Court.

32 e. If the department has been appointed as representative payee
33 for a child's benefits, it shall provide an annual accounting as to the
34 use, application, or conservation of such benefits to the child, the
35 child's parents(s) or legal guardian, counsel, and the Family Part of
36 the Chancery Division of the Superior Court.

37 f. As used in this section:

38 "Department" means the Department of Children and Families.

39 "Division" means the Division of Child Protection and
40 Permanency in the Department of Children and Families.

41 "Federal benefits" means any cash payments from the federal
42 government for which a child may be eligible, including but not
43 limited to, Social Security benefits pursuant to Title II of the Social
44 Security Act (42 U.S.C. s.401 et seq.) and Title XVI of the Social
45 Security Act (42 U.S.C. s.1381 et seq.), and Veterans
46 Administration benefits.

1 4. Railroad Retirement Benefits.

2 These federal benefits are provided in the child's name, but are
3 intended to be used to support the costs associated with the child's
4 care. In the case of a child in an out-of-home placement, the
5 department is the child's caregiver and, under federal law, may be
6 allowed to use the child's federal benefits to offset the State's costs
7 to maintain the child in an out-of-home placement.

8 By prohibiting the department from utilizing the federal benefits
9 of a child under the division's custody to offset the State's costs to
10 care for the child, the sponsor intends to ensure that the child's
11 financial resources be preserved to either pay for the child's unmet
12 needs while in an out of home placement, or save for the child's
13 future use.